

WATER PERMIT NO. 8389-3

Name of Applicant: Harvey/Andrea Sheeham

Address: 19395 288th Ave, Pierre SD 57501 Phone: 605 224-4732

Amount of Water Claimed: 28.9 cfs Total Acres: 962 acres

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Sully / Hughes

Type of Waste Disposal System:

Location: approximately 15 miles northwest of Pierre

PRIORITY Date Received: 1-7-19 Application/License Fee: \$ 2650

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Additional acres and diversion rate to Water Right No. 5505-3

Diversion Point: NW 1/4 NE 1/4 Sec 20-T113N-
R80W

Land to be Irrigated:

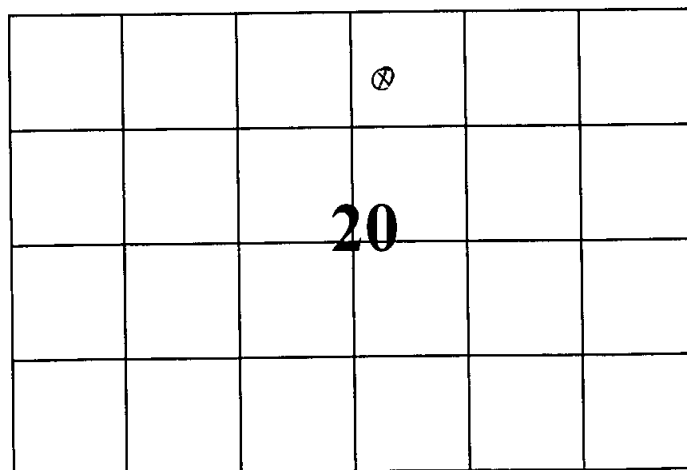
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund



Reviewed and the Number Assigned on: 1-7-19

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

PAID

JAN 07 2019

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8389-3</u> (office use only)	Hydrologic Unit <u>10130105</u>	Ck# <u>24260</u>	RECEIVED JAN 07 2019 WATER RIGHTS PROGRAM	
	Basin <u>Missouri River</u>				
	Newspaper <u>Onida Watchman</u>				
	<u>Capitol Journal</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.)

Additional acres to Water Right No. 5505-31. Name to Appear on Irrigation Permit Harvey/Andrea Sheehan

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 19395 288th Avenue Pierre SD 57501
(Address) (City) (State) (Zip Code)

Phone 605 224-4732 Mobile _____ Email _____

2. Amount of water claimed 28.9 *CFS or 43.2 **GPM ***AF Total Acreage 962
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River natural flows

4. Location of point of diversion NW1/4 NE 1/4 Section 20-T113N-R80W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Sully5. County or counties where water will be used Sully and Hughes6. Annual period during which water is to be used April 1 - October 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
see attachment			

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

Application filed to reflect changes to the configuration of irrigation system and new acres to be developed.

Pump station has been refigured to increase pump capacity from 149.4 cfs to ~~162.6~~ cfs
178.3

I, Harvey Sheehan, OWNER, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

**SOUTH DAKOTA
WATER PERMIT NO. 8389-3**

Date of first receipt of application January 7, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8389-3 to Harvey/Andrea Sheehan, 19395 288th Ave, Pierre SD 57501 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. 8389-3 authorizes appropriation of an additional 28.9 cubic feet of water per second (cfs) and to irrigate 962 additional acres to what is currently authorized by Water Right No. 5505-3. Water Right No. 5505-3 appropriates 149.40 cfs from the Missouri River located in the NW 1/4 NE 1/4 Section 20-T113N-R80W to irrigate 12,663.2 acres located in Sections 5, 6, 7, 8, 20, S 1/2 Section 21; all in T112N-R79W; S 1/2 Section 16, S 1/2 Section 18, Sections 19, 20, 21, N 1/2 Section 22, Sections 28, 29, 30, 31, 32, W 1/2 Section 33; all in T113N-R79W; SE 1/4 Section 20, Sections 21, 22, 23, 24, 25, 26, 27, NW 1/4, W 1/2 NE 1/4 Section 28, NE 1/4 NE 1/4 Section 29, Sections 35 and 36; all in T113N-R80W. This permit authorizes an additional 28.9 cfs from the existing Missouri River diversion point and irrigation of an additional 962 acres located within the areas listed above and the NW 1/4 Section 2-T112N-R80W. This permit reflects changes to the configuration of the irrigation system and new acres to be developed. The site of the Missouri River diversion point is approximately 15 miles northwest of Pierre SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – October 31.
3. The date from which applicant may claim right is January 7, 2019 (28.9 cfs and 962 acres).
4. The date of approval of Permit No. 8389-3 is March 11, 2019.
5. One-fifth of the construction is to be completed on or before September 11, 2021.
6. All construction is to be completed on or before March 11, 2024.
7. Water is to be put to beneficial use on or before March 11, 2028.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

