

WATER PERMIT NO. 6975-3

Name of Applicant: Melvin & Larry Donnelly

Address: Box 966, Elk Point SD 57025 Phone: 605 356-2531

Amount of Water Claimed: 1.78 cfs Total Acres: 124

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 5 miles southeast of Elk Point

PRIORITY Date Received: 2-1-08

Application/License Fee: \$300

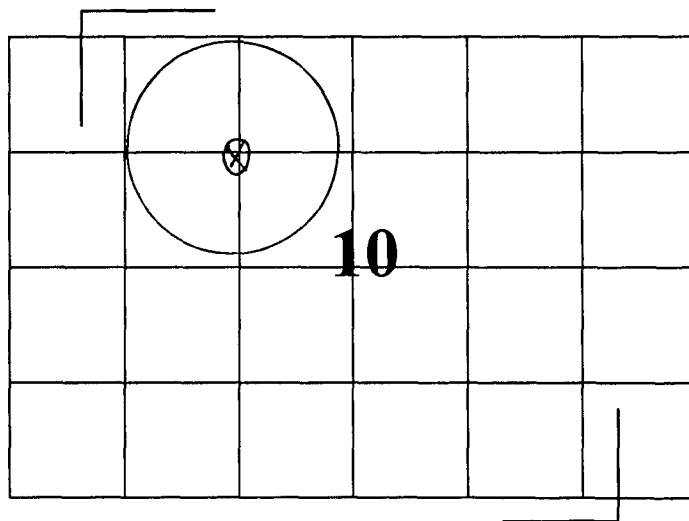
Corrected Application Received: 2-19-08

Period of Annual Use: April 1 – October 31

Remarks:

Diversion Point: center NE ^W/₄ Sec 10-T90N-R49W

Land to be Irrigated: NE ^W/₄ Sec 10-T90N-R49W



Depth of Well: 140 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Kevin G Beermann, Union Co NRCS

Reviewed and the Number Assigned on: 2-19-08

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>6975-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Leader Courier</u> PO Box <u>310</u>
	<u>605-356-2632</u> <u>Elk Point 57025</u>

RECEIVED

FEB - 1 2008

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ 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.)

- Name of Applicant Melvin Harry Donnelly Phone 605-356-2531
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 966 Elk Point State S. Dak 57025
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 124
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
Center NW 1/4 section 10-90-49W (see map)
- County or counties where water will be used Union
- Annual period during which water is to be used April to October 31
- 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
<u>NE 1/4 10-90-49W</u>	<u>124</u>		
<u>NW</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

Appropriate ground water for center pivot
Irrigation to apply to row crops mainly corn
and Soybeans

STATE OF SOUTH DAKOTA)

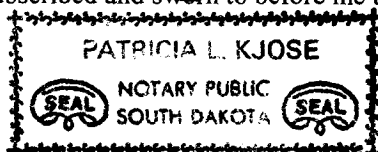
County of Union

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, Melvin Donnelly 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 Melvin Donnelly

Subscribed and sworn to before me this 30 day of January 2008



Notary Public signature Patricia L. KJOSE

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 16" Depth 140'
- b) Casing Type PVC Diameter 12" Thickness SCH 40
- c) Screen Type PVC Slotted Diameter 12" Thickness 60 Slot
- d) Gravel Pack Arcon Well Pack Length of Gravel Pack 70' SCH 40
- e) Depth to Top of Water Bearing Material 75'
- f) Depth to Water (ground surface to water level) 18'
- g) Distance to nearest existing domestic well:
On applicants property n/A On property owned by others more than 1/4 mi. L

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

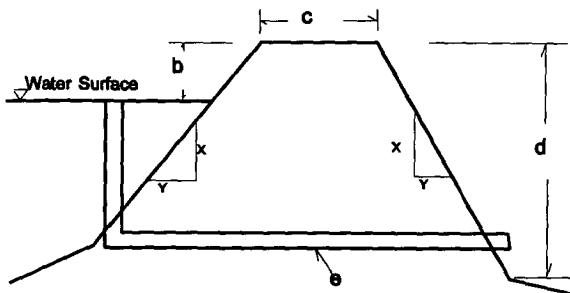
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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 _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

**SOUTH DAKOTA
WATER PERMIT NO. 6975-3**

Date of first receipt of application February 1, 2008.

Date of return to applicant for corrections, amendments or changes February 4, 2008.

