

1. Considered Nov. 19 1980
2. Name of Applicant HARLAN K. SCHNELL
3. Post Office Address Box 5A - VALE 57788
4. Amount of Water Claimed 1.88
5. Source of Water Supply BELLE FOURCHE RIVER
6. Water to be used for IRR
7. Acres to be irrigated 132 maximum
acre feet
8. Water to be diverted and used in BUTTE County,
about 3 ~~2 1/2~~ miles EAST of VALE
9. PROOF OF PUBLICATION Received 11-29-80

Not Received _____

APPLICATION

Approved 11/19/80FFCL Approved 11/29/81Subject to FFFC/L

Not Approved _____

Action deferred _____

Priority

10/24/80

Date

Received 10/24/80 Application Complete yes ☒ no ☐ FEE 250⁰⁰

Remarks _____

Date information and/or
fee or corrected Application receivedPeriod of Annual use May 1st thru Sept 15thWATER
QUALITYReceived yes 10/13/80 no ☐ APPROVED CONDITIONAL (Circle one)WI-1 Description same as application yes no ☐ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

NW⁴ NW⁴25-T8N-R6E

Lands to be irrigated _____

E 1/2 W 1/2 25-8N-6E

Remarks _____

Driller _____

Licensed yes ☐ no ☐

Ditch _____

X
CELL
LOG

Page 2

Water Right No. _____

MAP Map No. 1014-1 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by SCS

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 11-19-80

D. Wasilund
(Signed)

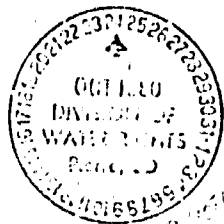
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PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted Jan 29, 1981
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

1014-1
 Map No. ~~1014-1~~ Water Division No. ~~1014-1~~ No. ~~1014-1~~ = 1205-1
 BELLE FOURCHE District
 1205-1 for Office Use 10120202



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Harlan K. Schnell Phone No. 605-456-2380
 Post Office Address Box 5A City State So. Dak. 57788
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work Heitz, Schnell4. Amount of water claimed (cubic feet per second) 2.5 1.000 MAX ALLOWABLE5. Source of water supply Belle Fourche River6. Location of point of diversion W 1/2 NW 1/4, W 1/2 SW 1/4, Section 25

Twp. 8, Range 6, East of Black Hills Meridian (550 ft. +
10 ft. South of NW corner, Sec. 25, Twp. 8, R. 6) County Butte

7. Annual period or periods during which water is to be used May 1st thru Sept. 15th.8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, _____ Total number of acres to be irrigated 132 ACRES

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4, NW 1/4, Sec. 25, R. 6	30		
SE 1/4, NW 1/4 " " " "	40		
NE 1/4 SW 1/4 " " " "	29		
SE 1/4 SW 1/4 " " " "	33		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 0 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Belle Fourche Daily Post

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source

stationary pump with electric motor

B. Works proposed to transport water to place of use.

P.V.C. underground

C. Works proposed to apply water to beneficial use.

gated pipe - cement lined ditchEstimated Total Cost: \$ 12,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation)

STATE OF SOUTH DAKOTA)

County of Butte) ss.

I, Harlan K. Schnell the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Harlan K. SchnellSubscribed and sworn to before me this 22 day of Oct., 1980

William Wright
 Notary Public (or other qualified official)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 1205-1

HARLAN K. SCHNEEL Box 5A - VALE
(Applicant) (Post Office Address)
SOUTH DAKOTA 57788 With the following qualifications
(State)

The diversions under this Permit are contingent upon supplies being first available to the prior water rights on the Belle Fourche River.

That no diversions of water are authorized from the Belle Fourche River after August 15th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the Water Management Board, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders by the Board or its representative.

