

WATER PERMIT NO. 7808-3

Name of Applicant: Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025

Address: PO Box 966, Elk Point SD 57025 Phone: 712 389-0090

Amount of Water Claimed: 1.78 cfs Total Acres: 160 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Union

Type of Waste Disposal System:

Location: 6 miles northwest of Elk Point

PRIORITY Date Received: 3-25-13 Application/License Fee: \$ 1050

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

Remarks:

Diversion Point: NE 1/4 NW 1/4 Sec 32-T92N-
R50W

Land to be Irrigated: E 1/2 NW 1/4, W 1/2 NE 1/4
Sec 32-T92N-R50W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

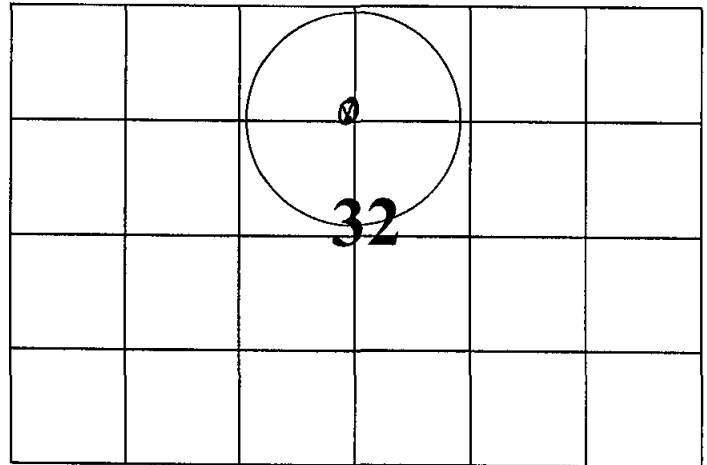
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-25-13

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

No. 7808-3 (office use only)
Hydrologic Unit 10170203
Basin Sioux Rivers 605-356-3632
Newspaper Leader-Observer Box 310 Elk Point 57025
605-665-7811
Press & Dakotan 319 Walnut Yankton 57028

RECEIVED

MAR 25 2013

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.)

1. Name to Appear on Irrigation Permit Melvin & Larry Donnelly
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent
(name and complete address if different than above name)

Mailing Address P.O. Box 966 Elk Point SD 57025
605- (Address) (City) (State) (Zip Code)

Home Phone 356-9400 Cell 712-389-0090 Email melvindonnelly@hotmail.com

2. Amount of water claimed 1.78*CFS or 800**GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply ground

4. Location of point of diversion 1 well - SE corner NE 1/4 32-92-50
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Union

5. County or counties where water will be used Union

6. Annual period during which water is to be used May - Aug 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>E 1/2 NW; W 1/2 NE</u>	<u>160</u>		
<u>section 32-92-50</u>			

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

800 gallon Permin. submersible well - 40 hp Electric, power
supplied by Clay Union Electric - Vermillion.
7 Tower Low Pressure Valley Irrigation system

I, Melvin Donnelly, the applicant, certify that I have read this application,
have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7808-3**

Date of first receipt of application March 25, 2013.

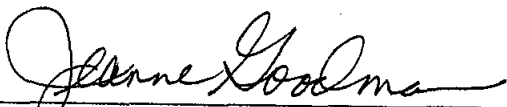
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7808-3 to Melvin and Larry Donnelly, PO Box 966, Elk Point SD 57025 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 7808-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (120 feet deep) located in the NE 1/4 NW 1/4 Section 32 for irrigation of 160 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 32; all in T92N-R50W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 31.
3. The date from which applicant may claim right is March 25, 2013.
4. The date of approval of Permit No. 7808-3 is June 10, 2013.
5. One-fifth of the construction is to be completed on or before December 10, 2015.
6. All construction is to be completed on or before June 10, 2018.
7. Water is to be put to beneficial use on or before June 10, 2022.
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. 7808-3 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: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 20 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many _____ Provide copy of log(s), if available. Drilled by _____

c) Well Depth 120 Depth to Top of Water Bearing Material _____ Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 3/4 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

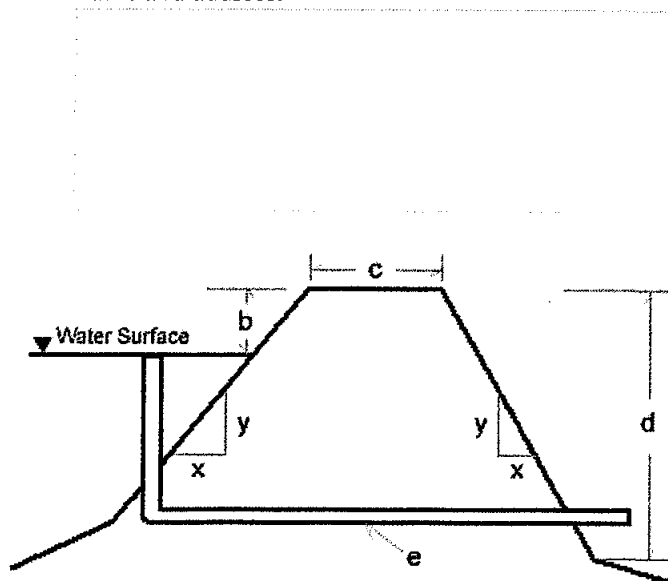
a) Surface Dimensions _____ Depth _____

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 (e.g. 3 to 1 is a typical slope)