Date of receipt of corrected application February 19, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6975-3 to Melvin & Larry Donnelly, Box 966, 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. 6975-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in center of the NW ¼ Section 10 to irrigate 124 acres located in the NW ¼ Section 10; all in T90N-R49W.
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 February 1, 2008.
4. The date of approval of Permit No. 6975-3 is April 21, 2008.
5. One-fifth of the construction is to be completed on or before October 21, 2008.
6. All construction is to be completed on or before April 21, 2013.
7. Water is to be put to beneficial use on or before April 21, 2017.
8. 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 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.
2. 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

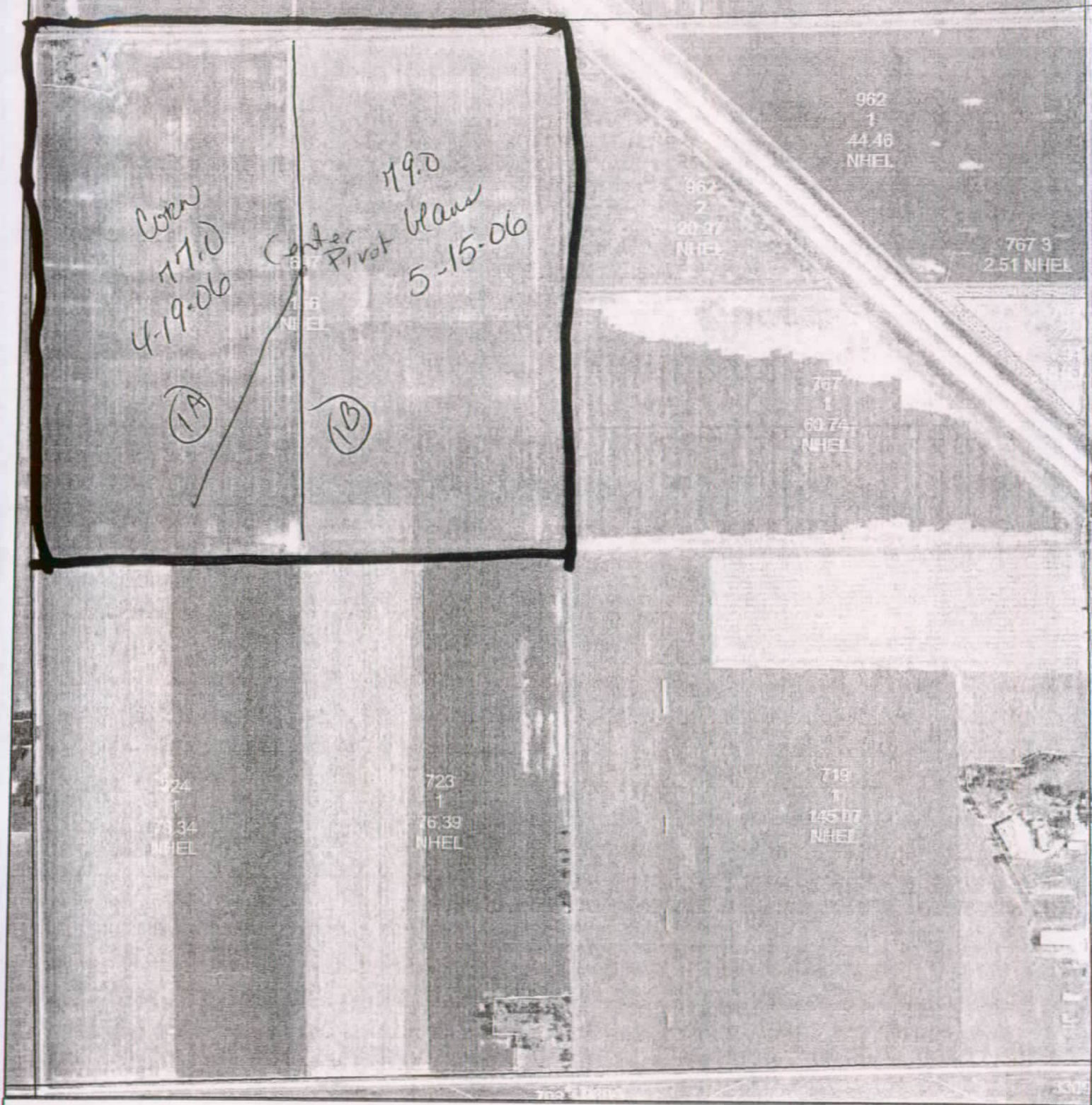
Water Rights Program

Department of Environment and Natural Resources

MAY 16 2008

date





USDA U.S. Dept. of Agriculture
Farm Service Agency



South Dakota
County Name
10-90N-49W

Legend

- Wetlands
- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- /// Rangeland

USDA FSA maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or the 2004 ortho rectified imagery for South Dakota. The producer accepts the data "as is" and assumes all risks associated with its use. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside of FSA Programs.

January 27, 2006

Application for Permit to Appropriate Water

Date: 2/13/2008

Customer(s): MELVIN THOMAS DONNELLY

RECEIVED

FEB 19 2008

WATER RIGHTS
PROGRAM

Field Office: ELK POINT SERVICE CENTER

Agency: NRCS

Assisted By: Kevin G Beermann

State and County: SD, UNION

Land Units: Tract: 697 Field:

Legal Description: NW1/4 10-90-49



Legend

 well_permit

220 0 220 440 660 880 Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/4, 20 08

RECEIVED OF Larry & 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. <u>6975-3</u> to Appropriate Water, to construct 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. <u>6975-3</u>	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	300	00

No.