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

Date of first receipt of application October 24, 19 80
Date of return to applicant for correction, amendments or changes required _____, 19 ____
Date of receipt of corrected application _____, 19 ____
Approved January 29, 19 81, Recorded in Book 21 Page 323

WATER RIGHT PERMIT NO. 1205-1

The Water Management Board hereby grants and issues this Water Right Permit No. 1205-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions

1. The date from which applicant may claim right is October 24, 19 80
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 29, 19 81
3. The whole of said work is to be completed on or before January 29, 19 82
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 29, 19 82
5. The water appropriated shall be used for the purpose of irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 1.88 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before January 29, 19 82; said water to be used during the following described annual period: May 1st thru September 15th

Witness my hand this 4th day of February, 19 81

THE WATER MANAGEMENT BOARD

By John Hatch
Chief Engineer, Water Rights JOHN HATCH

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

1205-1

Water Rights Division
605 773-3352

January 20, 1981

Harlan K. Schnell
Box 5A
Vale SD 57788

Dear Mr. Schnell:

Enclosed please find a copy of the proposed Findings of Fact, Conclusions of Law and Decision regarding Water Rights Application No. 1205-1 as prepared by the Attorney General's Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:kw

enclosure

cc: Richard Casey, Attorney
Madison SD



Dear Sirs:

Since this photo was taken I have installed 900' underground drain tile to control underground water. I have installed 1100 ft. of cement lined ditch to carry water to the field. Fields have been leveled for better water distribution and water control.

Thank you

Harlan F. Schnell

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Helen K. Schmitt OWNERS ADDRESS: Box 174
Holt, SD 57033

COUNTY LAND LOCATED IN: DeWitt PHONE: 456 2380

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

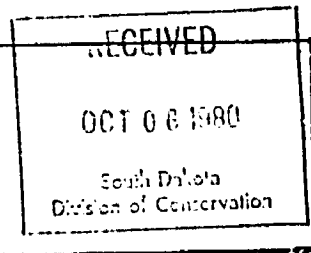
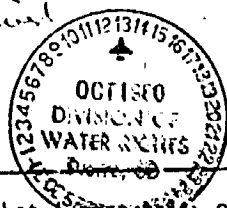
1. WELL LOCATION OR DIVERSION POINT: _____
2. SURFACE WATER SOURCE: Bellevue River
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>E 1/2 NW 1/4 Sec 10 T4N R10W</u>	<u>160</u>		
<u>S 1/2 NW 1/4 Sec 10 T4N R10W</u>			
<u>SW 1/4 Sec 10 T4N R10W</u>			
<u>NE 1/4 Sec 10 T4N R10W</u>			

4. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: corn, hay, alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: Bellevue River
8. SALINITY (EC X 10⁵): 1775
9. SODIUM (SAR): 1.95
10. ADJUSTED (SAR): 4.6(1) = 3.26



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____
by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

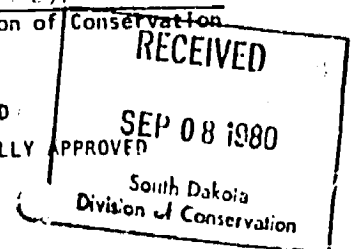
I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
11th DAY OF September, 1980
Helen K. Schmitt
(NOTARY PUBLIC)

Helen K. Schmitt
APPLICANT'S SIGNATURE
Helen K. Schmitt
Director, Division of Conservation

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

APPROVED _____
DISAPPROVED _____
☒ CONDITIONALLY APPROVED



REC. MGMT/FORM
7/80

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

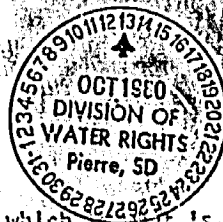
NAME OF APPLICANT Harlan K. Schnell

SOIL RESTRICTIONS:

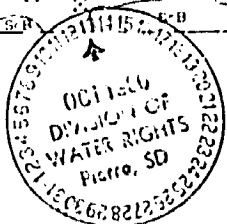
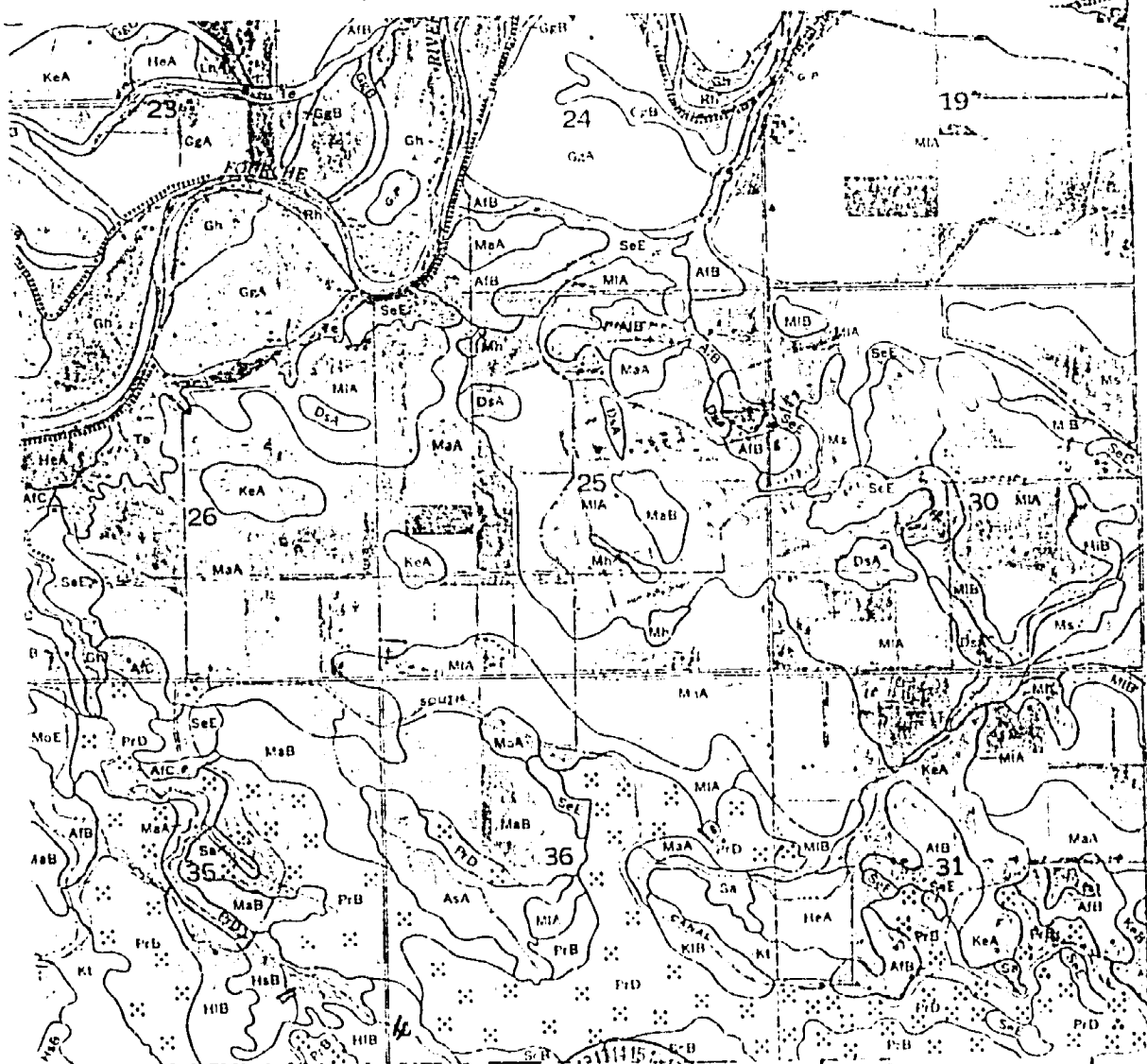
THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

RECOMMENDED MANAGEMENT:

The photo indicates small fields with short runs which is needed
for gravity irrigation on sandy soils.



Owner Harlan Schnell Operator Stacy
 County Butte State South Dakota
 Soil survey sheet (s) or code nos. 117 Approximate scale 2.6" = 1 mile
 Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
 with Butte Conservation District



SEP 08 1960
 South Dakota
 Division of Conservation

No. 1205-1

Publish first publication, on or before November 7, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 24, 1980

Notice is hereby given Harlan K. Schnell whose post office address is Vale, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.88 cubic feet of water per second of time from the Pella Fourche River through the Heitz-Schnell, the point of diversion of which is xxx to be located in the NW 1/4

of Section 25, Twp. III, Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4 Section 25, TEN, PCF

This Application No. 1205-1 will be considered by the Water Management Board at Dakota State College, Paul Mundt Library, Madison SD upon the 18th day of November, 1980

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Harlan K. Schnell
Vale SD 57780

DETT WESTERN
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Butte) ss.