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

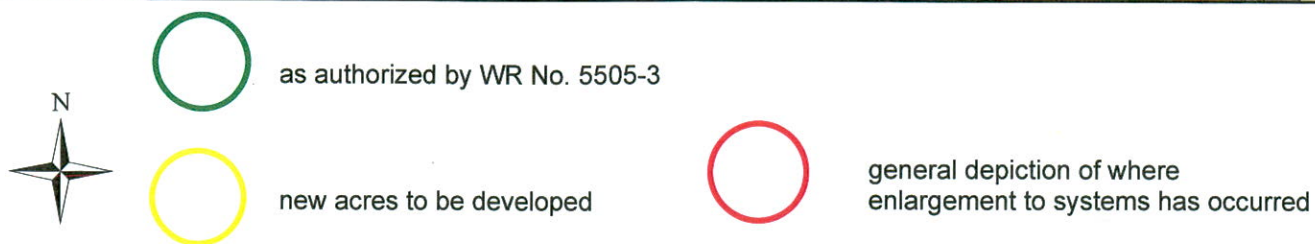
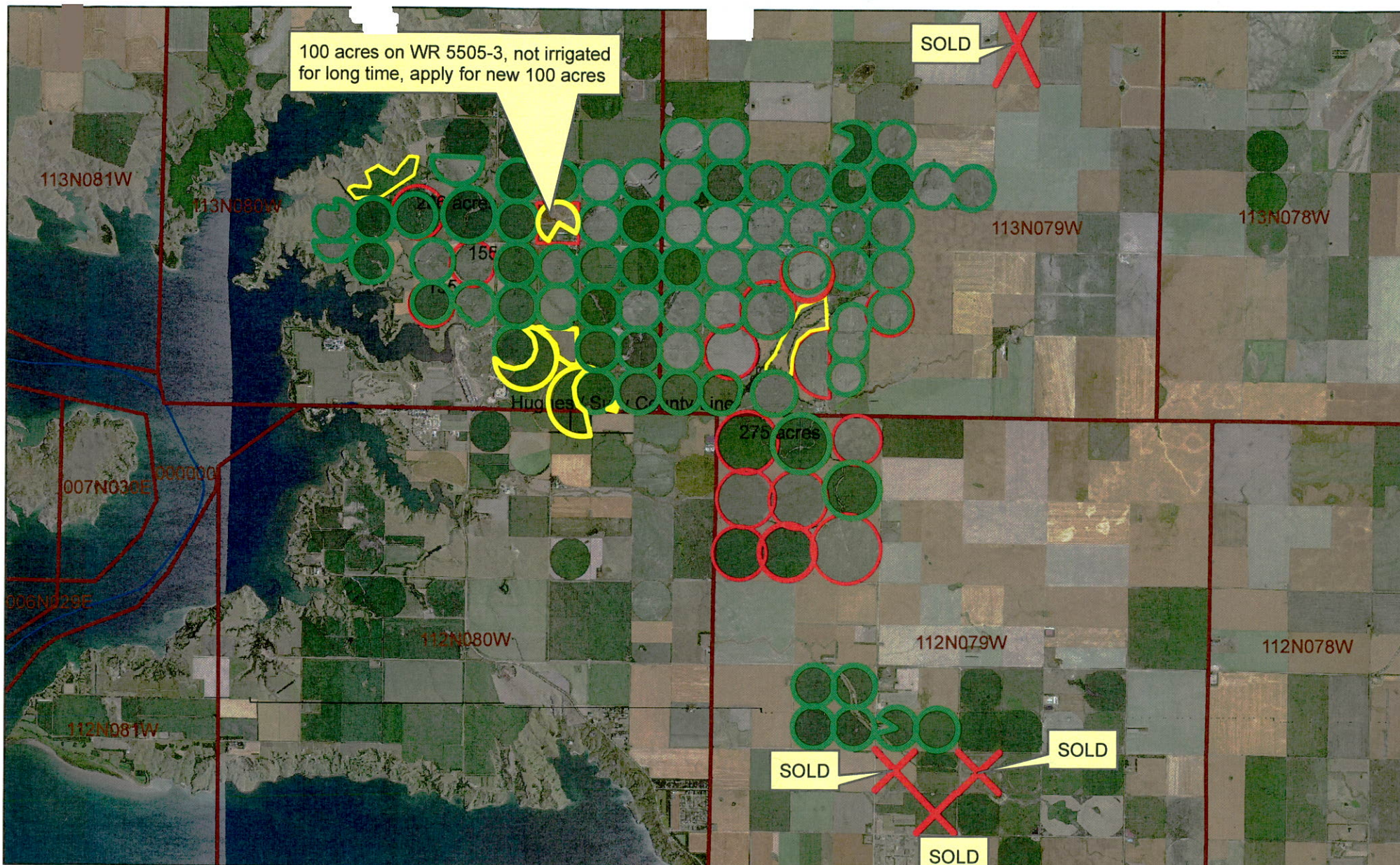
MAR 29 2019

date



Sheehan's Water Right No. 5505-3
 Acres Currently Authorized Additional Acres Needed
 Based on Representation by Harvey Sheehan, Jim Sheehan and Brad Berven