03481

By

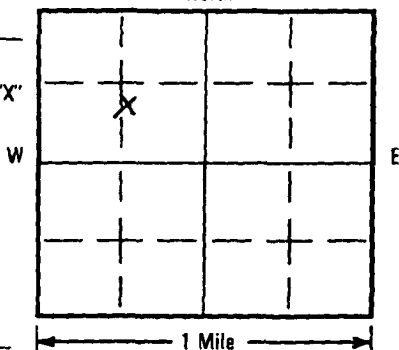
Julius Erbe
Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE 1/4 NW 1/4 Sec 10 Twp 90 N Rg 49W
 County Union
 North

Please mark well location with an "X"



Well Completion Date

7-7-07

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 4 mi from any (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud Rotary

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>SC 40 LB/FT</u>	<u>12 IN</u>	<u>0 FT</u>	<u>100 FT</u>	<u>18 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	_____	_____ lb./gal	<u>30 ft</u>	<u>10 ft</u>
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in with grout pump

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 12 IN Length 40 FEET

Material PVC

Slot Size .50 Set From 100 Feet to 140 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

YES, How: _____

☒ NO, Why Not? _____

Irrigation well

Laboratory sent to for water quality analysis

Well Owner: Larry and Melvin Donnelly

Business Name: _____

Address: 47423 324th St.
Elk Point, SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Heavy black clay</u>	<u>0</u>	<u>2</u>
<u>Heavy grey clay</u>	<u>2</u>	<u>7</u>
<u>Wet brown clay</u>	<u>7</u>	<u>27</u>
<u>Hard black clay</u>	<u>27</u>	<u>48</u>
<u>Silt</u>	<u>48</u>	<u>60</u>
<u>Fine sand</u>	<u>60</u>	<u>68</u>
<u>Medium gravel *</u>	<u>68</u>	<u>144</u>
<u>* Big rocks @ 138' & 140'</u>		

STATIC WATER LEVEL 15 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? Yes

WELL TEST DATA:

☒ Pumped Describe: Pumped with customer's permanent pump
☐ Bailed
☐ Other

Pumping Level Below Land Surface

36 ft. After 2 Hrs. pumped 1000 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

RECEIVED

JAN 30 2008

WATER RIGHTS PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Backhoe, Inc.

Signature of License Representative:

Vernon E. Oboe

Signature of Well Owner or Equitable Property Holder:

Date: _____

2-11-08



February 4, 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Melvin & Larry Donnelly
Box 966
Elk Point SD 57025

Dear Sirs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local FSA office).
- On the map, please mark the proposed location of the well with an "X".
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

6975-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 6975-3, Donnelly

ADDRESS: Box 966, Elk Point SD COUNTY: Union County

DATE: February 20, 2008 TELEPHONE: 356-2632

RE: Question on quarter section to be irrigated

COMMENTS:

I contacted Mr. Donnelly to ask which quarter section they intended to irrigate in Section 10, T90N, R49W. The application states the NE ¼ while the map shows the NW ¼ as being proposed for irrigation. Mr. Donnelly stated the application should state the NW ¼ of Section 10. I told him I would amend the application accordingly.

NAME: Eric Hunter



6975-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 10, 2008

Larry and Melvin Donnelly
47423 324th St
Elk Point SD 57025

Dear Sirs:

A well driller's report filed by Dakota Drilling & Backhoe, Inc. shows that they completed a new well for you. The report indicates the well water will be used for irrigation. I have reviewed our files and can not find a water permit for a well located in the NW ¼ Section 10-T90N-R49W, Union County. Based on the information in the report, it appears you need a water permit.

Enclosed are application forms and an instruction sheet to apply for a water permit for irrigation. The completed forms with the application fee and map can be returned to: Water Rights Program, 523 E Capitol, Pierre SD 57501.

If you believe your water use does not require a water permit or that you have an existing permit, or if help is needed completing the application forms, please contact Eric Gronlund or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6975-3, Melvin and Larry Donnelly**

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. 6975-3, Melvin and Larry Donnelly, Box 966, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 6975-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

See report on application for additional information.

Garland Erbele, Chief Engineer
March 27, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6975-3
For Melvin and Larry Donnelly
March 26, 2008

Application No. 6975-3 proposes to appropriate 1.78 cfs (850 gpm) from one well approximately 140 feet deep located in the center of the NW $\frac{1}{4}$ of section 10 to irrigate 124 acres located in the NW $\frac{1}{4}$ of section 10; all in T90N R49W in Union County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a buried outwash (sand and gravel) that is under confined conditions in the area of this application. The aquifer can be surficial and under water table conditions a few miles to the south and west. Even though the aquifer is buried at this site the behavior of the water levels is like a water table situation. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). The Missouri aquifer as described by Niehus closely mirrors the Missouri Elk Point as described in the Hedges report (Hedges, 1982). The aquifer blends into the Lower Vermillion Missouri aquifer to the northwest, into the Big Sioux South aquifer to the northeast, extends into Clay County to the west and is hydraulically connected to both the Big Sioux and Missouri Rivers. Ground water movement is from northwest to southeast in the area of this application (Niehus, 1994).

