

WATER PERMIT NO. 7086-3

Name of Applicant: **Chuck Donnelly**

Address: **38184 472nd Ave, Elk Point SD 57025**

Phone: **605 356-3167**

Amount of Water Claimed: **2.67 cfs**

Total Acres: **356**

Source of Water Supply: **groundwater**

Water to be used for: **irrigation**

County: **Union**

Type of Waste Disposal System:

Location: **4 miles north of Elk Point**

PRIORITY

Date Received: **12-15-08**

Application/License Fee: **\$375**

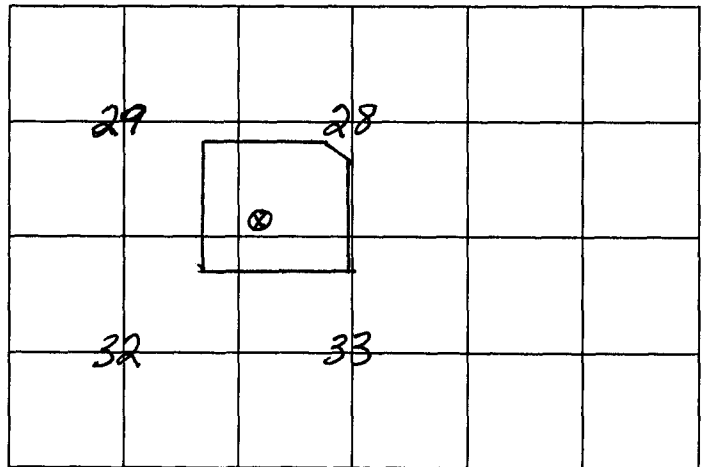
Corrected Application Received:

Period of Annual Use: **May 1 – September 30**

Remarks:

Diversion Point: **SW ¼ SW ¼ Sec 28-T92N-R49W**

Land to be Irrigated: **N ½ NW ¼ Sec 33; SW ¼ Sec 28; NE ¼ NE ¼ Sec 32; and E ½ SE ¼ Sec 29; all in T92N-R49W**



Depth of Well: **129 feet deep**

Well Driller: :

Remarks:

Type of Map: **aerial**

Prepared by: **Racheal Kukeliar, PT, Union Co.**

Reviewed and the Number Assigned on: **12-15-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

RECEIVED

DEC 15 2008

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7086-3</u> (office use only)	Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Southern Union Leader Courier</u>	
	<u>605-356-2632</u> <u>PO Box 310 Elk Point</u> <u>57025</u>	

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 Chuck Donnelly Phone 605-356-3167
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 32184 472 Ave Elk Point State SD 57025
 (Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.67*CFS or 1200**GPM 356***AF Total Acreage 356
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Sand & Gravel
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Union
Well located Sec 28 T292N-R49W (SW1/4 SW1/4)
- County or counties where water will be used Union
- Annual period during which water is to be used May - Sept 30
- 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) See attached sheet

Land Description	Acres	Land Description	Acres
Section 33 T92N R49W	95		
Section 28 T92N R49W	153		
Section 32 T92N R49W	40		
Section 29 T92N R49W	68		

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

Irrigation Well for Center Pivot (Low Pressure System).

STATE OF SOUTH DAKOTA) SS

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, Chuck 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

Subscribed and sworn to before me this 25 day of Nov 2008

WAYNE D. GROE

NOTARY PUBLIC
SOUTH DAKOTA

Notary Public signature

My Commission Expires 7/19/09

Acreage Breakdown for Water Permit Application filed by Chuck Donnelly

Prepared by Eric Gronlund, Water Rights Program, based on submitted map

All in T92N, R49W

NW ¼ SW ¼ Section 28	30
NE ¼ SW ¼ Section 28	26
SW ¼ SW ¼ Section 28	40
SE ¼ SW ¼ Section 28	40
NW ¼ SE ¼ Section 28	5
SW ¼ SE ¼ Section 28	12
NE ¼ SE ¼ Section 29	28
SE ¼ SE ¼ Section 29	40
NE ¼ NE ¼ Section 32	40
NW ¼ NW ¼ Section 33	40
NE ¼ NW ¼ Section 33	38
NW ¼ NE ¼ Section 33	17
TOTAL	356

**SOUTH DAKOTA
WATER PERMIT NO. 7086-3**

Date of first receipt of application December 15, 2008.

Date of return to applicant for corrections, amendments or changes December 16, 2008.

Date of receipt of corrected application December 31, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7086-3 to Chuck Donnelly, 32184 472nd Ave, 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. 7086-3 appropriates 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in the SW 1/4 SW 1/4 Section 28 to irrigate 356 acres located in the N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 33; SW 1/4, W 1/2 SE 1/4 Section 28; NE 1/4 NE 1/4 Section 32 and E 1/2 SE 1/4 Section 29; all in T92N-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: May 1 – September 30.
3. The date from which applicant may claim right is December 15, 2008.
4. The date of approval of Permit No. 7086-3 is February 23, 2009.
5. One-fifth of the construction is to be completed on or before August 23, 2011.
6. All construction is to be completed on or before February 23, 2014.
7. Water is to be put to beneficial use on or before February 23, 2018.
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. The well authorized by Permit No. 7086-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

APR 28 2009

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 22" Depth 120'
- b) Casing Type PVC Diameter 16" Thickness Sch 40
- c) Screen Type PVC Diameter 16" Thickness Sch 40
- d) Gravel Pack Akron Well Pack Length of Gravel Pack 60'
- e) Depth to Top of Water Bearing Material 30'
- f) Depth to Water (ground surface to water level) 5'
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others more than 1/4 mile