Section	Twtnshp	Range	Acres allowed under WR	Acres as to be configured	Add'l acres	Comments
5	112N	79W	504	548	44	
6	112N	79W	513.7	552	38.3	
7	112N	79W	546.2	546.2	0	
8	112N	79W	502.2	545	42.8	
20	112N	79W	532.3	532.3	0	
21	112N	79W	257.3	257.3	0	
27	112N	79W	129.2		0	Sold to Minder Vizcarra - subject to cancellation
28	112N	79W	271.3		0	Sold to Minder Vizcarra - subject to cancellation
11	113N	79W	272.4		0	Sold to Ebert - subject to cancellation
16	113N	79W	269.7	230	0	
18	113N	79W	258.1	258.1	0	
19	113N	79W	516.9	516.9	0	
20	113N	79W	513.7	513.7	0	
21	113N	79W	505.5	505.5	0	
22	113N	79W	257	257	0	
28	113N	79W	474.3	490	15.7	
29	113N	79W	516.5	586	69.5	
30	113N	79W	526.5	526.5	0	
31	113N	79W	521.6	536		
32	113N	79W	431.1	443	14.4	
33	113N	79W	177.6	177.6	0	
20	113N	80W	49.5	49.5	0	
21	113N	80W	267.2	385	117.8	
22	113N	80W	434	439	5	
23	113N	80W	476.7 (383.0)	376	95	SE 1/4 hadn't been irrigated, applying for 95 acres new.
24	113N	80W	513.4	513.4	0	
25	113N	80W	530.2	530.2	0	
26	113N	80W	502.6	502.6	0	
27	113N	80W	536.4	555	18.6	
28	113N	80W	166.4	166.4	0	
29	113N	80W	24.6	24.6	0	
35	113N	80W	128	474	346	
36	113N	80W	537.1	540	2.9	
2	112N	80W	0	72	72	legal description was not a part of original WR
Acres authorized by WR No. 5505-3			12663.2	Additional Acres based on	882	
Acres deducted that were sold			-672.9	changes in system configurations		
Deduct of SE 1/4 Sec 23-T113N-R80W			-93.7	Adding 40 feet of endgun	80	
TOTAL			11,866.60	throw to ten standard pivots		
Applying for					962 acres	Additional Acres





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

January 3, 2019

Harvey Sheehan
19395 288th Avenue
Pierre SD 57501

Dear Mr. Sheehan:

I have had a chance to review the changes to your irrigation system authorized by Water Right No. 5505-3. Initially, Jim Sheehan and you came into the office in late August that resulted in you filing a permit application for an additional 430.9 acres. Subsequently, Brad Berven and you came into the office in October to further discuss changes that either had been made or are planned to be made to the irrigation system north of Pierre.

Those changes included:

- New acres to be constructed
- Existing systems reconfigured such that additional acres are now being irrigated
- Endguns to be changed out on ten pivots increasing the throw from 60 to 100 feet.
- Identifying lands once authorized by Water Right No. 5505-3 that have been sold and are no longer irrigated.

Based on this information, I put together the enclosed map that is a generic representation of: 1) the irrigation systems in place (green), 2) new irrigation (yellow), 3) systems that were or will be reconfigured to allow greater coverage (red), and 4) land that has been sold and is no longer irrigated. Please note that the pivots with additional endgun throw were not specifically identified so are not shown on the map.

What I did next was compared the number of acres in each section currently authorized by Water Right No. 5505-3 with the number of acres to be irrigated in each of those sections. Attached is a table that is intended to reflect:

- Number of acres authorized by current water right in each section.
- Number of acres to be irrigated as reconfigured in each section.
- Additional acres to be irrigated in each section.

Please note that the additional coverage by the change out of endguns from 60 to 100 feet was calculated based a standard 130 acre pivot. The additional coverage is approximately 8 acres per pivot. Therefore, I arrived at 80 additional acres being irrigated by change out of the endguns on ten center pivot systems.

The application does not increase the authorized pump rate under Water Right No. 5505-3 of 149.4 cubic feet of water per second (67,050 gallons per minute) from the Missouri River for your irrigation project. If the river pump station is capable of diverting at a greater rate than what is currently authorized, any increase in the pump rate should be included on this application.

Attached is a partially completed application form to represent 962 additional acres to be authorized for irrigation. Please review and if in agreement, sign and submit along with the additional filing fee from what was previously submitted. The application filing fee for irrigation of 962 additional acres is \$2,650. You previously paid \$1,550 as part of the application you filed last September that can be transferred over to this application. Therefore, please submit the signed application along with a check in the amount of \$1,100 made payable to the Water Rights Program. Enclosed is a self-addressed stamped envelope for your convenience or you can stop by our office.

As part of processing this new water permit application, it is the Water Rights Program's intent to pursue cancellation of those acres associated with the land sold to Lyle Ebert, Dr. Minder and Dr. Vizcarra and the acres in the SE 1/4 Section 23-T113N-R80W. You indicated the acres in the SE 1/4 Section 23 had not been irrigated for a long time and this quarter section is included in your application as new acres.

The number of acres to be irrigated that are not currently covered by Water Right No. 5505-3 is based on my interpretation of the information provided by Jim, Brad and you. I rounded up the number of acres thinking it is better to be on the high side instead of under estimating the number of acres irrigated. Please understand this is ultimately your application so you need to review the information carefully to make sure the application accurately reflects the irrigation systems that will be in place.