The irrigation well for this application has already been completed. The log indicates clay from the surface to a depth of 48 feet, silt from 48 to 60 feet, fine sand from 60 to 68 feet and medium gravel from 68 to 144 feet all below land surface. The completed well had a static water level of 15 feet below land surface and was capable of producing 1000 gpm with 21 feet of drawdown. This is a specific capacity of 47.6 gpm/ft of drawdown.

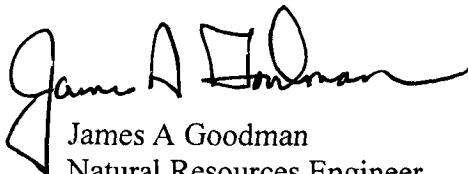
The Water Rights Program does monitor two observation wells within two miles of this site. These are observation well UN-77O which is located about one and one-half miles to the southwest and UN-87E which is located about two miles to the east both from this site. Water levels for these wells show good response to climatic conditions. Water levels decline during dry years and rise during wet years (recharge). Overall the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). The observation well UN-77O is under water table conditions and displays the typical fluctuations of a water table well and UN-87E is under artesian conditions and illustrates typical fluctuations caused by pumping of nearby irrigation wells. Note that the fluctuation of water levels is during the summer months (irrigation season) and amounts to only a few feet of expected change. The important concept to note is the overall water level responses of both wells are similar because the water levels react to similar hydrologic conditions.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water permits/rights within one mile of this application. These are Water Right No. 6603-3 (2.28 cfs, 160 acres) located about one-half mile to the southwest and Water Right No. 3644-3 (0.90cfs, 63 acres) located about 1,490 feet southeast both from the proposed well for this application. Interference should not be a concern. Drawdown created by pumping does not appear to be significant in this area. This is shown by the observation well hydrographs with this report and the reported specific capacity data for the nearby irrigation wells.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer should be under artesian conditions at this site. Drawdown created by pumping is not expected to be significant. The distance between production wells should be sufficient to minimize any potential impacts. Interference is not expected to be adverse or a serious concern.
3. The well authorized by this application appears to have been constructed in accordance with SD Well Construction Standards.