I, Marion Luccombe hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Belle Fourche Daily Post

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City of Belle Fourche

County of Butte and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

November 5, 1980

November 12, 1980

Jay L. Kennedy
(Signature)

Sec. Treas.
(Title)

November 12, 1980
(Date Signed)



Public Notice

No. 1205-1

**NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER**
Pierre, South Dakota 57501
October 24, 1970

Notice is hereby given Harlan K. Schnell whose post office address is Vale, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.88 cubic feet of water per second of time from the Belle Fourche River through the Heitz-Schnell, the point of diversion of which is to be located in the NW 1/4 NW 1/4 of Section 25, Twp. 4N, Range 6E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

E 1/2 W 1/4 Section 25,
T8N, R5E.

This Application No. 1205-1 will be considered by the Water Management Board at Dakota State College, Karl Mundt Library, Madison, SD upon the 19th day of November, 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNP, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.

Water Management Board
Betsy Westlund,
Water Rights Specialist

2/11/5-12

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7743

PIERRE, October 24, 1930

RECEIVED OF Harlan K. Schnell, Box 5A, Vale, SD 57739

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

Fee for Application for Permit to appropriate Water No. 1205-1 (examination, processing, recording and filing)	250.	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	250.	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF HARLAN K. SCHNELL	)	FINDINGS OF FACT
FOR PERMIT NO. 1205-1	)	CONCLUSIONS OF LAW
	)	FINAL DECISION

Having heard and considered all the evidence presented before the Board in the above-entitled matter on November 19, 1980, at the Carl Mundt Library, Dakota State College, Madison, South Dakota, the Board hereby makes the following:

FINDINGS OF FACT

1. That an application for Water Permit No. 1205-1 was submitted on October 24, 1980, by Mr. Harlan K. Schnell for 1.88 c.f.s. from the Belle Fourche River.
2. That the application was duly advertised in the Belle Fourche Daily Post on November 5 and November 12, 1980.
3. That a total of one hundred and thirty-two acres are to be irrigated in portions of Section 25, Township 9 North, Range 6 East of the Black Hills Meridian.
4. That a soil/water compatibility permit has been issued for this land.
5. That there is unappropriated water available.
6. That there are several existing water permits on the Belle Fourche River with senior priorities to this application.
7. That senior water right holders will not be adversely affected by the granting of Application No. 1205-1.
8. That the staff of the Division of Water Rights will be able to handle the additional monitoring of the flows of the Belle Fourche River that will be necessary to protect senior water right holders.
9. That approving the application is in the public interest and the plan of the project is feasible.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to consider the granting or denying of this application.

2. That in years of water shortages, junior water right holders must be shut off prior to senior water right holders to protect those with the senior water rights.

3. That it is in the best interest of the people of this state to maximize to the fullest extent the beneficial use of the waters of this state.

4. That all legal requirements for a water permit have been met and Application No. 1205-1 should be approved.

FINAL DECISION

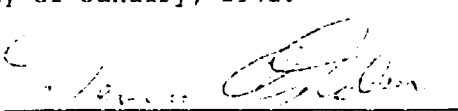
Water Permit Application No. 1205-1 is hereby approved subject to the following qualifications:

1. That diversions of water under this Permit are contingent upon supplies being first available to the prior water rights on the Belle Fourche River.

2. That no diversions of water are authorized from the Belle Fourche River after August 15th of each calendar year, nor at any time when the river flow is obviously low, unless written orders have been so issued by the Water Management Board, or its legally appointed representative. Diversions under this Permit shall be in accordance with any written orders by the Board or its representative.

3. That the applicant submit the irrigation water use questionnaire each year.

Dated this 29th day of January, 1981.


CHAIRMAN


SECRETARY

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8371

PIERRE,

July 8, 1981

RECEIVED OF Barb and Harland K. Schnell, Vale, SD 57783

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for water master services on WR# 1205-1 (any other work as provided by law)	53.00	
TOTAL	53.00	

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / (by)

Belle Fourche River and Tributaries
Water Use Control Area
Financial Report
1981
Summary of Receipts and Expenditures
June, 1981 - July, 1981

	<u>Receipts</u>	<u>Disbursements</u>	<u>Balance</u>
Collections (Water User's fees)	\$7,379.37	\$ 2,028.62	\$ 5,350.75
Watermaster (Salary and Mileage)	<u>57,379.37</u>	<u>\$2,028.62</u>	<u>\$5,350.75</u>