Sincerely,



Eric Gronlund
Water Right Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Harvey Sheehan

ADDRESS: 19395 288th Avenue Pierre SD 57501 COUNTY: Hughes/Sully County

DATE: January 7, 2019 TELEPHONE:

RE: conversation with Harvey Sheehan of pump rate from river. on water use

Mr. Sheehan came into the office this morning to complete his application for additional acres. At that time he indicated they upgraded the river pump station to 162.6 cfs (73,000 gpm). Since existing Water Right No. 5505-3 authorizes a river pump rate of 149.4 cfs, he included on the application and additional 13.2 cfs of pump rate authority.

Mr. Sheehan called back in the afternoon to state the pump rate is actually 178.3 cfs (80,000 gpm). He asked that the application be amended to request additional pump rate authority of 28.9 cfs.

NAME: Eve Hemla

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 7, 2019

RECEIVED OF J.E.S Farms 19395 288th Avenue Pierre, SD 57501

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

Fee for Application for Permit No. <u>8389-3</u> 5505-3 to Appropriate Water, to construct and to put water to beneficial use	1100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	1100 00

No. **08917**

By

Jeanne Goodman

Chief Engineer

2921

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date **October 1**, 20 **18**

RECEIVED OF **JES Farms 19395 288th Avenue Pierre, SD 57501**

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

Fee for Application for Permit No. <u>8389-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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. _____	100	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. **08773**

By

Jeannine Goodman
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 18, 20 18

J.E.S. Farms 19395-288th Avenue Pierre SD 57501

RECEIVED OF _____

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

Fee for Application for Permit No. <u>8389-3</u> to Appropriate Water, to construct and to put water to beneficial use	1250	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>8389-3</u>	200	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	1450 00

No. 08763

By

Jeannette Goodman
Chief Engineer
Jm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8389-3, Harvey and Andrea Sheehan**

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. 8389-3, Harvey and Andrea Sheehan, 19395 288th Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 8389-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is written in a cursive, flowing style.

Jeanne Goodman, Chief Engineer
February 19, 2019

REPORT ON WATER PERMIT APPLICATION NO. 8389-3

Harvey/Andrea Sheehan

January 29, 2019

Application No.8389-3 proposes to appropriate an additional 28.9 cubic feet of water per second (cfs) and to irrigate 962 additional acres to what is currently authorized by Water Right No. 5505-3. Water Right No. 5505-3 appropriates 149.40 cfs from the Missouri River located in the NW 1/4 NE 1/4 Section 20-T113N-R80W to irrigate 12,663.2 acres located in Sections 5, 6, 7, 8, 20, S1/2 Section 21; all in T112N-R79W; S 1/2 Section 16, S 1/2 Section 18, Sections 19, 20, 21, N 1/2 Section 22, Sections 28, 29, 30, 31, 32, W 1/2 Section 33; all in T113N-R79W; SE 1/4 Section 20 Sections 21, 22, 23, 24, 25, 26, 27, NW 1/4, W 1/2 NE 1/4 Section 28, NE 1/4 NE 1/4 Section 29, Sections 35 and 36; all in T113N-R80W. This application requests an additional 28.9 cfs from the existing Missouri River diversion point and irrigation of an additional 962 acres located within the areas listed above and the NW 1/4 Section 2-T112N-R80W. This application proposes to reflect changes to the configuration of the irrigation system and new acres to be developed. The site of the Missouri River diversion point is approximately 15 miles northwest of Pierre SD.

Review of Water Source and Existing Water Rights

The water source for this project is from the natural flow of the Missouri River flowing through Lake Oahe in the reach impounded behind Oahe Dam. The US Army Corps of Engineers constructed Oahe Dam impounding Lake Oahe in the 1950s and 1960's as a part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft. Peck, Garrison, Oahe, Big Bend, Ft. Randall, and Gavins Point, are operated as a system providing storage and water releases for congressionally authorized purposes, including irrigation. Specifically Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Natural flow in an in-stream reservoir system like the Missouri River mainstem system is the volume of water moving past a point along a river that is not augmented by artificial releases from the storage. When there is an excess of natural flow the excess can be used to fill empty storage space in the instream reservoir and typically occurs during spring run-off. The natural flow of the Missouri River is available for appropriation without the need for releases from storage in the reservoirs to augment the natural flow.

The flow hydrograph of the Missouri River in South Dakota has been altered in the past 60 to 70 years due to the presence of the Missouri River mainstem reservoir system, with excess natural flow going into storage and stored water released to supplement flows. The USGS, in a 2001 research study, made an estimation of the Missouri River natural flows at locations on the river at Oahe Dam and at Gavins Point Dam (Jacobson et. al. 2001). A percentile hydrograph displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can be derived from this study for the Missouri River at Oahe Dam (Figure 1). A percentile is a measure used in statistics to indicate the value below which a given percentage of observations

in a group of observations fall, in this case daily flow. The Missouri River natural flow percentile hydrograph shows a double peak for the three percentile levels shown. The first March-April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph, corresponding to the daily flow values at or below this level on average one out of ten years, demonstrates there is ample natural flow available, if this project is approved, during the irrigation season of April through November.

