

414B-1

LAW OFFICES

HANSEN & HUBBARD

Telephone: (605) 347-2551
FAX: (605) 347-4466
Email: mail@hanslaw-sturgis.com

DALE R. HANSEN
BRUCE A. HUBBARD

**P.O. Box 580
Sturgis, SD 57785-0580**

Physical Address:
1010 Ball Park Rd., Suite 6
Sturgis, South Dakota

May 27, 2004

RECEIVED

JUN 01 2004

WATER RIGHTS
PROGRAM

Eric Gronlund
Water Rights Program, DENR
523 East Capitol
Pierre, SD 57501-3182

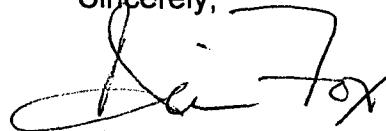
Re: Estate of Mary Ann Schummer, Deceased

Dear Mr. Gronlund:

Enclosed please find two (2) signed Notices of Transfer of Ownership to transfer water rights. Also enclosed are two checks in the amount of \$2.50 each, representing the transfer fee for each transfer.

If you have any questions, please call.

Sincerely,



Dia Fox, Secretary

:df
Enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 414-1

Date: _____

I/We request that Water Right/Permit No. 414-1 formerly owned by:

Mary Ann Schummer

be transferred to:

New Owner Name: Glen V. Schummer

Address: 19750 Wetz Rd

City, State, Zip Vale, SD 57788

Telephone No. (605) 347-2723

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

W $\frac{1}{2}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$; NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Section 28, Township 7 North, Range 8 East, Black Hills Meridian, Meade County, South Dakota - 173 acres

☒ I understand that the validity of Water Right/Permit No. 414-1 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Glen V. Schummer, the new owner, certify that the above information is true and correct.



(Signed by new owner)
GLEN V. SCHUMMER

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

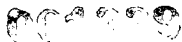
Date June 1, 20 04

RECEIVED OF Hansen & Hubbard, PO Box 580, Sturgis SD 57785

The following amount in fees for services rendered as provided for by law: (Glen V. Schummer)

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2 50
Fee for Application for Permit No. _____ to Appropriate Water for Future use	
Fee to retain Future Use Permit No. _____ after period of seven years.	
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	
Fee for Filing Transfer Form <u>414-1</u>	
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. _____	2.50
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____	
(Any Other Work Provided by Law) _____	TOTAL

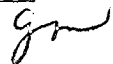
No.



By



Chief Engineer



STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 414B-1
DIVISION OF NO. 414-1 INTO NOS. 414A-1 & 414B-1

(1) Mary Ann Schummer was issued Water License No. 414-1, October 6, 1969 for a water right to divert 3.40 cubic feet of water per second (cfs) from the Belle Fourche River, Meade County, South Dakota for irrigation purposes. Water License No. 414-1, with a priority date of August 31, 1959 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

Water Right No. 414-1 authorizes irrigation of 239 acres in portions Section 28, T7N, R8E. On June 1, 2004, the land described in the water right was transferred to new owners. The water right is being divided and reissued to reflect separate ownership as follows:

- **No. 414A-1, Dianna K Komes and Sherry D Heffernan:** authorizing diversion of 0.94 cfs (approximately 422 gallons per minute) to irrigate 66 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T7N, R8E.
- **No. 414B-1, Glen V Schummer:** authorizing diversion of 2.46 cfs (approximately 1,105 gallons per minute) to irrigate 173 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T7N, R8E.

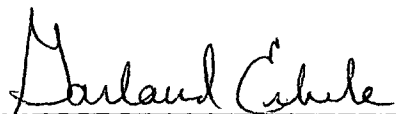
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Glen V Schummer, 19750 Wetz Rd, Vale SD 57788 the holder and/or owner of Water Right No. 414B-1 is issued a license, bearing a priority date of August 31, 1959 to appropriate 2.46 cubic feet of water per second from the Belle Fourche River to irrigate 173 acres.

The diversion point is located in between points 530 feet south of the N $\frac{1}{4}$ corner and at the S $\frac{1}{4}$ corner of Section 28, T7N, R8E. The acres authorized for irrigation are as follows:

Section 28, T7N, R8E NW $\frac{1}{4}$ NE $\frac{1}{4}$	13.0 acres	NW $\frac{1}{4}$ SW $\frac{1}{4}$	6.0 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	39.0 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	37.0 acres
		SW $\frac{1}{4}$ SW $\frac{1}{4}$	10.0 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	37.0 acres	SE $\frac{1}{4}$ SW $\frac{1}{4}$	31.0 acres
Total of 173 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 414-1 including the following qualification:

- Your use of water is contingent upon supplies being available to prior water rights.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 30 2004

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 30 2004

414B-1

Glen V Schummer
19750 Wetz Rd
Vale SD 57788

Dear Mr. Schummer:

Enclosed is your reissued Water License No. 414B-1. Based on the "Notice of Transfer of Ownership" received from Hansen and Hubbard Law Office, Water Right No. 414-1 was divided and reissued to reflect separate ownership as follows:

- **No. 414A-1, Dianna K Komes and Sherry D Heffernan:** authorizing diversion of 0.94 cfs (approximately 422 gallons per minute) to irrigate 66 acres located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ & NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T7N, R8E.
- **No. 414B-1, Glen V Schummer:** authorizing diversion of 2.46 cfs (approximately 1,105 gallons per minute) to irrigate 173 acres located in the W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28, T7N, R8E.

Each year, we mail out irrigation questionnaires to irrigators in South Dakota. The information supplied by the irrigators is one of the tools we use to manage the water resources of the state. Enclosed is a copy of the 2002 irrigation questionnaire. This will give you an idea of what type of records to keep track of during the irrigation season. The actual form that will need to be completed and returned to us will be sent to you in October, 2004.

Also enclosed are informational pages on "**Common Water Right Questions**" and excerpts of our Water Management Board Rules and South Dakota Water Laws dealing with abandonment and/or forfeiture and legal excuse for not irrigating.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures

c: Dia Fox, Hansen & Hubbard Law Offices w/enclosures and receipts for filing fees



414B-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: GLEN V SCHUMMER, 19750 WETZ RD, VALE, SD 57788

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 414B-1 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 414B-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 before the **March 8, 2023** 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: <https://danr.sd.gov/iq> using this password: LZXPMQ**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 13, 2023

414B-1

Wanda Schummer
19750 Wetz Rd
Vale SD 57788

Dear Ms. Schummer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 414B-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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us