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

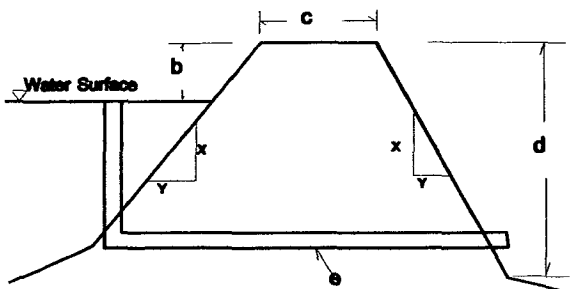
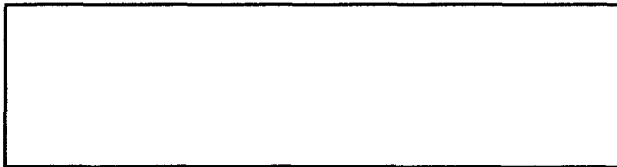
3. Dugout Information

- 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

Chuck Donnelly

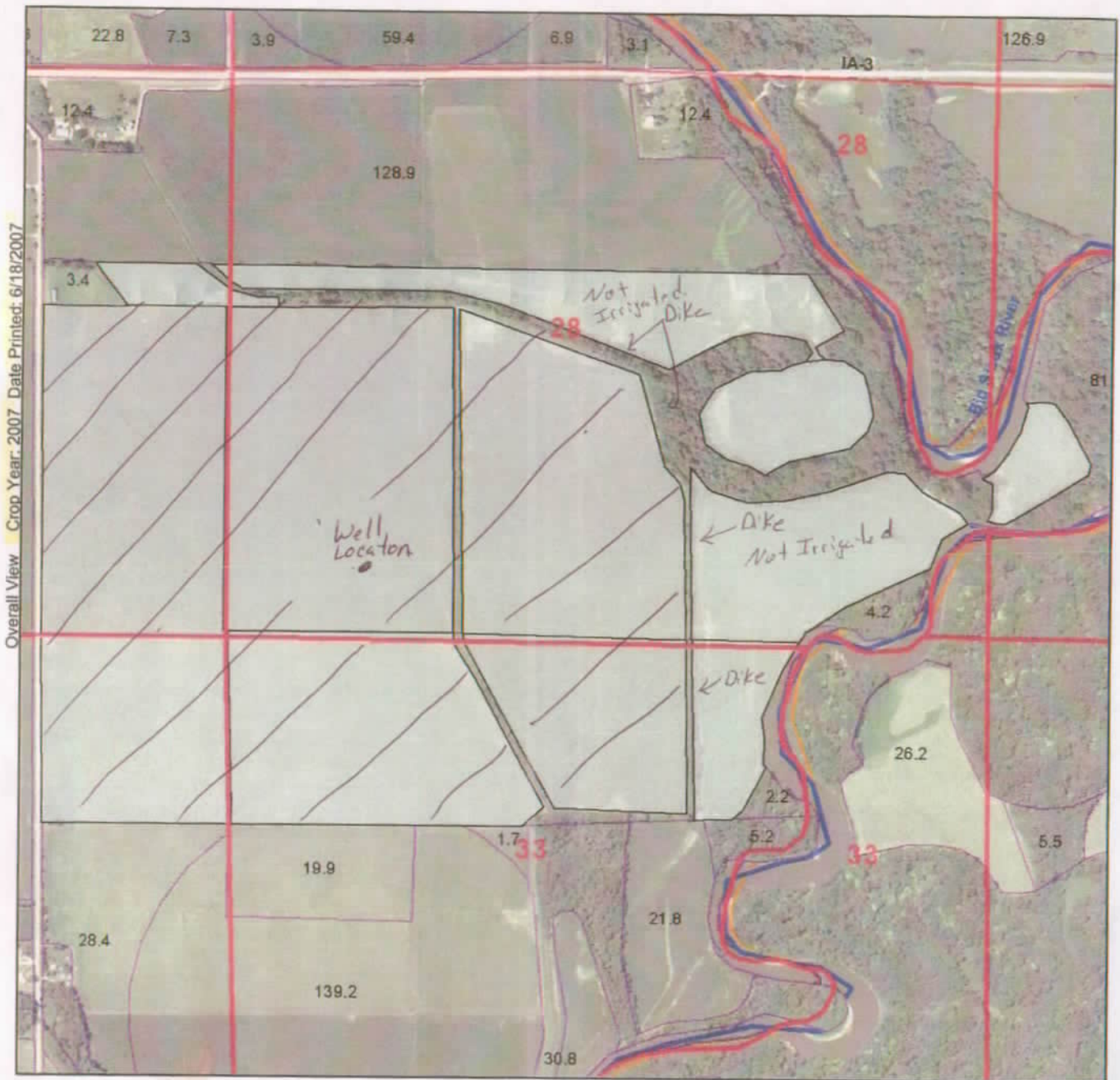
CORY J DONNELLY

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DEC 15 2008

WATER RIGHTS
PROGRAM

UNION COUNTY, SD
T92N R49W SECTION 28, 29, 32, 33



Acres

☐ Uninsured 469.3

*Rachael
Hutton, FT
11-21-2008*

PROVIDED COURTESY OF:

WELLS FARGO INS INC YANK N9604 020

**200 CEDAR ST
YANKTON, SD
605-668-2005**



Standing Strong in Crop Insurance™

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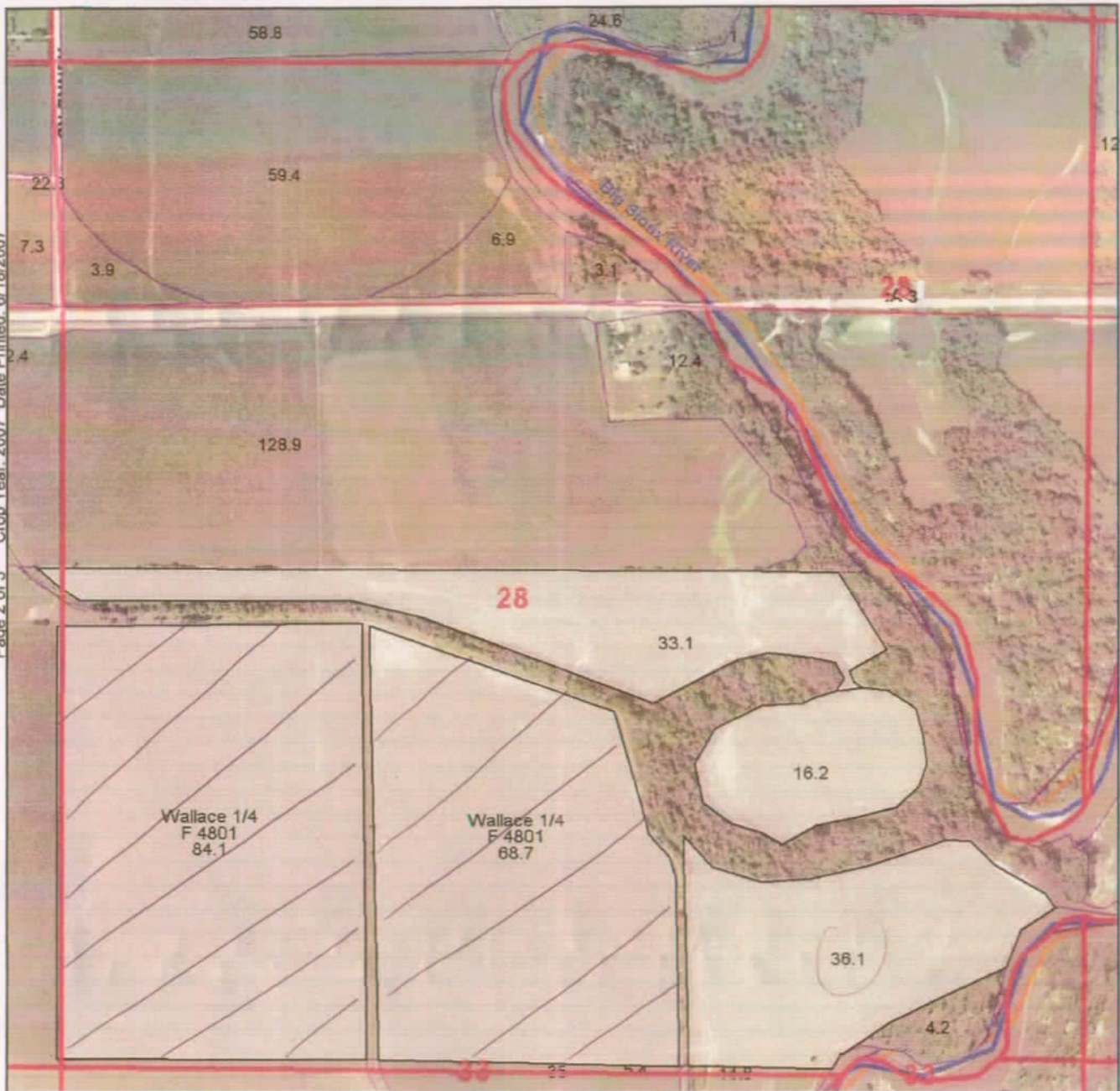
DEC 31 2008

CORY J DONNELLY
SCT 28 001-02-00

WATER RIGHTS
PROGRAM

UNION COUNTY, SD
T92N R49W SECTION 28

Page 2 of 5 Crop Year: 2007 Date Printed: 6/18/2007



Acres

PROVIDED COURTESY OF:

Uninsured 238.2

WELLS FARGO INS INC YANK N9604 020

200 CEDAR ST
YANKTON, SD
605-668-2005



Standing Strong in Crop Insurance™

RECEIVED

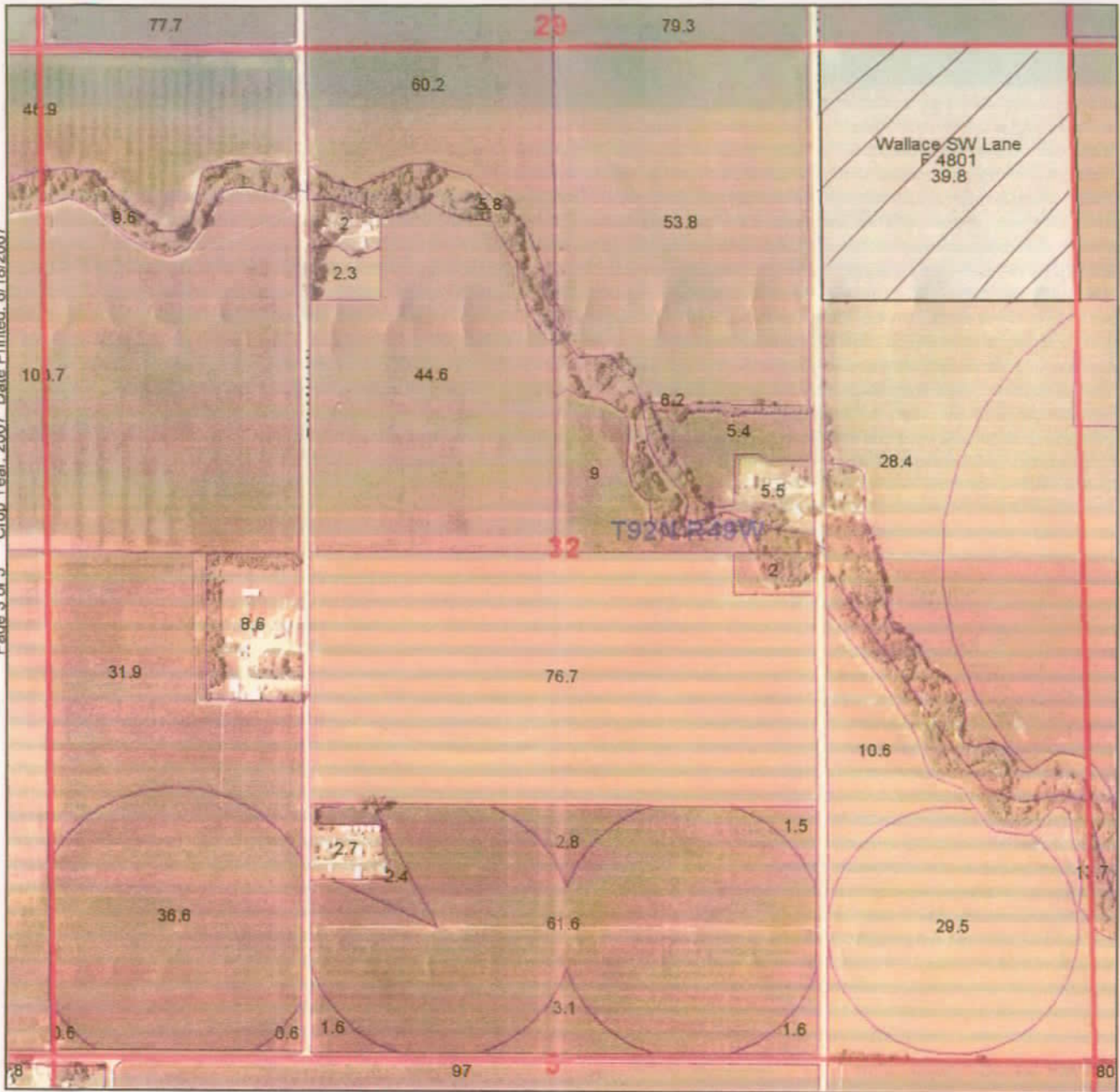
DEC 31 2008

CORY J DONNELLY
SCT 32 001-03-00

WATER RIGHTS
PROGRAM

UNION COUNTY, SD
T92N R49W SECTION 32

Page 3 of 5 Crop Year 2007 Date Printed: 6/18/2007



Acres

Uninsured 39.8

PROVIDED COURTESY OF:

WELLS FARGO INS INC YANK N9604 020

200 CEDAR ST
YANKTON, SD
605-668-2005



Standing Strong in Crop Insurance™

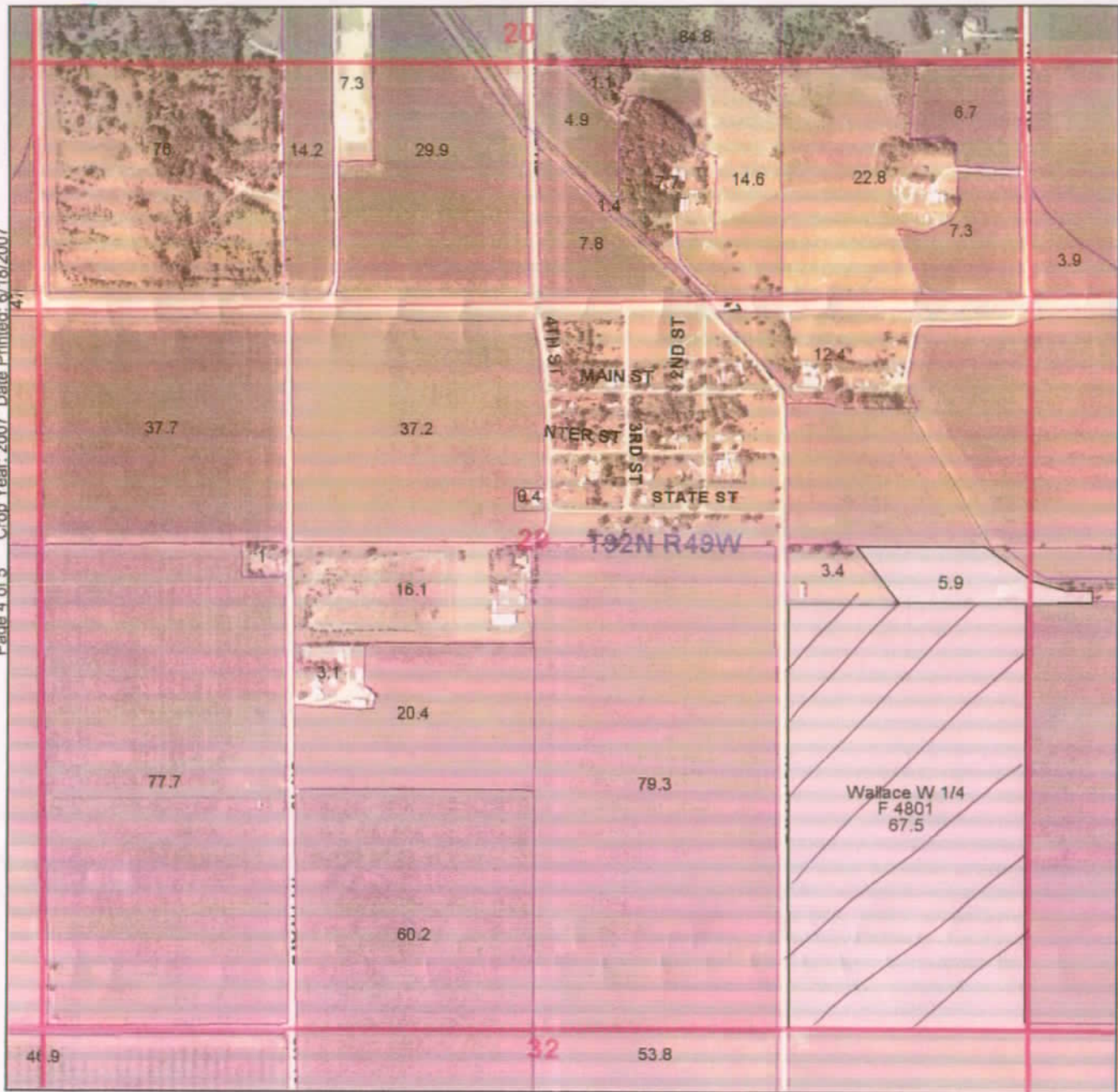
DEC 31 2008

CORY J DONNELLY
SCT 29 001-04-00

WATER RIGHTS PROGRAM

UNION COUNTY, SD
T92N R49W SECTION 29

Page 4 of 5 Crop Year: 2007 Date Printed: 6/18/2007



Acres

Uninsured 73.4

WELLS FARGO INS INC YANK N9604 020

200 CEDAR ST
YANKTON, SD
605-668-2005



Standing Strong in Crop Insurance

CORY J DONNELLY
SCT 33 001-01-00

UNION COUNTY, SD
T92N R49W SECTION 33

Page 1 of 5 Crop Year: 2007 Date Printed: 6/18/2007



Acres

Uninsured 109.8

PROVIDED COURTESY OF:

WELLS FARGO INS INC YANK N9604 020

200 CEDAR ST
YANKTON, SD
605-668-2005



Standing Strong in Crop Insurance™

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/15, 20 08

RECEIVED OF Chuck Donnelly Farms LLC 32184 472nd Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>7086-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>7086-3</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	375 00

No.

03820

By

Paula E. Eide
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/15, 20 08

RECEIVED OF Chuck Donnelly Farms LLC 32184 472nd Ave Elk Point SD 57025

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

Fee for Application for Permit No. <u>7086-3</u> to Appropriate Water, to construct and to put water to beneficial use	325	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>7086-3</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	375 00

No.

03820

By

Laurel E. Erbe
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 16, 2008

Chuck Donnelly
32184 472nd Ave
Elk Point SD 57025

RECEIVED
DEC 31 2008
WATER RIGHTS
PROGRAM

Dear Mr. Donnelly:

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 your application and map. On Item No. 7, please breakdown the acreage in 40 acre divisions or lots. It appears that some of the acreage outlined in Sections 28 and 33 may be located in lots.
- 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

enclosures

- 1) I've Enclosed Additional maps which break down the acres by section.
- 2) The acres which are located in lots are located east of the Dike (not being irrigated). See original map.

Thanks
Chuck Donnelly

Water Rights Program - File Documentation

NAME: Susan – Elk Point Leader Courier

ADDRESS: Elk Point

DATE: 1-29-09 **COUNTY:** UN **TELEPHONE:**

RE: Publication Notice

COMMENTS:

Susan with the Elk Point Leader-Courier called and stated she did not get authorization from Chuck Donnelly to publish the notice until today.

I emailed her the notice to be published on February 5 and 12 with the date for petitions changed to February 23, 2009.



Karen Schlaak
Environmental Scientist



**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. 7086-3, Chuck 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. 7086-3, Chuck Donnelly, 32184 472nd Avenue, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7086-3 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. The well authorized by Permit No. 7086-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
January 22, 2009

**Report on Water Permit Application No. 7086-3
for Chuck Donnelly
January 7, 2009**

Application No. 7086-3 proposes to appropriate 1,198 gallons per minute (2.67 cfs) from one well approximately 120 feet deep located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, T92N R49W in Union County. The water is to be used to irrigate approximately 356 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 29; all in T92N R49W. The annual period during which water will be used is May 1 through September 30.

AQUIFER: Missouri Elk Point

This report will address the availability of unappropriated water from the Elk Point management unit of the Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Missouri Elk Point is a buried outwash (sand and gravel) that is under confined conditions in the area of this application. The aquifer underlies 115,200 acres and contains an estimated 1.5 million acre feet of recoverable water in storage in Union County (Niehus, 1994). The aquifer underlies the flood plains of the Missouri and Big Sioux Rivers in southern Union County (Niehus, 1994). Groundwater movement is basically from northwest to southeast in the area of this application (Niehus, 1994).

Observation Well Data:

The Water Rights Program monitors three observation wells, UN-87F, UN-87H and UN-87I which are located within two and a half miles of this application location. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008).

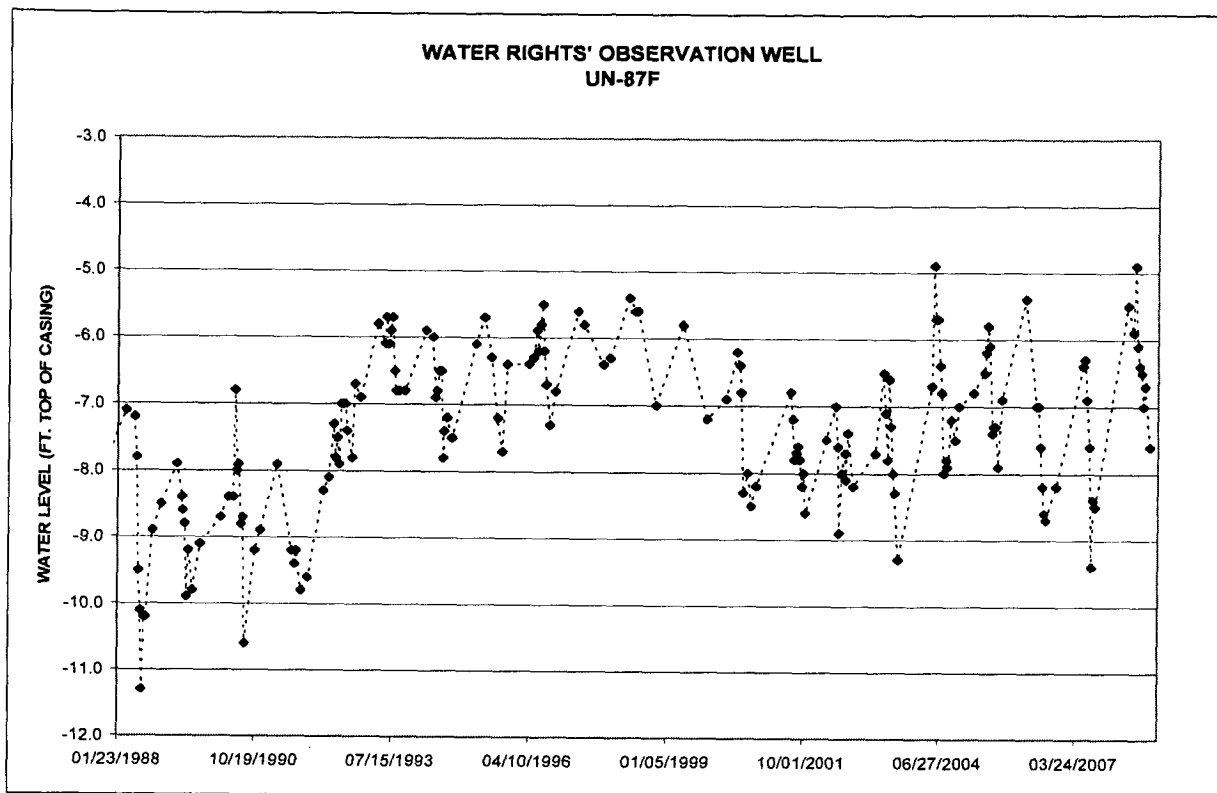


Figure 1. Hydrograph for Water Rights Observation Well completed into the Elk Point management unit within two and a half miles of 7086-3

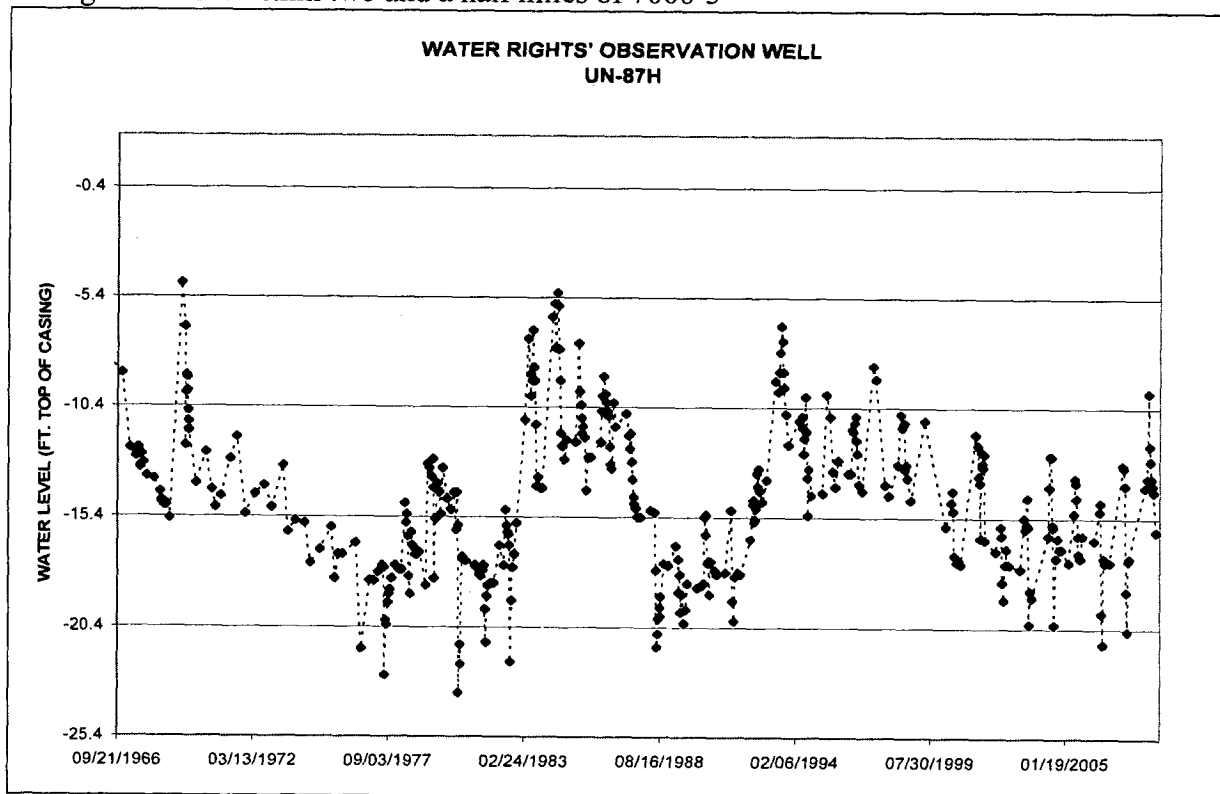


Figure 2. Hydrograph for Water Rights Observation Well completed into the Elk Point management unit within two and a half miles of 7086-3

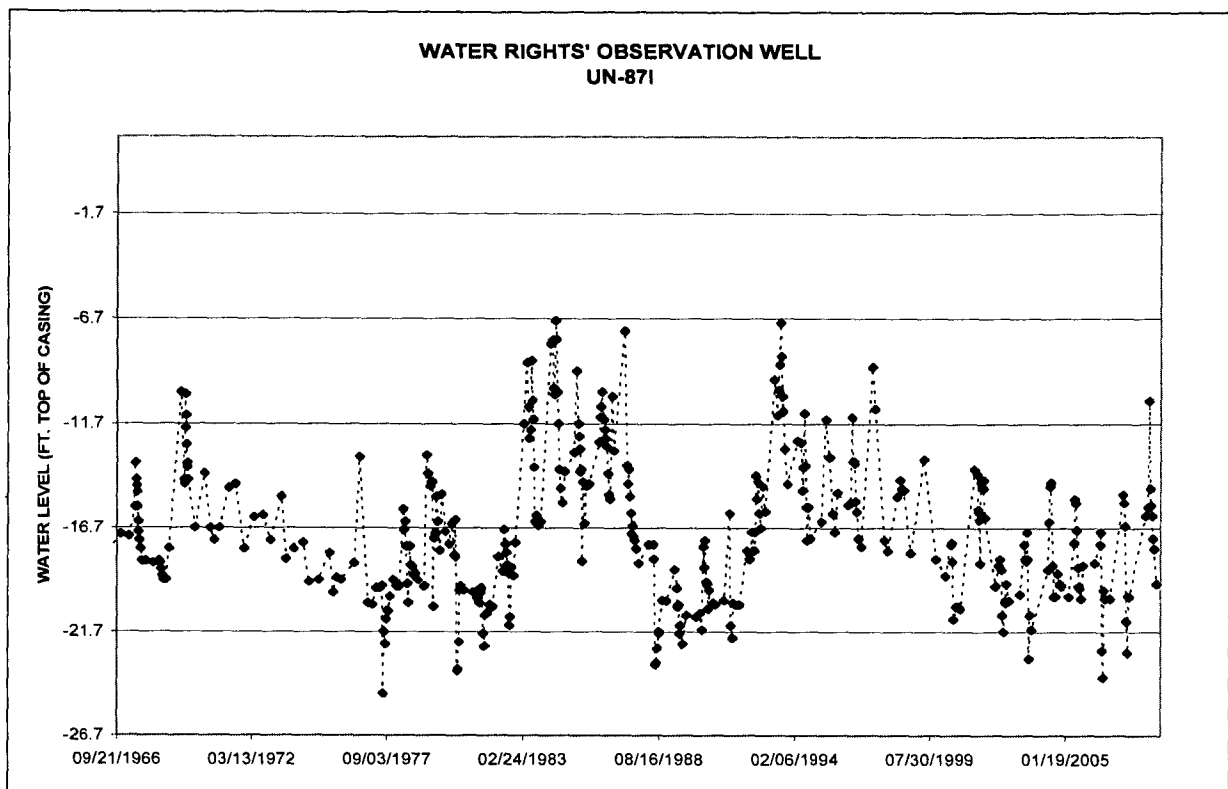


Figure 3. Hydrograph for Water Rights Observation Well completed into the Elk Point management unit within two and a half miles of 7086-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Missouri aquifer, which includes the Peoria management unit, the Pierre management unit, the Greenwood management unit and the Elk Point management unit date back to 1979. The Elk Point management unit typically includes the majority of irrigators; irrigators in the other management units typically total less than ten.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is just over 301, with the average annual appropriation being nearly 148,000 acre-feet and the average annual pumpage reported at over 17,000 acre-feet.

IRRIGATION USE (ac-ft/yr) M			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2007	368	140746.6	31052.03
2006	355	137411.6	28874.29
2005	337	130966.6	24176.62
2004	323	127635.8	24515.85
2003	315	126059.8	27161.56
2002	316	126235.8	24105.36
2001	314	126217.4	19451.93
2000	310	125532.2	27070.99
1999	308	125225.6	14748.02
1998	313	127862.6	11127.24
1997	305	126518.2	17182
1996	296	124606.2	9412.78
1995	292	121644.25	18320.24
1994	297	123656.75	10323.94
1993	299	125656.3	1475.2
1992	296	125336.68	1881.95
1991	301	126551.68	18798.6
1990	299	128458.33	19694.5
1989	294	126847.33	25941.9
1988	283	124014.13	28756.35
1987	282	124104.33	13439.7
1986	288	125842.47	6451.6
1985	284	125068.47	13983.5
1984	283	126743.35	9194.3
1983	274	121895.73	10834.04
1982	272	123559.28	18822.35
1981	302	136318	14233
1980	267	126362	15205
1979	265	124828	10377
AVERAGE	301.31	126962.26	17124.55
MAXIMUM	368	140746.6	31052.03
MINIMUM	265	121644.25	1475.2

Table 1. Irrigation usage from the Missouri aquifer (Water Rights, 1979-2008).

There are three existing water permits/rights for irrigation located within one and a half miles of this application, the nearest being approximately 2,500 feet to the south. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Recharge:

The Missouri aquifer is recharged from several sources. Recharge to the Missouri aquifer occurs through infiltration and subsequent percolation of precipitation in areas where the aquifer is near land surface (Niehus, 1994). Recharge to the aquifer also occurs from the Lower Vermillion-Missouri aquifer at the northern boundary and from the Big Sioux aquifer at the extreme northeastern boundary of the Missouri aquifer (Niehus, 1994). The aquifer is also recharged from the underlying Dakota aquifer and some recharge also is from the Missouri River during periods of high flow and stage (Niehus, 1994).

Conclusions:

1. Water is available from the Elk Point management unit of the Missouri aquifer.
2. The aquifer is under confined conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
3. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions, to the extent necessary, of the capacity of the well or periods of operation or other arrangements may be required to protect these water supplies.
4. This well must be constructed in accordance with SD Well Construction Standards.



Hayes Haas
Natural Resources Engineer

Bibliography:

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, USGS WRI Report 93-44195, United States Geological Survey, Rapid City, SD 57702

Water Rights, 2008, Unpublished Observation Well Records for Union County, SD DENR, Division of Water Rights, Pierre, SD, 57501

RECEIVED

FEB 17 2009

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Union)

I, Susan Odson

certify that the attached printed Notice was
taken

from the Southern Union County

Leader-Courier

printed and published in Elk Point

County of Union and

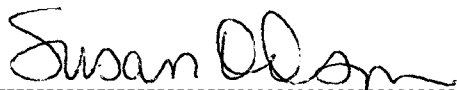
state of South Dakota. The notice was
published

in the newspaper on the following two dates:

February 5, 2009

February 12, 2009

Cost of Printing \$46.87



(Signature)

Affidavits Coordinator

(Title)

February 12, 2009

(Date Signed)

NOTICE OF APPLICATION NO. 7086-3 TO APPROPRIATE WATER

Notice is given that Chuck Donnelly, 32184 472nd Ave, Elk Point SD 57069 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 120 feet deep) located in SW 1/4 SW 1/4 Section 28 to irrigate 356 acres located in the N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 33; SW 1/4, W 1/2 SE 1/4 Section 28; NE 1/4 NE 1/4 Section 32 and E 1/2 SE 1/4 Section 29; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7086-3 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 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 February 23, 2009.

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'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 February 5 and 12, 2009
6-7-70



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 22, 2009

Southern Union County Leader-Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

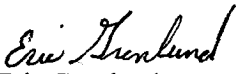
Enclosed is a Notice on Application No. 7086-3 to Appropriate Water to be published twice. Please publish the first notice on January 29, 2009 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 APPLICANT is Chuck Donnelly, 32184 472nd Ave., Elk Point SD 57025 (Ph # 605-356-3167).

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. 7086-3

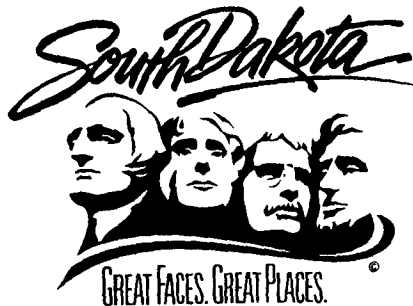
TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of January 23, 2009 enclosing Notice to Appropriate Water by Application No. 7086-3 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.

January 22, 2009

Chuck Donnelly
32184 472nd Ave
Elk Point SD 57025

Dear Mr. Donnelly:

Water Permit Application No. 7086-3 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 Southern Union County 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 February 5, 2009 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7086-3 to Appropriate Water

Notice is given that Chuck Donnelly, 32184 472nd Ave, Elk Point SD 57025 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 120 feet deep) located in SW 1/4 SW 1/4 Section 28 to irrigate 356 acres located in the N 1/2 NW 1/4, NW 1/4 NE 1/4 Section 33; SW 1/4, W 1/2 SE 1/4 Section 28; NE 1/4 NE 1/4 Section 32 and E 1/2 SE 1/4 Section 29; all in T92N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7086-3 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 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 February 23, 2009.

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.



APR 28 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

Chuck Donnelly
32184 472nd Ave
Elk Point SD 57025

Dear Mr. Donnelly:

Enclosed is Water Permit No. 7086-3 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

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