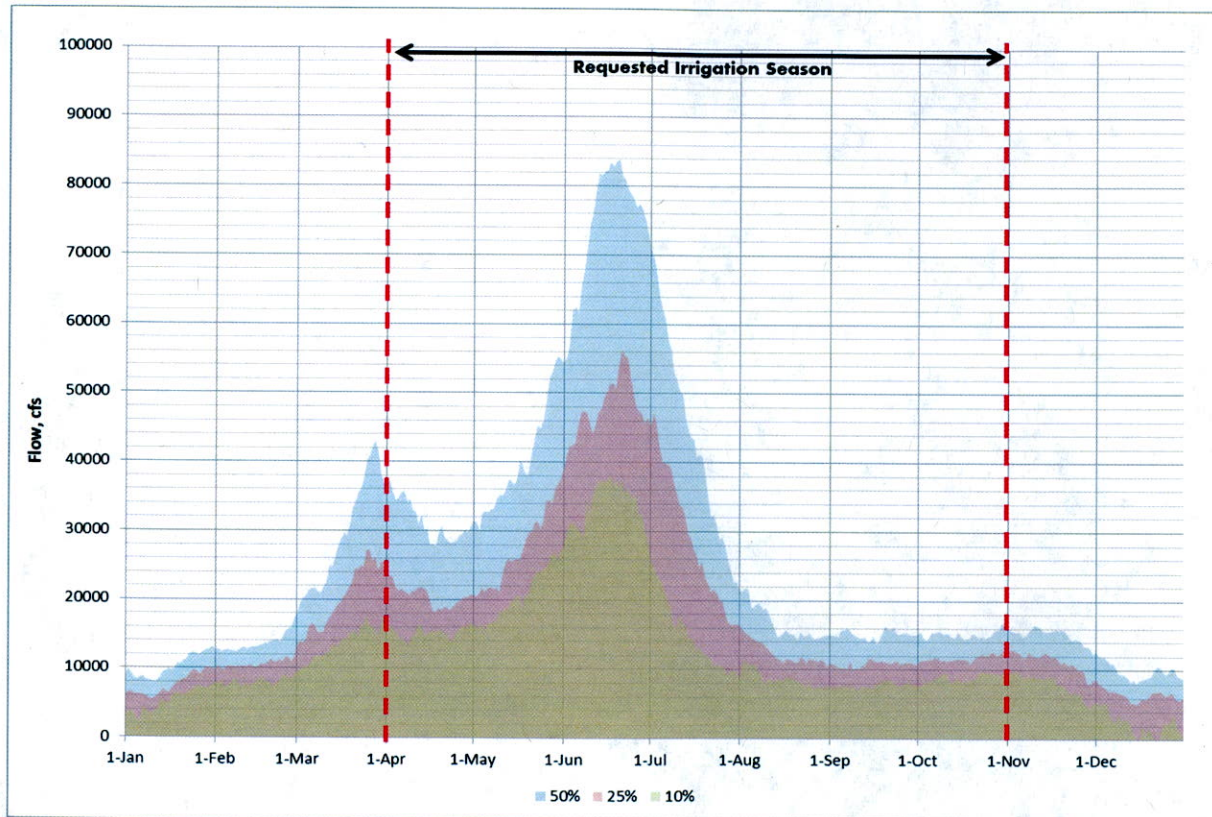


Figure 1 - Natural Flow Hydrograph for the Missouri River at Oahe Dam. (Jacobson, 2012)

A percentile hydrograph displaying the daily 50, 25 and 10 percentile flows corresponding to drier climatic conditions, can also be derived from this study for the Missouri River at a point near Gavins Point Dam (Figure 2). This natural flow percentile hydrograph shows a similar double peak for the three percentile levels shown. The first April peak corresponds to the snowpack and spring rains runoff from plains of Montana, Wyoming, North Dakota and South Dakota. The second June peak corresponds to snow run off from the mountains in Wyoming and Montana and from upstream summer thunderstorms. Considering the 10th percentile hydrograph corresponding to the daily flow values at or below this level on average one out of ten years, demonstrates there is ample natural flow available, if this project is approved, during the irrigation season of April through November.