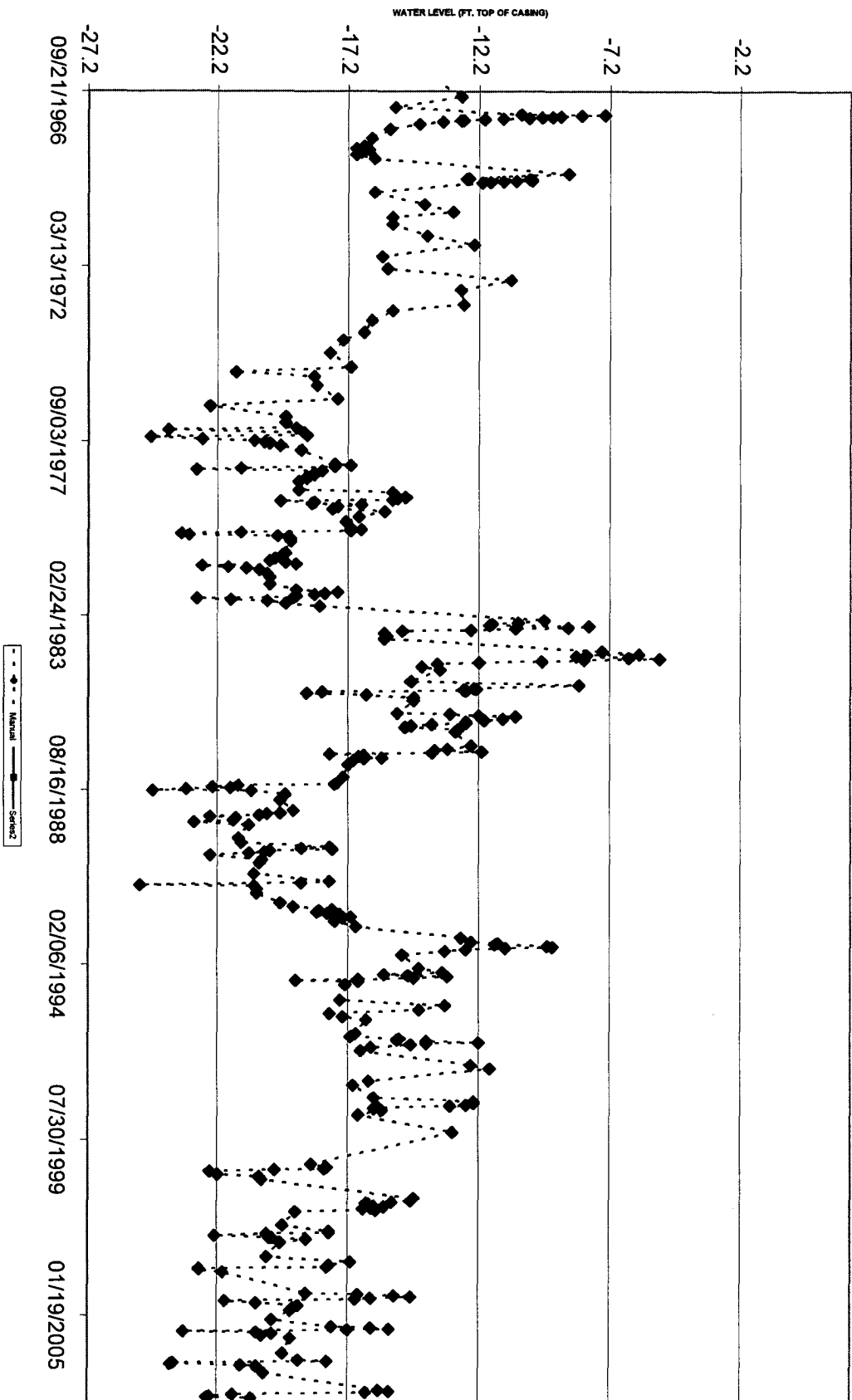


James A Goodman
Natural Resources Engineer

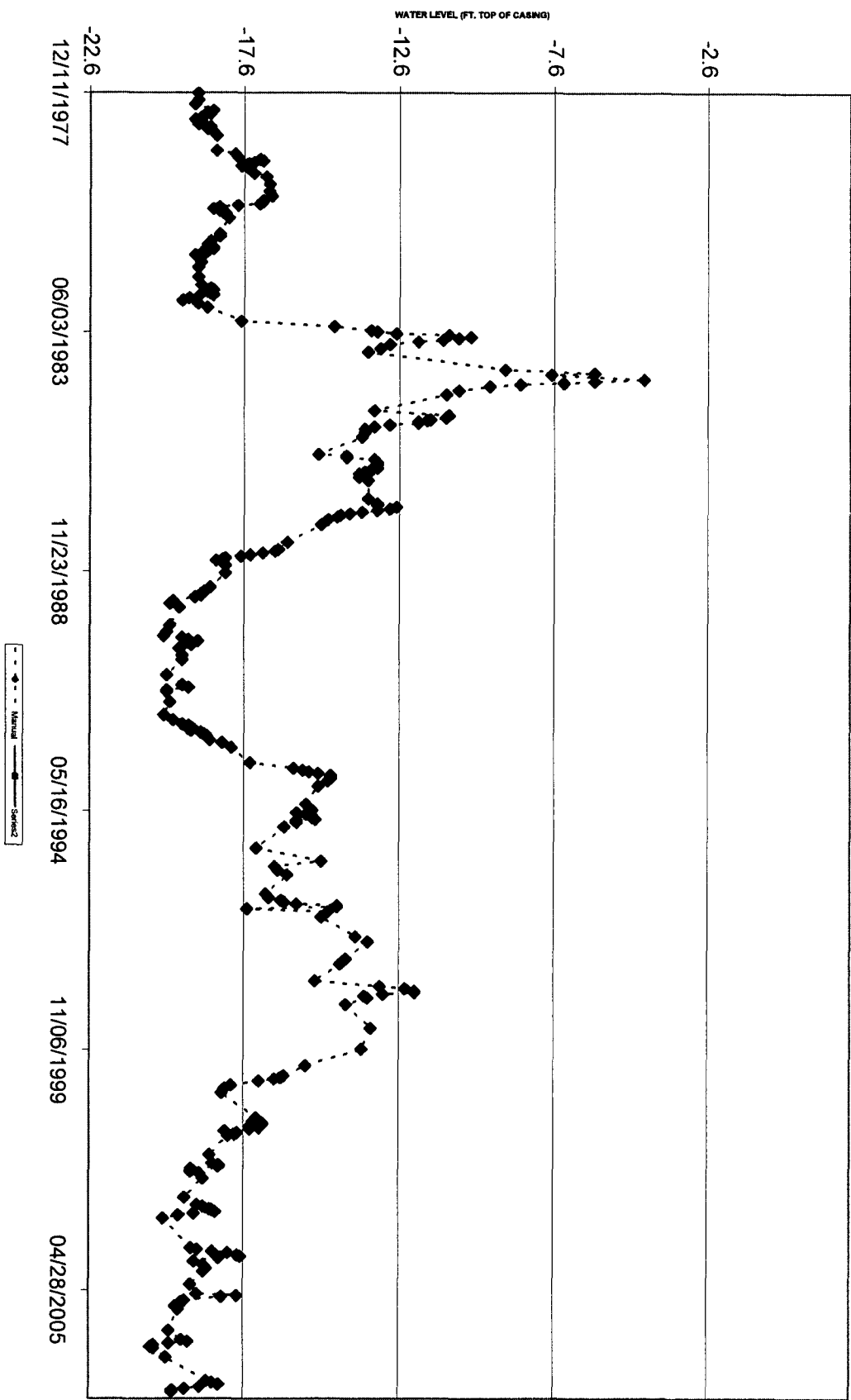
BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.
- Water Rights, 2008, Unpublished Observation Well Records for Union County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
UN-87E



**WATER RIGHTS' OBSERVATION WELL
UN-770**



RECEIVED

APR 11 2008

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Union) SS

I, Susan Odson

certify that the attached printed Notice was
taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

April 3, 2008

April 10, 2008

Cost of Printing \$45.53

Susan Odson

(Signature)

Affidavits Coordinator

(Title)

4-10-08

(Date Signed)

**NOTICE OF APPLICATION
NO. 6975-3 TO
APPROPRIATE WATER**

Notice is given that Melvin and Larry Donnelly, Box 966, Elk Point, SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 140 feet deep) located in the center of the NW1/4 Section 10 to irrigate 124 acres located in the NW1/4 Section 10; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6975-3 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 April 21, 2008.