Detailed Report of Receipts

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
789-1	Louis Budmayr	0.90	95.50	\$ 34.00	\$ 30.10
429-1	Ed Brunner & Son	1.43	106.00	46.50	41.16
429-1A	Mal Pittman	1.07	79.00	40.00	35.41
506-1	Bob Bartels	.23	17.00	14.25	12.61
892-1	Bob Bartels	1.00	70.00	27.50	24.34
417-1A	Quinten & Karen Watson	.53	78.00	29.50	26.11
417-1B	Clarence Anderson	1.43	206.00	64.00	56.65
417-1	Mrs. Eddie(Vivian)Anderson	1.15	69.00	69.50	61.52
531-1	Ruby Dillinger	1.27	89.29	42.50	37.62
1162-1	Charles & Dorothy Shaykett	4.61	324.70	131.00	115.96
1210-1	Charles & Dorothy Shaykett	1.80	128.30	52.00	46.03
1132-1	Ezra Pauley	4.00	285.00	111.25	98.48
1204-1	Art Heitz, Jr.	2.19	153.00	68.25	60.41
1205-1	Harlan K Schnell	1.88	132.00	53.00	46.91
1215-1	H L & Mildred Brunner	3.00	264.50	96.12	85.08
418-1	Alex Miller	1.67	117.00	49.25	43.59
1213-1	Robert W Grant	1.43	100.00	45.00	39.83
419-1	Herman Stark	2.50	179.00	74.75	66.17
421-1	Lee Dutton	2.50	175.00	73.75	65.28
1049-1	Thorval Jensen	1.47	103.00	45.75	40.50
1122-1	Thorval Jensen	4.88	324.14	135.75	120.16
1150-1	Thorval Jensen	1.90	133.49	53.50	47.36
1029-1	Homestake Mining	1.39	97.00	44.25	39.17
910-1	Donald Halbmaier	2.50	175.00	73.75	65.28
1165-1	Tom Bowen	2.85	200.00	80.00	70.81
722-1	Edith Anderson & Tom Bowen	2.80	196.00	79.00	69.93
1148-1	Homestake Mining	13.50	948.00	377.00	333.71
430-1	Gerald Wetz	1.65	116.00	49.00	43.37
432-1	Roy Casteel	4.30	307.00	126.75	112.20
414-1	Mary Ann Schummer	3.40	239.00	99.75	88.30
411-1	Edward Poss	5.10	452.00	173.00	153.13
440-1	David A Richards	5.00	416.00	154.00	136.32
1149-1	Homestake Mining	3.20	226.00	96.50	85.42
1150-1	Homestake Mining	7.60	534.00	213.50	188.98
437-1	McNenny Ranch Inc.	5.90	418.00	164.50	145.61
1151-1	Homestake Mining	5.50	390.00	157.50	139.41
821-1	George Levin & Sons	7.00	490.00	192.50	170.40
1136-1	George Levin & Sons	3.07	215.00	93.75	82.98

Detailed Report of Receipts Cont.