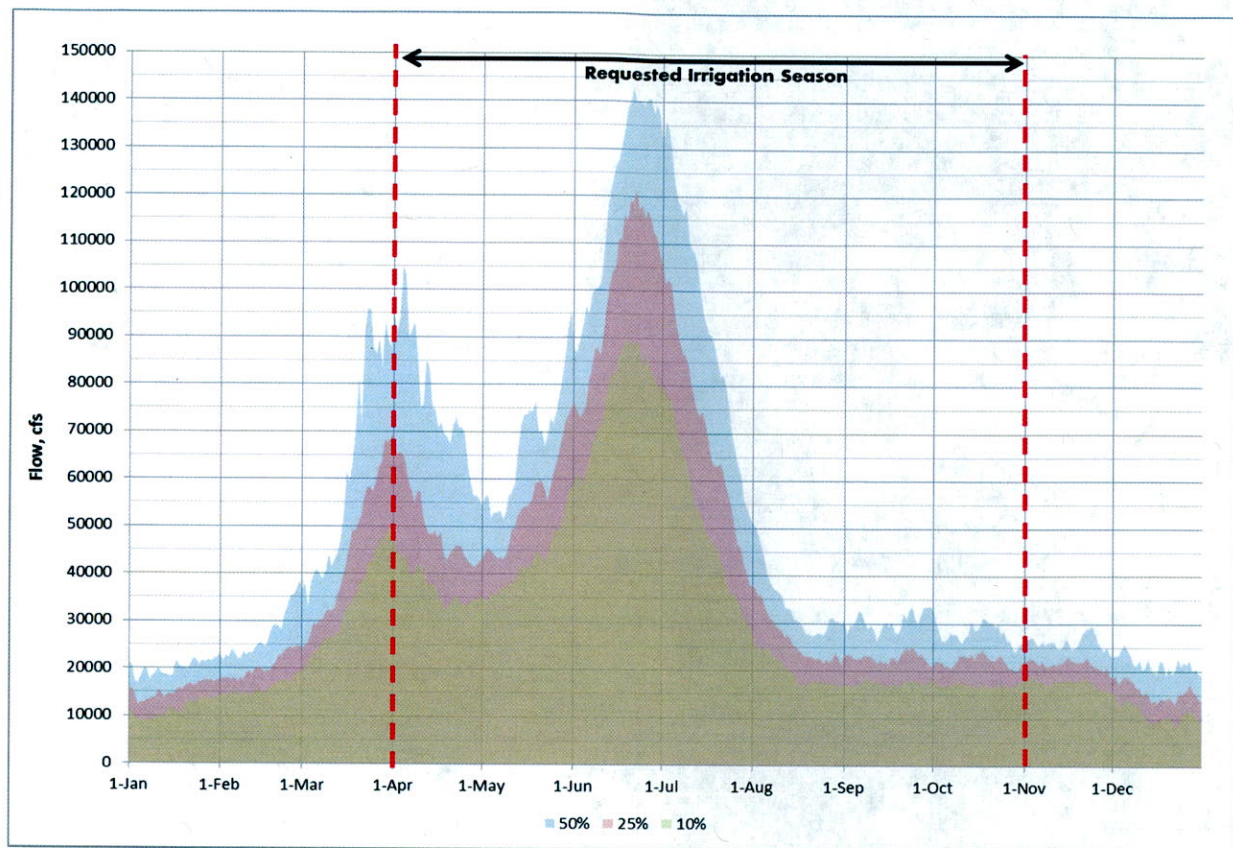


Figure 2 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2012)

Even at the 10th percentile flow, both hydrographs demonstrate that there is ample natural flow available, if this project is approved. Currently there are 250 existing water rights/permits appropriating 1237.79 cfs are authorized to use the Missouri River in South Dakota as a water supply (Water Rights. 2019). Water availability is not a concern when using the natural flows of the Missouri River as a water source.

As Figures 1 and 2 demonstrate, existing water rights will not be adversely impacted by this project. Water availability is not a concern when using the natural flows of the Missouri River as a source. Accessing water due to declining water levels and receding shore line as reservoir levels drop during periods of drier climatic conditions when upstream basin runoff is reduced can become an issue in the Oahe Reservoir reach of the river.

Review of the Proposed Project

The applicant currently holds Water Right No. 5505-3 for 149.40 cfs from the Missouri River to irrigate 12,663.2 acres. No. 5505-3 was licensed in 1991 and incorporated portions of seven water permits with priority dates of November 7, 1963; December 12, 1969; May 24, 1973; December 30, 1976; November 1, 1977 and February 12, 1991 (Water Rights. 2019). If approved, this permit will increase the authorized diversion rate to 178.30 cfs for irrigation of

13,625.2 acres to the irrigation currently authorized by Water Right No. 5505-3.

Conclusions

1. This application proposes to appropriate an additional 28.9 cfs to irrigate 962 additional acres from the Missouri River.
2. The water source for this project is the natural flow of the Missouri River in the Oahe Reservoir reach.
3. Water availability is not a concern when using the natural flows of the Missouri River as a source, but accessing water due to declining water levels and receding shore line can be problematic as Oahe Reservoir levels drop due to drier climatic condition causing reduced basin runoff.
4. Approval of this permit will not adversely affect existing water rights.
5. If approved, this permit will increase the authorized diversion rate to 178.30 cfs for irrigation of 13,625.2 acres currently authorized by Water Right No. 5505-3.



Mark D. Rath

Natural Resources Engineer III

References

Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.

Water Rights. 2019. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

MAR 18 2019

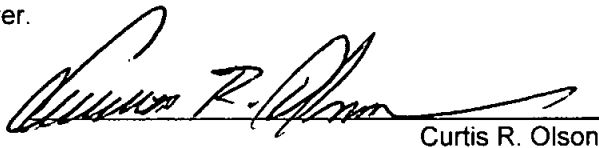
AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
COUNTY OF SULLY)

Curtis R. Olson of said County and State, being first duly sworn on his oath, says that the **ONIDA WATCHMAN** is a weekly newspaper of general circulation, published in the English language in the City of Onida, in said County and State, by said Curtis R. Olson, and has been admitted to the United States mail under the second class mailing privilege at all times hereinafter mentioned, and that all of said times has had more than 200 bona fide paid subscribers; that I, the undersigned, am the publisher of said newspaper, in charge of the legal/display advertising department thereof, and have personal knowledge of all the facts stated in the affidavit; and that the advertisement headed:

**NOTICE OF APPLICATION NO. 8389-3 TO
APPROPRIATE WATER**

A printed copy of which is hereto attached, was printed and published in said newspaper for **ONE** successive issues, the first publication made **2019** the **28th** day of **FEBRUARY**, and the last publication on **2019** the -- day of --, and that **\$32.49** being the full amount of the fee for publication of the annexed notice insured solely to the benefit of the publisher of said newspaper; that no arrangements or understanding for a revision thereof has been made with any person, and that no part thereof has been agreed to be paid to any other person whatsoever.