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.

Publish April 3 and 10, 2008
14-6-68

OK



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2008

Leader Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6975-3 to Appropriate Water to be published twice. Please publish the first notice on April 3, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 APPLICANTS are Melvin & Larry Donnelly, PO Box 966, Elk Point SD, 57025 (Ph # 605-356-2531).

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-----

No. 6975-3

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

Date _____

We are in receipt of your letter of March 27, 2008 enclosing Notice to Appropriate Water by Application No. 6975-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
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.

March 27, 2008

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 6975-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Leader Courier printed at Elk Point SD (Ph # 605-356-2632). 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 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 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. 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 April 3, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6975-3 to Appropriate Water

Notice is given that Melvin & Larry Donnelly, Box 966, Elk Point SD 57025 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 140 feet deep) located in center of the NW ¼ Section 10 to irrigate 124 acres located in the NW ¼ Section 10; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6975-3 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 this 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 this 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 recommendations 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 April 21, 2008.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 16 2000

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Messrs. Donnelly:

Enclosed is Water Permit No. 6975-3 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.

Sincerely,

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

enclosures



6975-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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/efrms/secure/efrms/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.



**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, 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,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
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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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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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



6975-3
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.



**DEPARTMENT of ENVIRONMENT
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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 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

Permit No. 6975-310170203 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, August 20, 2013, made a thorough examination of the water use system constructed by Melvin and Larry Donnelly of Elk Point, SD holder of Permit No. 6975-3, bearing the priority of ^{February 1}~~April 21~~, 2008 authorizing the diversion of 1.78 cu. ft. per second of the waters of the Missouri: Elk Point aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well is in place with a submersible pump that is capable of producing 1.78 cfs (800 gpm).

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

The well is 10 ft from the pivot point. Water is conveyed via 8 in steel pipeline. The system is powered by a submersible motor.

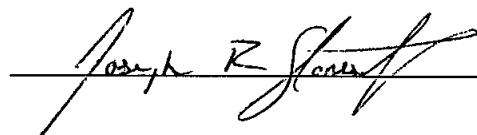
C. Works used to apply water to beneficial use:

Center pivot with end gun, 1,278 ft in length with 7 towers. Capacity is 1.78 cfs (800 gpm).

The system is in the following condition: good. The point of diversion is located 1,320 ft south and 1,320 ft east of the NW corner of Section 10, T90N-R49W (42.595609 °N, 96.607946 °W). The works are capable of diverting and conveying to the place of use 1.78 cfs of water which is  used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

31 ac	NW¼ NW¼	Section 10, T90N-R49W
31 ac	SW¼ NW¼	Section 10, T90N-R49W
31 ac	SE¼ NW¼	Section 10, T90N-R49W
31 ac	NE¼ NW¼	Section 10, T90N-R49W

comprising a total of 124 acres of land and the license should be issued for 1.78 cfs. Applicable permit qualifications have been complied with: Yes.

Date: May 28, 2014


REPORT ON INSPECTION OF PERMIT NO. 6975-3

DATE: 8/20/13

Other permit(s) associated with the project: none

DIVERSION POINT(S) LEGAL LOCATION(S):

Center of NW¼ Section 10, T90N-R49W (42.595609 °N, 96.607946 °W)

WELL INFORMATION:

- 1) Well Drilling Firm: Dakota Drilling and Backhoe, Inc
- 2) Depth, feet: 144'
- 3) Well Log is available Y/N: Yes

Casing:

- 1) Diameter, inches: 12"
- 2) Length, feet: 100'
- 3) Type: sch 40 plastic

Screen:

- 1) Type: 0.50 slot PVC
- 2) Length, feet: 40'
- 3) Static water level, feet: 15' (07/07/07)

Pump:

- 1) Type: submersible
- 2) Capacity, gallons per minute: 800 GPM

DISTRIBUTION LINES OR CANALS:

- 1) Type: steel
- 2) Size, inches: 8"
- 3) Length, feet: 10'

SYSTEM TYPE:

Center pivot:

- 1) Make: Valley Center Pivot
- 2) Overall length, feet: 1,278'

- 3) Number of towers: 7
- 4) End gun Y/N: Yes
- 5) Capacity, gallons per minute: 800 GPM