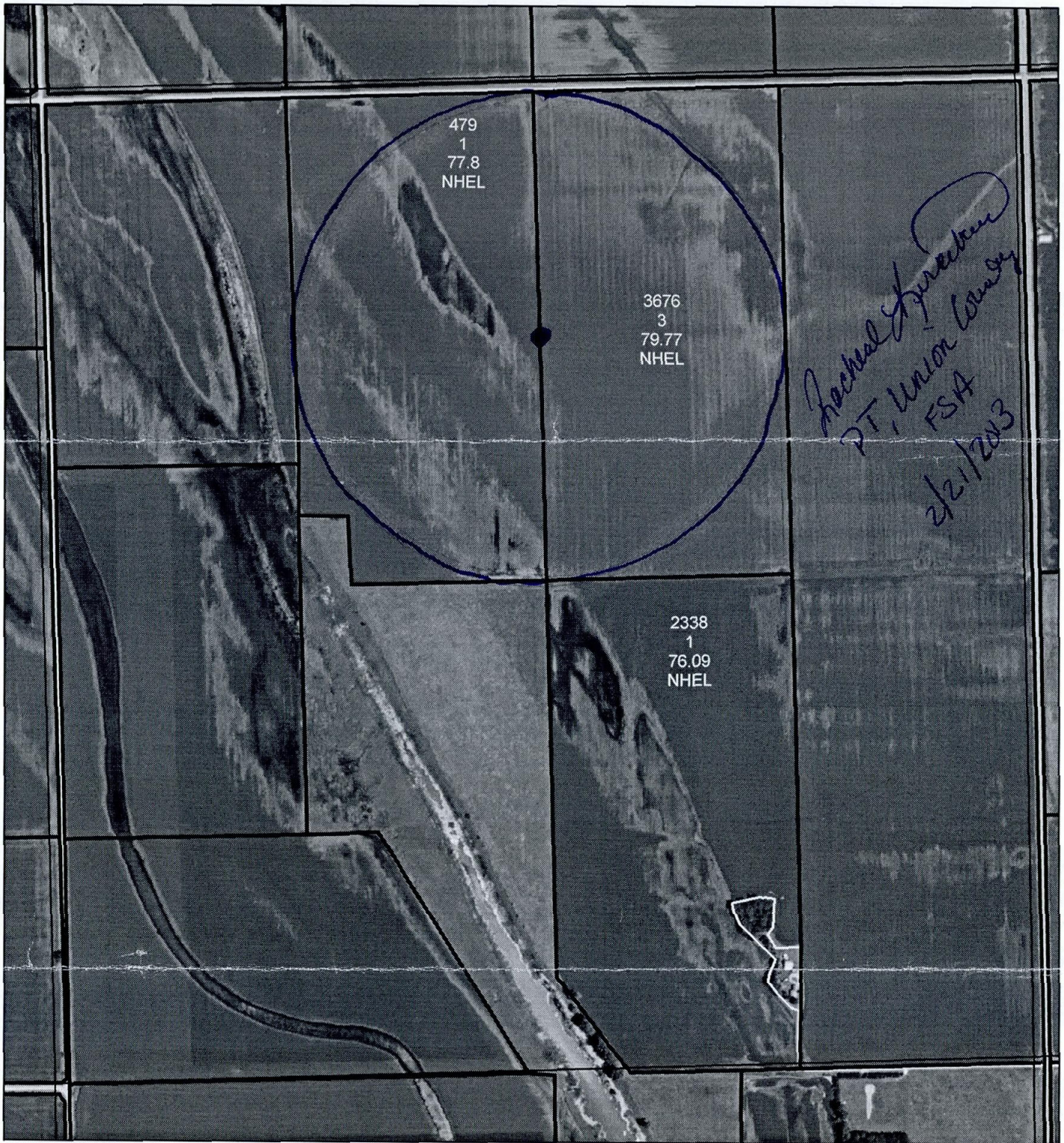
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



United States Department of Agriculture
Farm Service Agency

PLSS: 32_92N_50W
Farm: 6012

Union County

1:8,760

RECEIVED

MAR 25 2013

WATER RIGHTS
PROGRAM



February 21, 2013

Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

□ Common Land Units

▨ Non Cropland

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original dermination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

2010 Ortho-Photography - Not to Scale

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/25, 20 13

RECEIVED OF Larry Donnelly 47273 324th St Elk Point SD 57025

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

Fee for Application for Permit No. <u>7808-3</u> to Appropriate Water, to construct and to put water to beneficial use	425	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>7808-3</u>	100	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	525 00

No. 06264

By

David E. Eide
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/25, 20 13

RECEIVED OF Melvin Donnelly 47273 324th St 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>7808-3</u> to Appropriate Water, to construct and to put water to beneficial use	425	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>7808-3</u>	100	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	525 00

No. 06265

By

Linda Albee
Chief Engineer

Water Rights Program - File Documentation

NAME: Melvin Donnelly

ADDRESS: PO Box 966, Elk Point SD 57025

DATE: 3-25-13 **COUNTY:** UN **TELEPHONE:** 712 389-0090

RE: Pending application

COMMENTS:

I called Melvin Donnelly and asked what the proposed depth of the irrigation well was going to be. Mr. Donnelly indicated the well depth should be **120 feet deep**.

Karen Schlaak
Karen Schlaak
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7808-3, 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. 7808-3, Melvin and Larry Donnelly, PO Box 966, Elk Point SD 57025.

The Chief Engineer is recommending APPROVAL of Application No. 7808-3 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. 7808-3 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.

Jeanne Goodman, Chief Engineer
May 17, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7808-3
MELVIN & LARRY DONNELLY
APRIL 11, 2013

Water Permit Application No. 7808-3 proposes to appropriate water from one well to be completed into the Missouri: Elk Point aquifer at a maximum diversion rate of 1.78 cubic feet of water per second (cfs). The well will be located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, T92N-R50W and is expected to be approximately 120 feet deep. This application proposes to irrigate 160 acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 32, all in T92N-R50W in Union County.

AQUIFER: Elk Point management unit of the Missouri aquifer (M:EP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Missouri: Elk Point is a surficial aquifer composed of unconsolidated glacial outwash material ranging from fine sand to coarse gravel (Niehus, 1994). The aquifer generally lies below the flood plain of the Missouri River, and also below the flood plain of the Big Sioux River in the southern part of Union County (Niehus, 1994). In places, the aquifer directly overlies and is hydraulically connected to the Dakota aquifer and is hydraulically connected at its northern boundary to the Lower James-Missouri and the Lower Vermillion-Missouri aquifers as well as the Missouri and Vermillion Rivers. Niehus (1994) found the aquifer is also hydraulically connected to the Big Sioux aquifer in northeast Union County. The proposed well site is located in southern Union County approximately five and one half miles north of the Missouri River. The Elk Point management unit of the Missouri aquifer encompasses approximately 234,700 acres of Clay, Union, and Yankton Counties, as determined by Hedges and others (1982) and Niehus (1994). The aquifer contains an estimated 3,287,100 acre-feet of recoverable water in storage, of which an estimated 1,494,600 acre-feet of recoverable water is in storage in Union County (Hedges and others, 1982). The maximum thickness of the Missouri aquifer is 146 feet with an average thickness of 84 feet (Niehus, 1994). The saturated thickness of the aquifer in the area is estimated to be approximately 75 feet (Water Rights, 2013a). The transmissivity of the aquifer ranges from 20,700 to 24,700 square feet per day (ft^2/d) in Yankton County (Bugliosi, 1986), and it is reasonable to assume it will be similar near the proposed well site. The specific capacity of wells completed into the aquifer ranges from approximately 124 to 173 gallons per minute per foot ($(\text{gal}/\text{min})/\text{ft}$) (Bugliosi, 1986). The aquifer can be under confined or unconfined (water-table) conditions but is unconfined in the area of this application.

SDCL 46-2A-9

In accordance with SDCL 46-2A-9, a permit may be issued to appropriate water only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversions can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will review the availability of unappropriated water and existing rights within the Missouri: Elk Point aquifer.

WATER AVAILABILITY:

This application proposes to appropriate water from the Missouri: Elk Point aquifer. If this application is approved, it is likely that the actual water use will be less than 320 acre feet per year (ac-ft/yr). The probability of unappropriated water available from the aquifer can be evaluated using SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source." If the source of the water is older or lower than the greenhorn formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. Here, a public water system is not involved and the aquifer is not older or lower than the greenhorn formation therefore withdrawal/recharge issue must be considered.

Recharge versus Discharge:*Recharge:*

Recharge to the Missouri: Elk Point aquifer occurs through seepage from streams and by infiltration of precipitation (Bugliosi, 1986; Niehus, 1994). Recharge is also provided to the aquifer from the Big Sioux, Lower Vermillion-Missouri, and Dakota aquifers as well as during times of high flow from the Big Sioux and Missouri Rivers. The average annual recharge rate to the Missouri: Elk Point aquifer is estimated to be 3.8 in/yr based on observation well analysis (Hedges and others, 1985). Given the area of the management unit in Clay, Union, and Yankton Counties of 234,700 acres, average annual recharge to the aquifer is estimated to be 74,322 ac-ft/yr. Recharge in Union County is estimated to be 36,480 ac-ft/yr based on the 115,200 acres that the aquifer underlies in the county (Hedges and others, 1982).

Discharge:

Discharge from the Missouri: Elk Point aquifer is by evapotranspiration, discharge to the Big Sioux and Missouri Rivers during low flow, to the underlying Dakota aquifer, and withdrawal from wells (Niehus, 1994). There are a number of completion reports on file with the SD DENR-Water Rights Program for domestic use wells completed into the Missouri: Elk Point aquifer (Water Rights, 2013b), and there are currently 557 water rights/permits appropriating water from the Missouri: Elk Point aquifer of which 309 are in Union County (Water Rights, 2013c). In addition, there are five future use permits in Clay County reserving 14,900 ac-ft/yr of water from the aquifer. The distribution of these appropriations for the entire aquifer and their types are shown in Table 1.

Water Rights/Permits	Number
Commercial	7
Domestic	2
Fish and Wildlife Propagation	4
Industrial	5
Irrigation	524
Municipal	10
Recreational	1
Rural Water System	2
Suburban Housing Development	2
Future Use Permits	Number
Lewis & Clark Rural Water System (13,000 ac-ft/yr)	4
City of Vermillion (1,900 ac-ft/yr)	1

Table 1. Water rights/permits from the Missouri: Elk Point aquifer (Water Rights, 2013c).

The amount of water that can be expected to be withdrawn through water rights/permits authorizing water use for non-irrigation purposes at the current appropriation level can be estimated by assuming:

1. Water rights/permits limited by an annual volume will pump the entire volume appropriated.
2. Water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time.
3. Future use permits can be fully developed.

The expected water use for non-irrigation purposes, including that reserved for future use, from the Missouri: Elk Point aquifer is less than 61,300 ac-ft/yr based on current water appropriations. Union County accounts for less than 5,700 ac-ft/yr of this based on current water appropriations.

Lewis and Clark Rural Water System currently reserves 13,000 ac-ft/yr for future use and has permits appropriating 32,165 ac-ft/yr (Water Rights, 2013b). These account for a significant portion of the annual water usage in Clay County, and most of the water from these wells will be induced from the Missouri River. More recharge can be induced with more pumping, specifically from the Missouri River because it is hydraulically connected to the aquifer.

The annual reported water use from the Missouri: Elk Point aquifer for irrigation purposes in Union County is displayed in Table 2. The average pumpage reported, for irrigation purposes, over the 1979 to 2011 period of record in the Missouri: Elk Point aquifer is 15,922.64 ac-ft/yr. The amount of water usage from domestic wells is not significant to the hydrologic budget.

YEAR	NO. OF PERMITS	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
1979	206	93310.02	7066
1980	210	94734.88	10063
1981	227	100428.6	8422
1982	209	91841.78	15429.85
1983	211	90519.28	6520.91
1984	211	93088.86	5746.3
1985	215	92328.88	10087.3
1986	215	91724.88	3191.3
1987	216	91579.88	9082
1988	218	92063.68	22195.3
1989	226	93847.88	18658.2
1990	230	95368.88	12730.5
1991	231	95168.88	11601.6
1992	238	94037.88	1010.6
1993	230	93782.3	1145.2
1994	226	90715.45	7721.45
1995	226	90563.45	13798.95
1996	229	92683	5121.58
1997	237	94643	11406
1998	244	96211.8	7259.62
1999	240	93873.8	10741.15
2000	240	93320.4	20369.1
2001	242	93065.6	12284.62
2002	241	92412	15353.97
2003	240	91692	19653
2004	244	92572	16550.28
2005	251	94321.6	17322.4
2006	256	95252.6	18149.43
2007	257	95974.6	18817.78
2008	261	97230.6	6141.62
2009	264	98914.6	3214.82
2010	267	99102.6	1518.01
2011	272	100120.6	7289.7
MIN	206	90519.28	1010.6
MAX	272	100428.6	22195.3
AVE	234.24	94136.25	10777.68

Table 2. Irrigation from the Missouri: Elk Point aquifer in Union County (Water Rights, 1979-2011)

There are a number of new permits and pending applications from the Missouri: Elk Point aquifer. Once they are developed, the average pumping for irrigation purposes is expected to increase significantly. Since January 1, 2012, there have been 90 permits issued from the Missouri: Elk Point aquifer authorizing irrigation for a total of 11,265.5 acres. The average annual withdrawal is still expected to be significantly less than the average annual recharge. As of April 11, 2013, an additional 20 permit applications have been submitted for appropriation of water from the Missouri: Elk Point aquifer. The pending permits have a total diversion rate of 32.79 cfs, and 1,700.85 acres of coverage as shown in Table 3 (Water Rights, 2013a). Hedges and others (1985) state that:

“Management units of the Missouri Aquifer (Elk Point, Greenwood, Peoria, Pierre, and Tower) exhibit good hydraulic connection to the Missouri River. With proper well spacing and aquifer management practices these aquifers could produce virtually unlimited supplies of water.”

Recognizing that Lewis and Clark RWS withdraws water from the Missouri: Elk Point aquifer that is induced from the Missouri River, and considering the remaining hydrologic budget, there is reasonable probability that unappropriated water is available for this application.

PERMIT NO.	DIV. RATE (CFS)	ACRES
7693-3	0.67	27.7
7711-3	1.67	115
7712-3	1.78	74.54
7713-3	2.22	114.29
7714-3	1.67	59.32
7749-3	2.28	160
7768-3	1.78	48
7769-3	1.78	48
7770-3	1.78	70
7771-3	1.78	160
7772-3	1.78	120
7773-3	1.78	70
7774-3	1.78	35
7775-3	1.78	41
7776-3	1.78	140
7785-3	0.92	35
7800-3	2.22	110
7801-3	1.56	108
7802-3	1.78	165
TOTAL	32.79	1700.85

Table 3. List of pending permits from the Missouri: Elk Point aquifer (Water Rights, 2013a)

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer”.

The SD DENR-Water Rights Program monitors 37 observation wells completed into the Missouri: Elk Point aquifer with two of these wells located within three miles of the proposed well site. Hydrographs for these wells are shown in Figures 1 and 2.

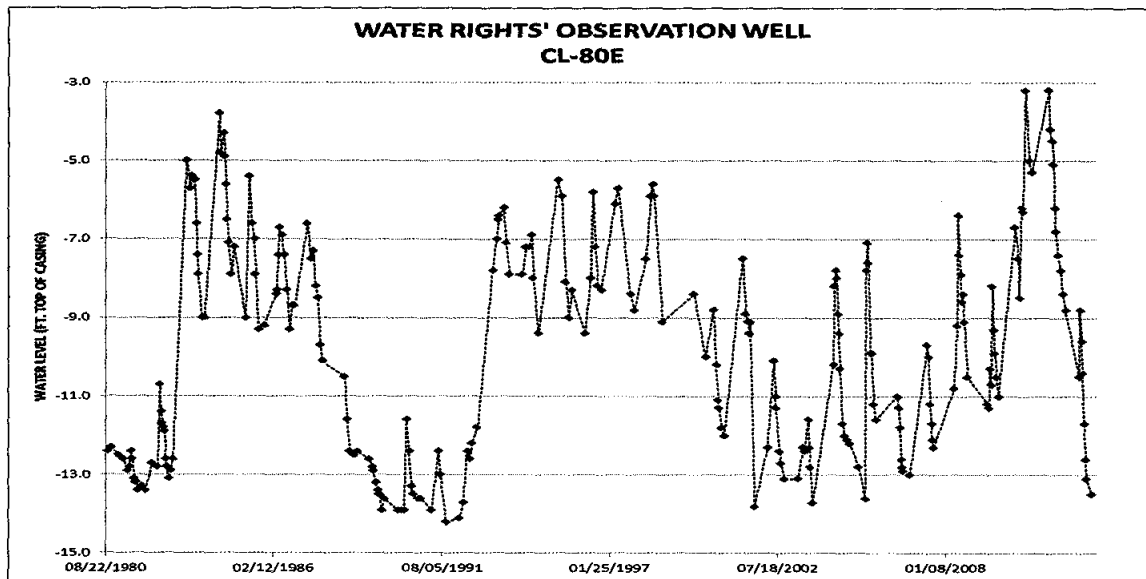


Figure 1. Hydrograph for SD DENR-Water Rights' Observation Well CL-80E completed into the Missouri: Elk Point aquifer less than two and one quarter miles northwest of the well site proposed by Application No. 7808-3 (Water Rights, 2013b).

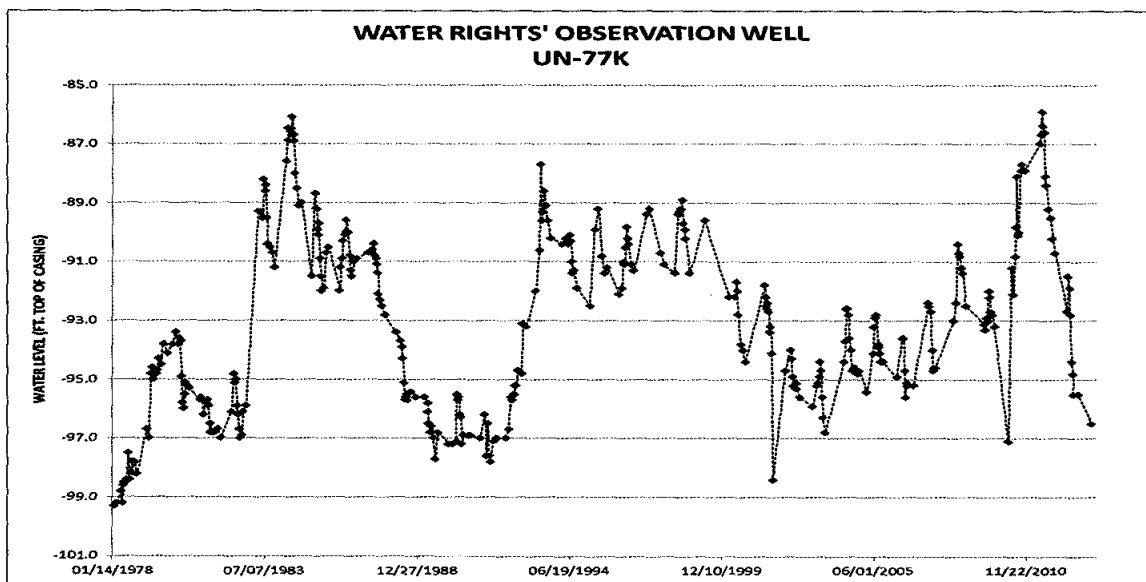


Figure 2. Hydrograph for SD DENR-Water Rights' Observation Well UN-77K completed into the Missouri: Elk Point aquifer approximately two and three quarter miles northeast of the well site proposed by Application No. 7808-3 (Water Rights, 2013b).

The observation well data shows the aquifer responds well to climatic conditions with rising water levels during wet years and gradually declining water levels during dry years. The observation well data shows that at the current level of development, climatic conditions mask the temporal effects of well withdrawals. The observation well data documents the hydraulic connection between the Missouri: Elk Point aquifer and the Missouri River (e.g. in particular, record high groundwater levels associated with flooding in 2011).

Because of this obvious hydraulic connection between Missouri: Elk Point aquifer and the Missouri River and the availability of water in the Missouri River, there is a reasonable probability that additional recharge to the Missouri: Elk Point will be induced with additional pumping. Natural discharge from the aquifer can be captured for pumping. Additional pumping from the Missouri: Elk Point aquifer can also induce recharge from the underlying Dakota aquifer. Therefore, there is reasonable probability that unappropriated water is available from the aquifer to support this appropriation .

EXISTING WATER RIGHTS:

The proposed well site is located in southern Union County approximately five and one half miles north of the Missouri River. Figure 3 shows the nearby existing water rights located in the Missouri: Elk Point aquifer. The locations of the existing water rights/permits were determined using the best data reasonably available. The nearest water right/permit is Water Right No. 5423-3, for Melvin and Eileen Donnelly, located more than one half mile northeast and up-gradient from the proposed well site.

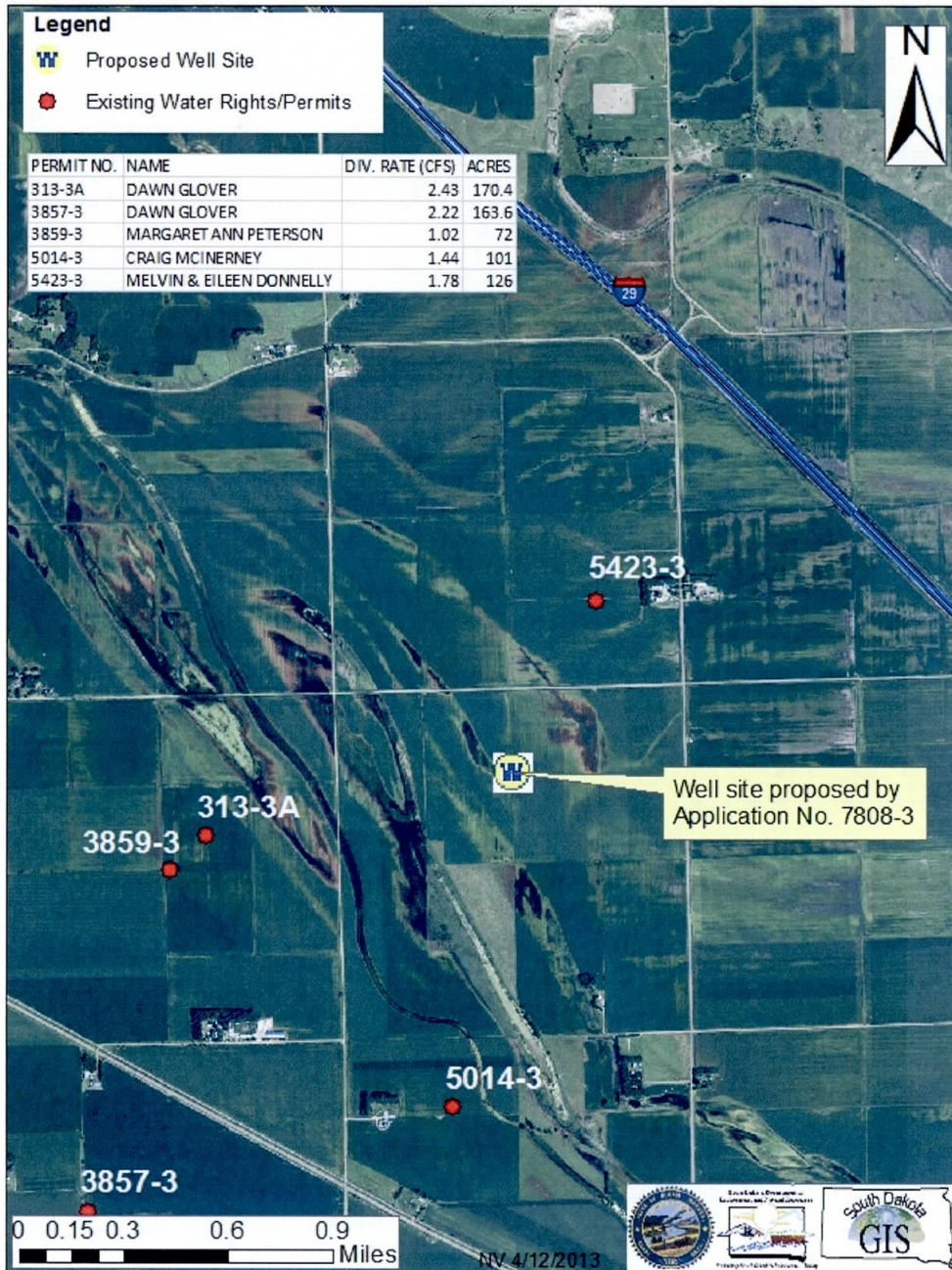


Figure 3. Existing water rights/permits located within close proximity to the well site proposed by Application No. 7808-3 (Water Rights, 2013c).

Water-table conditions dictate that drawdown will be minimal at these distances. With approximately 75 feet of saturated material available at this well site, drawdown is not expected to be significant. Based on the observation well data and the distance between wells, drawdown is not expected to be significant nor likely to cause adverse impacts to existing water rights or domestic wells.

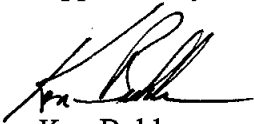
CONCLUSIONS:

1. This application proposes to appropriate water from the Missouri: Elk Point aquifer.
2. There is a reasonable probability that unappropriated water is available from the Missouri: Elk Point aquifer to supply this proposed appropriation.
3. The Missouri: Elk Point aquifer is unconfined in the area of this application, so drawdown from pumping is not expected to be significant very far from a production well.
4. There is a reasonable probability that the well proposed by this application will not adversely impact existing water rights or domestic wells.



Nicole Van Dyk
SD DENR-Water Rights Program

Approved by



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 84-4241. 41 p.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Hedges, L.S., Allen, J., Holly D.E., 1985, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185
- Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota: U.S. Geological Survey Water-Resources Investigations Report 93-4195, 57p.
- Water Rights, 1979-2011, Irrigation Questionnaire Summaries 1979-2011, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.
- Water Rights, 2013a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013b, Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2013c, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

AFFIDAVIT OF PUBLICATION

RECEIVED

State of South Dakota)

JUN - 3 2013

:ss

County of Union)

WATER RIGHTS
PROGRAM

Kelly Krulthoff,

an employee of the Leader-Courier, deposes and says that

The Leader-Courier

is a legal weekly newspaper of a general circulation, printed and published in Elk Point, County of Union, State of South Dakota, and has been such legal newspaper during the time hereinafter mentioned, and that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

Notice of Application No. 7808-3

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in

each week for 1 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two hundred paid copies weekly, and had been published in the said County of Union for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Elk Point, the said place of publication; that the first publication of said notice in said newspaper was

on Thursday, the 30 day of May, 2013

and that the succeeding publications were

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

on Thursday, the _____ day of _____, _____

that the fees for the printing and publishing of said notice and advertisement in said newspaper as aforesaid were

\$ 23.48, that the full amount of the fee charged insures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Kelly Krulthoff

Subscribed and sworn to before me

this 30 day of May, 2013

My commission expires 6-21-17

SUSAN ODSON
NOTARY PUBLIC
SOUTH DAKOTA

[Signature]

Notary Public

NOTICE OF APPLICATION NO. 7808-3 TO APPROPRIATE WATER

Notice is given that Melvin & Larry Donnelly, PO 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 (120 feet deep) located in the NE 1/4 NW 1/4 Section 32 for irrigation of 160 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 32; all in T92N-R50W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7808-3 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 June 10, 2013.

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.

Published May 30, 2013

Published once at the total approximate cost of \$23.48
22-3-78

RECEIVED

JUN - 3 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

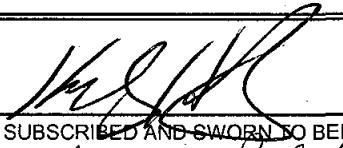
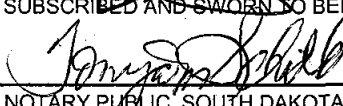
STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE **MANAGING EDITOR** OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7808-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 30th DAY OF May 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT **\$26.15** ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 5/30/2013

FILED ON: 5/30/2013


SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF May 2013

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2015

5+30
NOTICE OF APPLICATION
NO. 7808-3 to Appropriate Water

Notice is given that Melvin & Larry Donnelly, PO 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 (120 feet deep) located in the NE 1/4 NW 1/4 Section 32 for irrigation of 160 acres located in the E 1/2 NW 1/4 and the W 1/2 NE 1/4 Section 32; all in T92N-R50W.

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Published once at the total approximate cost of \$26.15.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 20, 2013

Leader- Courier
PO Box 310
Elk Point SD 57025

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7808-3 to Appropriate Water. Please publish the notice once on May 30, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 (Ph # 605-356-9400).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 20, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

Instruction to Newspaper - Publish the Notice on May 30, 2013. 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. 7808-3 to Appropriate Water

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Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

May 20, 2013

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Sirs:

Water Permit Application No. 7808-3 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 Leader-Courier printed at Elk Point SD (Ph # 605-356-2632) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

JUN 20 2013

Melvin & Larry Donnelly
PO Box 966
Elk Point SD 57025

Dear Mssrs. Donnelly:

Enclosed is Water Permit No. 7808-3 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,

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

enclosures



7808-3
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."

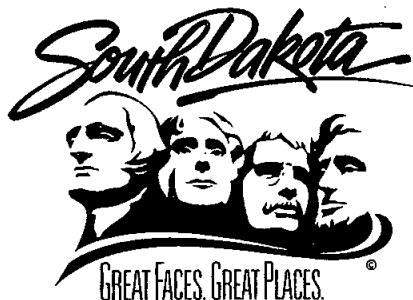
The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant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



7808-3
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

7808-3

SD EForm - 1311LD V1

Form 10

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date 10-19-16FROM: Melvin Dunn
(name)Box 966
(address)Elk Point SD 57025
(city) (state) (zip)712-389-0090
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 7808-3 states that the water use system is to be constructed by
June 10, 2018, and water is to be put to beneficial use by June 10, 2022
(date) (date)

The water use system was completed on 8-2013
(date)

Applying the water to beneficial use was completed on 8-2013
(date)

You may schedule an investigation so that the water license may be issued.



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7808-3

I have this day, **October 19, 2016**, made a thorough examination of the water use system constructed by **Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025** of Permit No. **7808-3**, bearing the priority of **March 25, 2013** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Missouri:Elk Point Aquifer** for **irrigation** purposes, of **160** acres, in **Union** County.

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

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Hammond-Wetmore Drilling, LLC**
- 2) No. of Wells **1**
- 3) Depth(s) **89** feet
- 4) Well log is available **Yes**

Casing:

- 1) Diameter **16** inches
- 2) Length **49** feet
- 3) Type **PVC**

Screen:

- 1) Type **PVC Manufactured**
- 2) Length **40** feet
- 3) Static water level **Unknown** feet

Pump:

- 1) Make **Grundfos Submersible**
- 2) Model **800s400-2a**
- 3) Capacity **800** GPM

Motor:

- 1) Make **Grundfos Submersible**
- 2) Model No. **Unknown**
- 3) Horsepower rating **40** hp

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 8000
- 2) Overall length 1298 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes, began irrigating in 2013.

List any extended period of nonuse: None

- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: East 2640', South 1330' from NW Corner of Sec 32-T92N-R50W; Lat 42.74622/Long -96.77621; SE ¼ NW ¼ Sec 32-T92N-R50W.
2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land is located in Sec 32-T92N-R50W.

NE ¼ NW ¼ - 33 ac

SE ¼ NW ¼ - 34 ac

NW ¼ NE ¼ - 33 ac

SW ¼ NE ¼ - 34 ac

comprising a total of 134 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

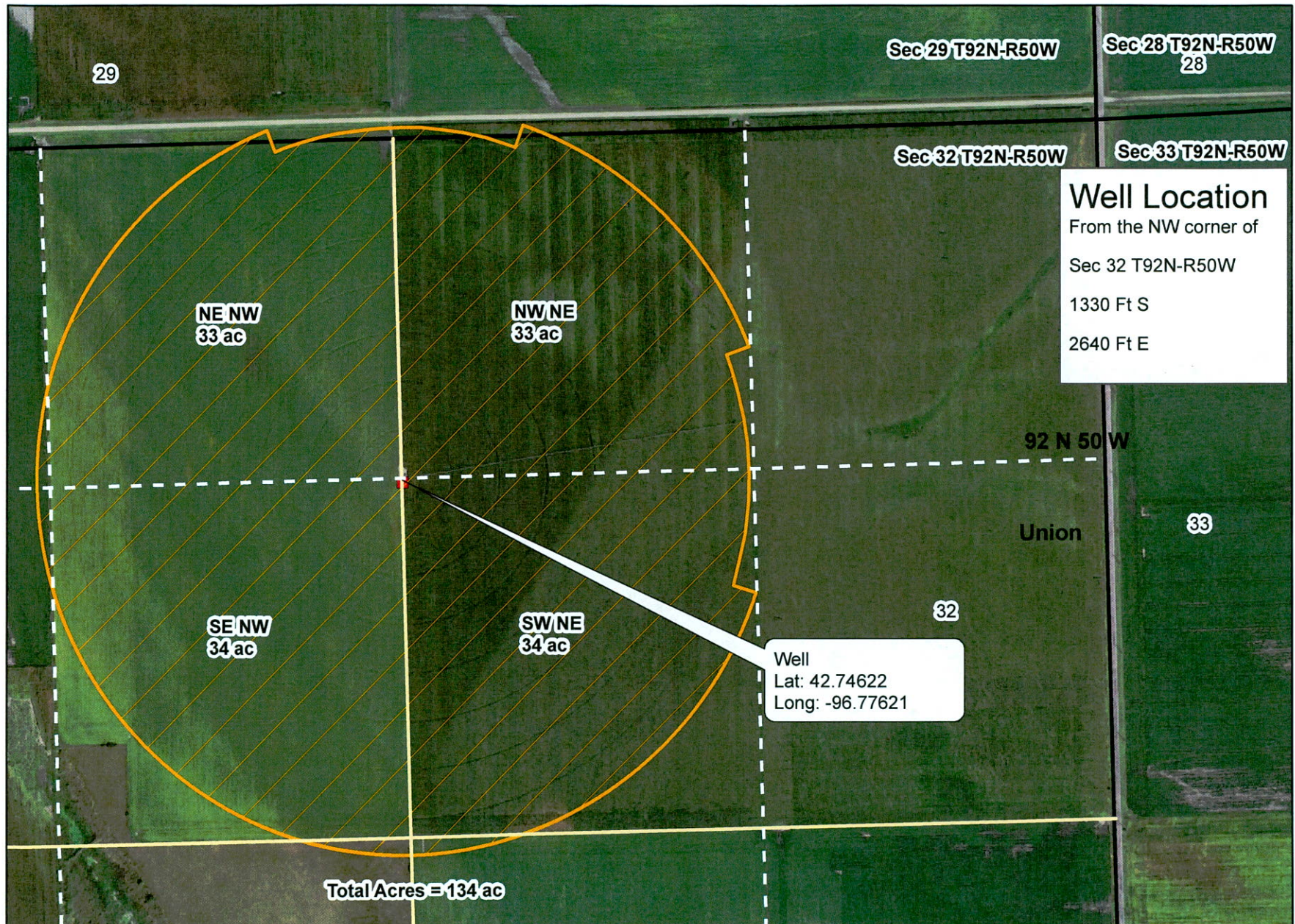
3. All structures, wells and lands on map Yes

Harold Holoch

Harold Holoch, PE
Staff Engineer
DENR, Water Rights Program

Date report completed: November 22, 2017

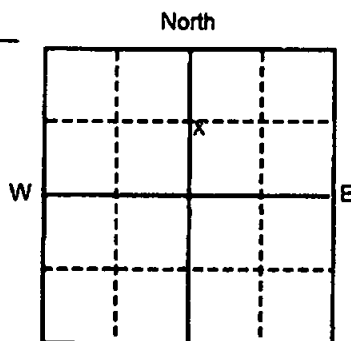
7808-3



Harold Holoch
Harold Holoch, PE
Staff Engineer
May 24, 2017

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 32 Twp 92N Rg 50WCounty UnionPlease mark well
location with an "X"

Well Completion Date

August 9, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
3,500.0 ft. from Septic Tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Bucket method

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	16.00 IN	0.0 FT	49.0 FT	24.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	20	9.5 Lb/gal	0.0 Ft	40.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie Method

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 16.00 Inches Length 40.0 FeetMaterial PVCSlot Size .050 Set From 49.0 Feet to 89.0 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?Lab to which water ☒ No, Why Not? Not Required
quality sample sent for analysisWell Owner: Melvin & Larry Donnelly

Business Name:

Address: POB 966City, State, Zip: Elk Point SD 57025

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Silty Clay	2	36
Silty Sand	36	47
Sandy Gravel	47	81
Gravel	81	89

STATIC WATER LEVEL 14.05' FEETIf flowing: closed in pressure 5/27/14 PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

OCT - 4 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

9/28/13



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

SEP 10 2018

7808-3

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

Dear Sirs:

Enclosed is Water License No. 7808-3. 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 in the future, the owner of an existing well, 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. 7808-3

(1) Melvin & Larry Donnelly, PO Box 966, Elk Point SD 57025 made Application No. 7808-3, March 25, 2013 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. 7808-3, with a priority date of March 25, 2013 was approved June 10, 2013 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before June 10, 2018 and for the application to beneficial use of said water on or before June 10, 2022.

The Permit holders submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on October 19, 2016. The "*Notice*" stated the water use system was completed and the water placed to beneficial use in August, 2013.

(2) It is certified that the permit holders have complied with the provisions of South Dakota State Law relating to completion of the 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:

- 2,640'E and 1,330'S of the NW Corner of Section 32, T92N, R50W (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
Latitude 42.74622, Longitude -96.77621

(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:

Section 32, T92N, R50W

NE $\frac{1}{4}$ NW $\frac{1}{4}$	33 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres

Total 134 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. 7808-3 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 March 25, 2013 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. 7808-3 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.

continued

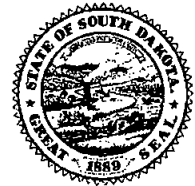
- The well authorized by Permit No. 7808-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28. *The well was drilled in August, 2013 by Hammond-Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Jeanne Goodman

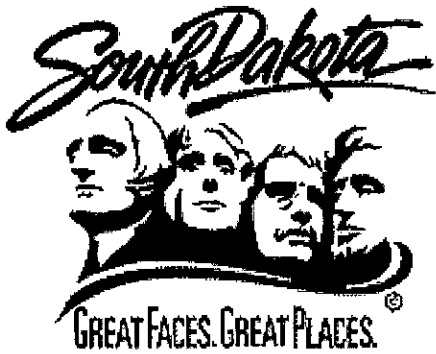
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 10 2018

date



7808-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 2019

5423-3
7808-3
8079-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. Donnelly:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Genny McMath', is written over a horizontal line.

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

enclosures

PAID

DEC 16 2019

Ck# 9063

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

DEC 16 2019

WATER RIGHTS
PROGRAM

No. 7808-3

Date: 12-11-19

I/We request that Water Right No. 7808-3

formerly owned by: Melvin & Larry Donnelly

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

Telephone No. 712-389-0098

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

134 acres - E 1/4 NW 1/4 and W 1/2 NE 1/4 Section 32, T92N, R50W

I/We understand that the validity of Water Right No. 7808-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Melvin Donnelly
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 16, 20 19

RECEIVED OF Mr. or MRS Melvin Donnelly PO Box 966 Elk Point SD 57025

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____ 7808-3		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	
	50	00

No. 09284

By Jeanne Hoodman
Chief Engineer
Jm



7808-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 17, 2019

5423-3
7808-3
8079-3

Melvin Donnelly
PO Box 966
Elk Point SD 57025-0966

Dear Mr. Donnelly:

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

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

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

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

Sincerely,

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

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

enclosures