No.	Name	Diversion Rate	Acreage	Receipts (total fee)	Amount Returned
1152-1	Homestake Mining	6.60	462.00	\$ 105.50	\$ 164.20
449-1	George Wurnig	5.00	365.00	171.25	151.59
1153-1	Homestake Mining	6.10	428.00	177.00	156.68
311-1	Lester Clark	16.61	1,163.60	461.00	408.06
310-1	Lester Clark	6.76	473.20	188.50	166.85
248-1	Lawrence Burke	0.90	64.00	26.00	23.01
1077-1	Charles M Arneson	1.44	131.00	52.75	46.69
165-1	Trigg Ranches Inc.	4.30	301.00	275.00	243.42
122-1	Trigg Ranches Inc.	3.75	263.00		
1146-1	Trigg Ranches Inc.	1.89	336.00		
928-1	Charles Wennberg	2.20	155.00	68.75	60.86
912-1	Gilbert Alan	1.46	101.80	45.50	40.28
926-1	Donald Berger	2.04	143.00	65.75	58.20
1176-1	Arthur J Odekoven	2.30	163.00	70.75	62.63
1190-1	McIl Shuck	3.53	247.00	101.75	90.07
611-1	Alex Miller	3.35	235.00	98.75	87.41
569-1	Ramona McFarland	0.97	68.00	27.00	23.90
870-1	Eugene C Bishop	0.70	49.00	22.25	19.70
401-1	Kenneth & Dorothy Aker	1.88	132.00	53.00	46.91
135-1	Walter Hoffman	3.11	220.00	95.00	84.09
408-1	James A Mickelson	3.10	218.00	94.50	83.65
469-1	Raymond Garness	1.30	91.00	42.75	37.84
1218-1	William Dillinger	.40	42.70	20.75	18.37
1222-1	John Ismay(Norman)	1.11	79.00	39.75	35.19
1154-1	Homestake Mining	4.50	319.00	129.75	114.85
285-1	Edgar Colin Smart	1.42	150.00	67.50	---
331-1	Anna Stetta (Louis Budmayr)	1.87	131.00	52.75	---
472-1	Timothy Reich	2.00	167.84	62.00	---
275-1	John Durr	1.90	133.00	53.25	---
271-1	Herbert Clarkson	.06	43.00	20.75	---
296-1	Robert Helmer	2.50	179.00	74.75	---
308-1	Lewis Bertolotto	.64	45.00	21.25	---
282-1	James Jeffrey	1.05	73.70	38.50	---
1182-1	George Leach	1.60	108.00	47.00	---
228-1	Thornton Vallery	.72	54.17	23.75	---
290-1	Thornton Vallery	5.50	386.00	156.50	---
264-1	Thornton Vallery	.22	15.30	14.00	---
321-1	Clarence & Lawrence Foos	1.64	115.00	48.75	---
962-1	Ione A Shevling	3.00	251.00	92.75	---
960-1	Thornton & Gwenivere Vallery	.50	35.00	18.75	---
289-1	Thornton & Gwenivere Vallery	1.02	75.00	38.75	---
273-1	Ruben & Esther Kling	.46	32.60	18.25	---
273-1A	Ruben & Esther Kling	1.54	108.40	47.25	---
1177-1	Ruben & Esther Kling	3.30	231.00	97.75	---
416-1	Creta & Leslie Miner	2.66	198.00	79.50	---
365-1	Solomon Stark	2.14	150.00	67.50	---
287-1	David G Rathbun	2.20	154.00	68.50	---
1126-1	John Lewis	3.11	339.00	124.75	---

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

June 10, 1981

Harlan B Schnell
Vale, SD 57788

Mr. Schnell:

The rules adopted by the Water Management Board for establishing a water use control area on the Belle Fourche River, Whitewood Creek and Owl Creek requires that the water right holder be assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the Division of Water Rights. These fees are required to be paid to the Division of Water Rights by July 1, 1981.

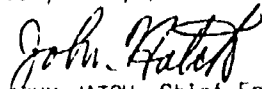
Permits for which fees have not been paid by July 1, 1981 shall be refused the right to divert water for the remainder of the year. The fees paid will be used to defray the costs of providing water master services within the water use control area. The following is a tabulation of your assessment.

<u>Permit No.</u>	<u>Diversion Rate</u>	<u>Acreage</u>	<u>Fee</u>
1205-1	1.89	132.0	\$53.00
TOTAL			\$53.00

Please make check or money order payable to the Dept. of Water and Natural Resources and send to the Division of Water Rights, Joe Foss Building, Pierre, SD 57501.

If you have any questions, do not hesitate to contact this office.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH/JW/gy

Equal Opportunity Employer

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

July 6, 1981

NOTICE

Harlan B Schnell
Vale, SD 57788

Subject: Shut Off Order

Under the rules established by the Water Management Board for the Belle Fourche River Water Use Control Area, Chapter 174:02:08, each water right holder was assessed a fee of ten dollars for each cubic foot per second or portion thereof of the diversion capability of the diversion works plus twenty-five cents for each acre irrigated as shown by the water rights of record in the office of Water Rights. Also it was required that all fees shall be paid to the Division of Water Rights by July 1, 1981.

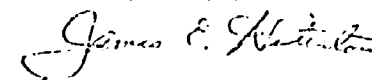
Any fees not paid by July 1, 1981 are a violation of SDCL 46-10-25 and the water master (or Chief Engineer) shall refuse the water right holder the right to divert water.