Curtis R. Olson

Subscribed and Sworn to me this

11th Day of March, 2019

(SEAL)

My commission expires April 24, 2022


Notary Public in and for Sully County, South Dakota

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION
NO. 8389-3 to
Appropriate Water**

Notice is given that Harvey/ Andrea Sheehan, 19395 288th Ave, Pierre SD 57501 have filed an application for a water permit to appropriate an additional 28.9 cubic feet of water per second (cfs) and to irrigate 962 additional acres to what is currently authorized by Water Right No. 5505-3. Water Right No. 5505-3 appropriates 149.40 cfs from the Missouri River located in the NW 1/4 NE 1/4 Section 20-T113N-R80W to irrigate 12,663.2 acres located in Sections 5, 6, 7, 8, 20, S 1/2 Section 21; all in T112N-R79W; S 1/2 Section 16, S 1/2 Section 18, Sections 19, 20, 21, N 1/2 Section 22, Sections 28, 29, 30, 31, 32, W 1/2 Section 33; all in T113N-R79W; SE 1/4 Section 20, Sections 21, 22, 23, 24, 25, 26, 27, NW 1/4, W 1/2 NE 1/4 Section 28, NE 1/4 NE 1/4 Section 29, Sections 35 and 36; all in T113N-R80W. This application requests an additional 28.9 cfs from the existing Missouri River diversion point and irrigation of an additional 962 acres located within the areas listed above and the NW 1/4 Section 2-T112N-R80W. This application proposes to reflect changes to the configuration of

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 March 11, 2019.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published 2-28-2019 at the total approximate cost of \$32.49.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was taken
from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

2-28-19

Cost of Printing \$43.40

Marylinn Baker
(Signature)

Business Manager
(Title)

3-6-19
(Date Signed)

SNAXLP 10020
1cdy 2/206

NOTICE OF
APPLICATION
NO. 6389-3 to
Appropriate Water
Notice is given that Harvey/
Andrea Sheehan, 19395
288th Ave, Pierre SD 57501
have filed an application for
a water permit to appropriate
an additional 28.9 cubic feet
of water per second (cfs)
and to irrigate 962 addition-
al acres to what is currently
authorized by Water Right
No. 5505-3. Water Right
No. 5505-3 appropriates
149.40 cfs from the Missouri
River located in the NW 1/4
NE 1/4 Section 20-T113N-
R80W to irrigate 12,003.2
acres located in Sections
5, 6, 7, 8, 20, S 1/2 Section
21; all in T112N-R7W, S
1/2 Section 16, S 1/2 Sec-
tion 18, Sections 19, 20, 21,
N 1/2 Section 22, Sections
28, 29, 30, 31, 32, W 1/2
Section 33; all in T113N-
R7W, SE 1/4 Section 20,
Sections 21, 22, 23, 24, 25,
26, 27, NW 1/4, W 1/2 NE
1/4 Section 28, NE 1/4 NE
1/4 Section 29, Sections 35
and 36; all in T113N-R80W.
The application requests an
additional 28.9 cfs from the
existing Missouri River di-
version point and irrigation
of an additional 962 acres
located within the areas ad-
jacent above and the NW 1/4
Section 2-T112N-R80W.
This application proposes
to reflect changes to the
configuration of the irri-
gation system and new acres
to be developed. The site
of the Missouri River di-
version point is approximately
15 miles northwest of Pierre
SD.

Pursuant to SDCL 46-
2A-2, the Chief Engineer
recommends APPROVAL
of Application No. 6389-3
with qualifications because
1) unappropriated water is
available, 2) existing rights
will not be unlawfully im-
paired, 3) it is a beneficial
use of water, and 4) it is
in the public interest. The
Chief Engineer's recom-
mendation with qualifica-
tions, the application, and
staff report are available at
<http://denr.sd.gov/public> or
contact Eric Gronlund for
this information, or other
information, at the Water
Rights Program address
provided below.

Any person interested in
opposing or supporting this
application or recommenda-
tion must file a written
petition with BOTH the ap-
plicant and Chief Engineer.
The applicant must file a pe-
tition if contesting the Chief
Engineer's recommendation.
The Chief Engineer's
address is "Water Rights
Program, Foss Building,
523 E Capitol, Pierre SD
57501 (505 773-3352)"
and the applicant's mailing
address is given above. A
petition filed by either an in-
terested person or the ap-
plicant must be filed by March
11, 2019.

The petition may be in-
formal, 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 mail-
ing address of the peti-
tioner or the petitioner's legal
counsel, if legal counsel is
obtained.

If the applicant does not
contest the recommenda-
tion of the Chief Engineer
and no petition to oppose
the application is received,
the Chief Engineer shall act
on the application pursuant
to the recommendation with
no hearing held before the
Water Management Board.
If a petition opposing the
application or contesting
the recommendation is
filed, then a hearing will be
scheduled and the Water
Management Board will
consider the application.
Notice of the hearing will be
given to the applicant and
any person filing a petition.

Steven M. Pimer,
Secretary,
Department of Environment
and Natural Resources

Published once at the total
approximate cost of \$43.40

RECEIVED

MAR 08 2019

WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, February 19, 2019 1:17 PM
To: legals@capjournal.com
Subject: 8389-3, Harvey/Andrea Sheehan
Attachments: 8389-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on February 28, 2019.

Harvey/Andrea Sheehan, 19395 288th Ave, Pierre SD 57501 (605 224-4732) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, February 19, 2019 1:16 PM
To: Onida Watchman (watchman@venturecomm.net)
Subject: 8389-3, Harvey/Andrea Sheehan
Attachments: 8389-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on February 28, 2019.

Harvey/Andrea Sheehan, 19395 288th Ave, Pierre SD 57501 (605 224-4732) have been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD.DENR, Water Rights Program
(605) 773-3352





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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 NEWSPAPERS RIGHT AWAY.**

February 19, 2019

Harvey/Andrea Sheehan
19395 288th Ave
Pierre SD 57501

Dear Mr. & Mrs. Sheehan:

Water Permit Application No. 8389-3 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 Onida Watchman printed at Onida SD (Ph # 605 258-2604) and the Capitol Journal printed at Pierre SD (Ph # 605 224-7301). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers 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.

NOTICE OF APPLICATION NO. 8389-3 to Appropriate Water

Notice is given that Harvey/Andrea Sheehan, 19395 288th Ave, Pierre SD 57501 have filed an application for a water permit to appropriate an additional 28.9 cubic feet of water per second (cfs) and to irrigate 962 additional acres to what is currently authorized by Water Right No. 5505-3. Water Right No. 5505-3 appropriates 149.40 cfs from the Missouri River located in the NW 1/4 NE 1/4 Section 20-T113N-R80W to irrigate 12,663.2 acres located in Sections 5, 6, 7, 8, 20, S 1/2 Section 21; all in T112N-R79W; S 1/2 Section 16, S 1/2 Section 18, Sections 19, 20, 21, N 1/2 Section 22, Sections 28, 29, 30, 31, 32, W 1/2 Section 33; all in T113N-R79W; SE 1/4 Section 20, Sections 21, 22, 23, 24, 25, 26, 27, NW 1/4, W 1/2 NE 1/4 Section 28, NE 1/4 NE 1/4 Section 29, Sections 35 and 36; all in T113N-R80W. This application requests an additional 28.9 cfs from the existing Missouri River diversion point and irrigation of an additional 962 acres located within the areas listed above and the NW 1/4 Section 2-T112N-R80W. This application proposes to reflect changes to the configuration of the irrigation system and new acres to be developed. The site of the Missouri River diversion point is approximately 15 miles northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8389-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 March 11, 2019.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

MAR 29 2019

Harvey/Andrea Sheehan
19395 288th Ave
Pierre SD 57501

Dear Mr. & Mrs. Sheehan:

Enclosed is Water Permit No. 8389-3 authorizing construction of the 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

8389-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 15, 2020

5505-3
8389-3

Harvey & Andrea Sheehan
19395 288th Ave
Pierre SD 57501

Dear Mr. & Mrs. Sheehan:

Enclosed as you requested are copies of the inspection report and water license for No. 5505-3 and the application, permit and map for No. 8389-3.

Water Right No. 5505-3 authorizes diversion of 149.4 cfs (approximately 67,050 gpm) and 12,663.2 acres. Water Permit No. 8389-3 authorizes an additional appropriation of 28.9 cfs (approximately 12,656 gpm) to irrigate an additional 962 acres.

Hopefully the copies will supply you with the information you need. If not, please give us a call.

Sincerely,

A handwritten signature in blue ink that reads 'Genny McMath'.

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures



5505-3 8389-3
**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 8, 2025

TO: Pat Chohon
Waldo Realty
(sent via email)

FROM: Eric Gronlund, Chief Engineer
Water Rights Program, SD DANR
605 773-3352

SUBJECT: Sheehan Water Right/Permit

The water rights database of the South Dakota Department of Agriculture and Natural Resource has the following water right and water permit held in the name of Harvey and Andrea Sheehan for irrigation from the Missouri River in Hughes and Sully Counties north of Pierre, South Dakota.

	Pump Rate	Number of Acres Authorized for Irrigation
Water Right No. 5505-3	149.40 cfs *	12,663.2 acres
Water Permit No. 8389-3	28.9 cfs	962 acres
Total	177.30 cfs **	13,625.2 acres

* cfs – cubic feet of water per second

** 1.0 cfs = 448.8 gallons per minute

Water License No. 5505-3 is a compilation of water permits obtained by the Sheehan's over the years that were inspected and incorporated into one water right in 1992.

Water Permit No. 8389-3 was obtained in 2019 to reflect additional acres being irrigated and additional pump rate to reflect the pumping capability at the Missouri River pump station. This water permit has not been inspected for the purpose of licensing of the water right for the level of development.

A copy of Water Right No. 5505-3 and Water Permit No. 8389-3 are attached to the email.

enclosures