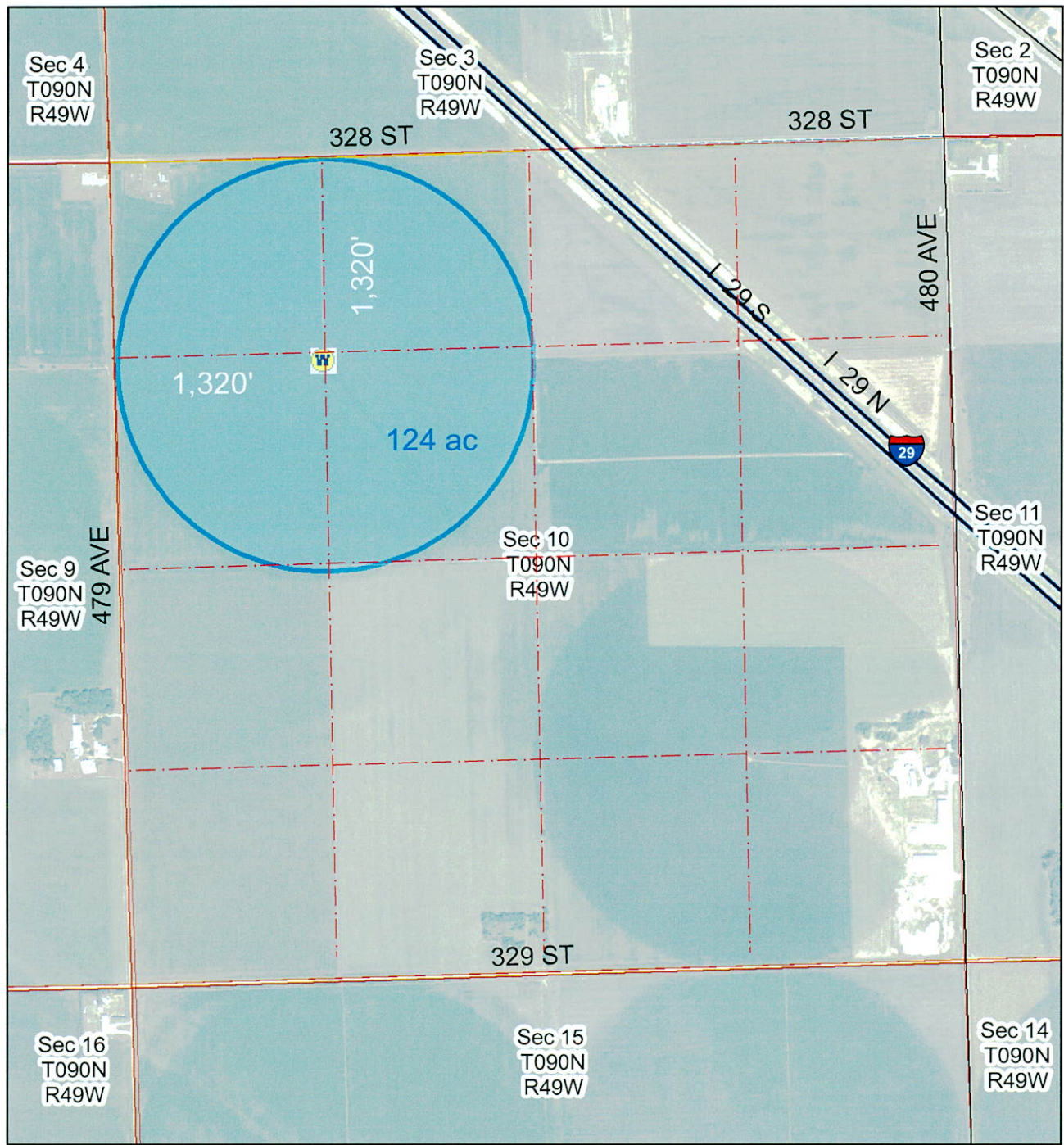
CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N: No

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y/N: Yes
- 2) All structures, wells and lands on map Y/N: Yes
- 3) Irrigation Questionnaires check to determine if permit owner started irrigation by the end of construction period Y/N: Yes

Melvin and Larry Donnelly
Water Permit No. 6975-3



0 0.125 0.25 0.5 Miles


Joseph R Stonesifer
SD DENR Water Rights Program
May 28, 2014

	Well Location
	Irrigated Acres
	Section Boundaries
FSA - 2012	





**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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



JUN 18 2014

6975-3

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Sirs:

Enclosed is Water License No. 6975-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 6975-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6975-3**

(1) Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 made Application No. 6975-3, February 1, 2008 for a water permit to divert 1.78 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer), Union County, South Dakota for irrigation purposes. Permit No. 6975-3, with a priority date of February 1, 2008 was approved April 21, 2008 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before April 21, 2013 and for the application to beneficial use of water on or before April 21, 2017.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to construction of the water supply system and are entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,320 feet south and 1,320 feet east of the NW corner of Section 10, T90N, R49W (center of NW ¼).

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

T90N, R49W Section 10	NW ¼ NW ¼	31 acres
	SW ¼ NW ¼	31 acres
	SE ¼ NW ¼	31 acres
	NE ¼ NW ¼	31 acres
	Total	124 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 the holders and/or owners of Water Right No. 6975-3 are issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water (one well, Missouri Elk Point Aquifer) with a priority date of February 1, 2008 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. 6975-3 and subject to the following qualifications:

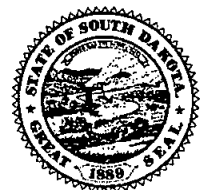
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having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



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

JUN 18 2014

date





6975-3
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 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."