According to our records, you have not paid the assessed fee, therefore, it is hereby ordered that you are not to divert water pursuant to your Permit No. 1205-1 until the 1982 irrigation season. Any intakes that you may have in the river or creek must be removed by July 9, 1981 and remain out of the river or creek until the 1982 irrigation season.

Any violation of this order shall be considered to be in violation of State Statutes and subject to penalties provided in SDCL 46-1-11 and SDCL 46-1-12.

Please advise this office if you have any questions.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JW/gy

cc: Marlin Leo, Water Master

Equal Opportunity Employer

STATE OF SOUTH DAKOTA

Do not use this space.

DIRECT VOUCHER

AGENCY VOUCHER No.	DATE

PAYEE

Harlan K. Schnell
Box 5A
Valle, SD 57788

DEPT.

DWR, Water Rights Division
Foss Bldgg
Pierre, SD 57501

STAPLE
HERE

AGENCY

ADDRESS

Agency	Fund	Sub Fund	Prog. Act	Obj. Sub. Obj.	Agency Coding	Amount	Contract No.
200301	699	01	0000	0801		46.91	1
							2
							3
							4
							5
							6
							7
							8
							9
							10
TOTAL 22						46.91	

Warrant # 82079290:
AC # 077391
date 11/10/81

NOTE: Vendors invoice must be attached.

Invoice No (s)	Date Delivered	QUAN.	DESCRIPTION OF SERVICE OR COMMODITY	UNIT PRICE	AMOUNT	MEMO
			Refund of unexpended funds collected from the Belle Fourche River and tributaries Water Use Control Area Permit Owners			
			1205-1 Harlan K. Schnell		46.91	
TOTAL					46.91	

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

Claimant Signature

Date

11-5-81

AGENCY VERIFICATION

I hereby certify that this claim has been examined by me, and to the best of my knowledge and belief is in all things true and correct and the same is hereby approved.

DIVISION APPROVAL

DATE

11-5-81

APPROVAL SIGNATURE

DATE

Permit No. 1205-1
 Water Division 1 Belle Fourche River Water District

REPORT OF EXAMINATION OF WORKS
 AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FCSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Harlan K. Schnell of Box 54, Vale, S. Dak. 57788 holder of Permit No. 1205-1, bearing date of priority of October 24, 1980 authorizing the diversion of 1.88 cu. ft. per second of the waters of Belle Fourche River for Irrigation purposes, in Butte County.

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

The Water Use System consists of,

A. Works used to divert the water:

Marathon Motor - 75 HP, 1775 RPM
Pump Corral, Model 5RB-75-4, Ser # 33602
Pumps 1700 gpm

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

2700 ft 12" PVC Pipe
1000 ft Gated 8" x 10" Pipe
1100 ft Concrete lined ditches

C. Works used to apply water to beneficial use.

Gated Pipe for Flood & Furrow Irrigation

The system is in the following condition: Good

The point of diversion is located 250 ft E and 10 ft S of the NW Cor. of Sec. 25 T8N R6E B4M

The works are capable of diverting and conveying to the place of use 3.78

cu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Sec 25 T8N R6E

NE 1/4 NW 1/4 - 30 Ac.
SE 1/4 NW 1/4 - 40 Ac.
NE 1/4 SW 1/4 - 28 Ac.
SE 1/4 SW 1/4 - 32 Ac.

comprising a total of 132 acres of land.

License fee 1.55 cis

Note: This permit uses the same pump and motor and
Diversion Point as permit # 1204-1

Date October 26, 1981
Leroy J. McLaughlin
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8684

PIERRE, January 20, 1921

RECEIVED OF Harlan K. Semell, Box 5A, Vale, SD 57798

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. <u>1205-1</u>		
Fee for inspecting Beneficial Use, and issuing Water License No. <u>1205-1</u>	50	00=
Fee for issuing Location Certificate-Dry Draw. No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1205-1 *

(1) WHEREAS, On the 24th day of October A. D. 19 80
Harlan K. Schnell

made Water Right Application No. 1205-1 for a permit to use 1.88 cubic feet per second of the waters
of the Belle Fourche River
County of Butte, State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 29th day of January A. D. 19 81
Permit No. 1205-1, with a date of priority of October 24, 1980

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 29th day of January A. D. 19 82 and for the
application to beneficial use of said water on or before the 29th day of January A. D. 19 82

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, it is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating the following land all in Section 25, 8N, R6E

<u>NE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>30 acres</u>	<u>(BA)</u>
<u>SE$\frac{1}{4}$NW$\frac{1}{4}$</u>	<u>40 acres</u>	<u>(BD)</u>
<u>NE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>29 acres</u>	<u>(CA)</u>
<u>SE$\frac{1}{4}$SW$\frac{1}{4}$</u>	<u>33 acres</u>	<u>(CD)</u>
<u>TOTAL</u>	<u>132 acres</u>	

* This Water Right uses the same pump, motor and diversion point as Water
Right No. 1204-1

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Harlan K. Schnell

_____ of Vale, South Dakota

the holder _____ and owner _____ of said permit No. 1205-1 a water right, dating from October 24, 1980

_____ to use of 1.88 cubic feet per second of the waters

of the Belle Fourche River

in the County of Butte and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at a point 250 feet E and 10 feet S of the NW

Corner of Section 25, T-8N, R-6E BHM

and conducted to and upon portions of Section 25, T8N, R6E more fully described
on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1205-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of May A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD
By: John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 1205-1

Water Diversion No. 1 Belle Fourche River Water District

10120202

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Harlan K. Schnell

_____ the holder _____ of
Permit No. 1205-1, issued upon Application No. 1205-1, bearing date of priority of _____
October 24, 1980 authorizing the diversion of 1.88 cu. ft. per second of the waters of _____
the Belle Fourche River County of Butte, State of South Dakota at _____
a point 250 feet E and 10 feet S of the NW Corner of Section 25, T8N, R6E B1W1

_____, for Irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.78 cu. ft. per second of water.

Date May 4, 1982



JOHN HATCH, Chief Engineer
Water Rights Division



1205-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: HARLAN K SCHNELL, 121 RIVERVIEW 3 E, GREAT FALLS, MT 59404 1535
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1205-1. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1205-1 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 1205-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

1205-2

SENDER, COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to.

HARLAN K SCHNELL
121 RIVERVIEW 3 E
GREAT FALLS MT 59404 1535

COMPLETE THIS SECTION ON DELIVERY

- | | |
|--|--|
| A. Received by (Please Print Clearly)
<i>Harlan Schnell</i> | B. Date of Delivery
<i>1-18-80</i> |
| C. Signature
<i>Harlan Schnell</i> | ☐ Agent
☐ Addressee |
| D. Is delivery address different from item 1?
If YES, enter delivery address below: | ☐ Yes
☐ No |

3. Service Type

- | | |
|--|---|
| ☒ Certified Mail | ☐ Express Mail |
| ☐ Registered | ☐ Return Receipt for Merchandise |
| ☐ Insured Mail | ☐ C.O.D. |

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

227 670 222



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 26, 2000

1205-1

Harlan K Schnell
121 Riverview 3E
Great Falls, MT 59404

Dear Mr. Schnell:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Pennit No. 1205-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2003

1205-1

Harlan K Schnell
13528 Valley Township Rd
Vale SD 57788-3012

Dear Mr. Schnell:

Enclosed is a "Notice" dated October 17, 2003 concerning the 2003 irrigation questionnaire. The notice was originally mailed to 121 Riverview 3E, Great Falls MT. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

NOT TO SCALE



DIVERSION
POINT

NOT TO SCALE





1205-1
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 23, 2009

NOTICE

TO: HARLAN K SCHNELL, 13528 VALLEY TOWNSHIP RD, VALE, SD 57788 3012
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1205-1. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 1205-1 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1205-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/efrms/secure/efrms/E0455V7-IQ.pdf>

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

12.05.1

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 7361
Status: **Delivered**

Your item was delivered at 9:17 AM on January 24, 2009 in VALE, SD 57788. The item was signed for by H SCHNELL.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7361

HARLAN K SCHNELL
13528 VALLEY TOWNSHIP RD
VALE SD 57788 3012

Waiver of Signature ☐ YES ☐ NOPostmark
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PS Form 163, May 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 29, 2009

1205-1

Harlan K Schnell
13528 Valley Township Rd
Vale SD 57788 3012

Dear Mr. Schnell:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 1205-1.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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