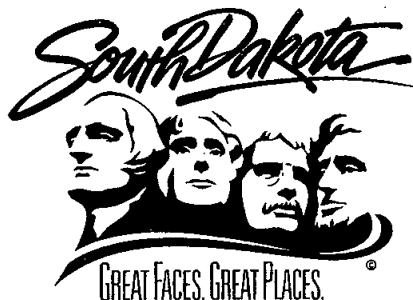
The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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.



6975-3
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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

\$50

PAID

APR 24 2019

Ck# 1467

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

RECEIVED

APR 24 2019

Water Right/Permit No. 6975-3

WATER RIGHTS
PROGRAM

Date: 4-15-2019

I/We request that Water Right/Permit No. 6975-3 formerly owned by:

Melvin Donnelly

be transferred to:

New Owner Name: Troy Donnelly, Ryan Donnelly, Kyle & Patty Donnelly, Mark & Lacy Donnelly

Address: 47381 324th St.

City, State, Zip Elk Point, SD 57025

Telephone No. 712-899-3748

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

The Northwest Quarter (NW1/4) of Section 10, Township 90 North, Range 49
West of the 5th PM, Union County, South Dakota

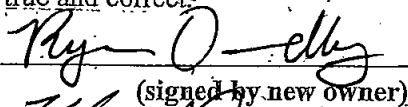
☒ I understand that the validity of Water Right/Permit No. 6975-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

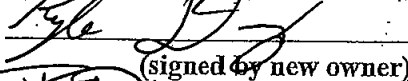
You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

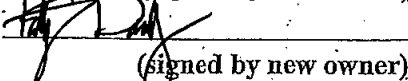
A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

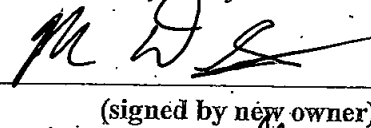
Troy Donnelly, Kyle & Patty Donnelly,

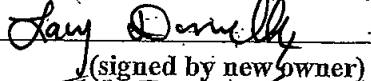
I, Mark & Lacy Donnelly, Ryan Donnelly, the new owner, certify that the above information is true and correct.

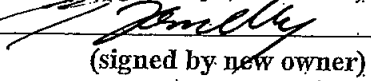

(signed by new owner)


(signed by new owner)


(signed by new owner)


(signed by new owner)


(signed by new owner)


(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.

James Margstadt
NOTARY PUBLIC
My Commission Expires: 1-5-2022

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 24, 2019

RECEIVED OF Troy Donnelly 47423 324th Street 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>6975-3</u>		
Fee for _____	50	00
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. **09129**

By Jeanne Goodman
Chief Engineer VM

McMath, Genny

From: Troy Donnelly <tdonnelly@iw.net>
Sent: Wednesday, April 24, 2019 9:58 AM
To: McMath, Genny
Subject: RE: [EXT] ownership of Water Right No. 6975-3

Thanks Genny! This response serves as instruction to leave Larry Donnelly on the water right. The intention of the transfer was to convey the water rights for Melvin's portion to us.

Thanks!

Troy Donnelly
Cell: 712-899-3748
Broker/Owner/Auctioneer
Licensed in SD, IA and NE
109 W Main St. Elk Point, SD 57025



www.herrityre.com

From: McMath, Genny [<mailto:Genny.McMath@state.sd.us>]
Sent: Wednesday, April 24, 2019 9:44 AM
To: 'tdonnelly@iw.net' <tdonnelly@iw.net>
Subject: ownership of Water Right No. 6975-3

Troy,
Thank you for visiting with me about the ownership of Water Right No. 6975-3. As I indicated, the water right is currently listed under Melvin and Larry Donnelly.

The transfer form you filed did not include Larry's name as being part owner. If you would like his name to still be included, please send us something in writing indicating the intent. I realize this seems bureaucratic but as staff, we cannot add to a document that has already been signed.

Genny McMath
DENR - Water Rights Program
605.773.5455 (desk)
605.773.3352 (main phone)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 24, 2019

6975-3

Troy Donnelly
47381 324th St
Elk Point SD 57025

Dear Mr. Donnelly:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6975-3.

The ownership change has been completed. Water Right No. 6975-3 formerly held by Melvin and Larry Donnelly is now listed under:

- Troy Donnelly
- Ryan Donnelly
- Kyle & Patty Donnelly
- Mark & Lacy Donnelly
- Larry Donnelly (Larry's name was left on the water right as part owner pursuant to your email communication dated April 24, 2019).

I included a copy of the water right, map, well log and an irrigation questionnaire for you to keep for your records. With respect to the irrigation questionnaire, filing of this form is an annual requirement. The form will be mailed to you in October and is due back by the first week in December. The enclosed copy will give you an idea of what to keep track of during the season and how to report it.

Enclosed for your records is Receipt No. 09129 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosures