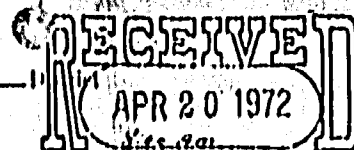


Water Right Number 958-1

1. Considered JULY 12, 1972
2. Name of Applicant JOE M. SCHENK
3. Post Office Address RR 1 - SPEARFISH, S.D
4. Amount of water claimed .78
5. Source of water supply CROW CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 54.70
7. Water to be diverted and used in LAWRENCE County
about 4N 8W Miles of SPEARFISH
8. Proof of Publication
Received 6-26-72
Not received
9. Application
Approved
Subject to
Not approved
Action deferred
10. Remarks:

No. 958-1Map No. 789-1Water Division No. 1BELLE FOURCHE RIVER

(Blanks to be Filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAAPPLICATION FOR PERMIT
TO ADD DIVERSION POINT

To Appropriately Water within the State of South Dakota

(NOTE-Draw a line through item not applicable)

1. Name of Applicant Joe M. Schenk
Postoffice address Spears Fish State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) 2.50 Miners inches or 6.25 cfs. ^{*78 MAXIMUM ALLOWABLE}
5. Source of water supply Stream Crow Creek
6. Location of point of diversion 2900' N - 500' W From SE Corner Sec. 29, T1N, R1E.
- County Lawrence
7. Annual period or periods during which water is to be used Growing Season
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 54.7

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.
<u>SE 1/4 Sec. 29-7-1</u>	<u>25.3</u>		
<u>NE 1/4 Sec. 29-7-1</u>	<u>29.4</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriately Water publication Spears Fish, Spear City Mail
12. Principal Features of the Proposed Water Supply System. Pump & Sprinklers at a
A. Works proposed to divert water from its natural source. Point below Present
none diversion.
B. Works proposed to transport water to place of use.
movable pipe
C. Works proposed to apply water to beneficial use.
sprinkler

Estimated Total Cost \$ noneAttachments: 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 LawrenceI, Joe M. Schenk 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

Joe M. SchenkSubscribed and sworn to before me this 19TH day of APRIL 1972

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 958-1
JOE M. SCHENK R.R.#1 SPEARFISH
 (Applicant) (Post Office Address)
SOUTH DAKOTA With the following modifications:
 (State)

WATER IN THE AMOUNT NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND DOWNSTREAM PRIOR WATER RIGHT USE MUST BE BY-PASSED.

Date of first receipt of application APRIL 20 19 72
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved JULY 12 19 72 Recorded in Book 112 Page 117
 WATER RIGHT PERMIT NO. 958-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 958-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 20 1980
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 12 19 74
3. The whole of said work is to be completed on or before JULY 12 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 12 19 77
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 .78 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 use served, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 JULY 12 19 77; said water to be used during the following described annual period: DURING GROWING SEASON

Witness my hand this 13TH day of JULY 19 72

WATER RESOURCES COMMISSION

by

James
 Chief Engineer, Executive Officer

Certificate of Construction Issued SEPTEMBER 12 19 72
 Water License Issued SEPTEMBER 12 19 72

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 958-1

(1) WHEREAS, On the 20th day of April A. D. 19 70
Joe M. Schenk

made Water Right Application No. 958-1 for a permit to use .78 cubic feet per second of the waters of Crow Creek
 County of Lawrence State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 13th day of July A. D. 19 72
 Permit No. 958-1 with a date of priority of February 20, 1880
 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 12th day of July A. D. 19 75 and for the application to beneficial use of said water on or before the 12th day of July A. D. 19 77

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 .78 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 in Section 29, T7N, R1E

S½ NE¼ 25.3 acres

NE¼ SE¼ 29.4 acres

Total 54.7 acres

(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 Joe M. Schenk

_____ of Spearfish, South Dakota
the holder _____ and owner _____ of said permit No. 958-1 a water right, dating from February 20, 1880
_____ to use of .78 cubic feet per second of the waters
of Crow Creek
in the County of Lawrence and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 2900' North and 500' West of the SE Corner,
Section 29, T7N, R1E

and conduct to and upon Portions of Section 29, T7N, R1E, more fully described on the face of
this license.

This Water License No. 958-1 authorizes an additional pump diversion point on Crow Creek
for a specific 54.7 acres of land irrigated under the Miller-Mulholland Water Right.

The pumping diversion rate, or the combined pumping and Miller-Mulholland Ditch diversion
for the specific 54.7 acres shall not exceed 0.77 c.f.s. This Water License No. 958-1
replaces Water License No. 958-1 issued on September 2, 1972.
for the purpose of _____

Subject to any limitations listed in Water Right Permit No. 958-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 5th day of February A.D.
Nineteen Hundred and Seventy-three

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRIMES

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 958-1.

(1) WHEREAS, On the 20th day of April A. D. 19 72
Joe M. Schenk

made Water Right Application No. 958-1 for a permit to use .78 cubic feet per second of the waters
of Crow Creek
County of Lawrence State of South Dakota for irrigation
purpose; and

(2) WHEREAS, On the 13th day of July A. D. 19 72
Permit No. 958-1 with a date of priority of February 20, 1880
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 12th day of July A. D. 19 75 and for the
application to beneficial use of said water on or before the 12th day of July A. D. 19 77

Water Permit No. 958-1 authorized a change of diversion point from headgate
of the Miller-Mulholland irrigation ditch to a pump location on Crow Creek
for a specific 54.7 acres of land irrigated under the Miller-Mulholland
Water Right.

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 .78 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 in Section 29, T7N, R1E

<u>SE$\frac{1}{4}$ NE$\frac{1}{4}$</u>	<u>25.3 acres</u>
<u>NE$\frac{1}{4}$ SE$\frac{1}{4}$</u>	<u>29.4 acres</u>

<u>Total</u>	<u>54.7 acres</u>
--------------	-------------------

(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 _____
Joe M. Echenk

_____ of _____ **Spearfish, S.D.**
the holder _____ and owner _____ of said permit No. **958-1** a water right, dating from **February 20, 1880**
_____ to use of **.78** cubic feet per second of the waters
of **Crow Creek**
in the County of **Lawrence** and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at **a point 2900' North and 500' West of the SE Corner,**
Section 29, T7N, R1E

and conduct to and upon **portions of Section 29, T7N, R1E, more fully described on the face**
of this License

for the purpose of **irrigation**

Subject to any limitations listed in Water Right Permit No. **958-1** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this **12th** day of **September** A. D.
Nineteen Hundred and **Seventy-two**

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer **J.W. GRIMES**

Form 15.

Permit No. 958-1

Water Diversion No. 1 BEITE FOURCHE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Joe E. Schenk

_____ the holder _____ of
Permit No. 958-1 issued upon Application No. 958-1, bearing date of priority of February 20,
1880 authorizing the diversion of .78 cu. ft. per second of the waters of _____
Crow Creek County of Lawrence, State of South Dakota at _____
a point 2900' North and 500' West of the SE Corner, Section 29,
T7N, R1E
_____, 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 .90 cu. ft. per second of water.

Date September 12, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

No. 958-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Lawrence) ss.

I, Jane Carlstrom hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Olsen City Mail

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 Spearfish

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

June 1, 1972

June 8, 1972

June 15, 1972

June 22, 1972

Jane Carlstrom
(Signature)

bookkeeper

(Title)

6-23-72

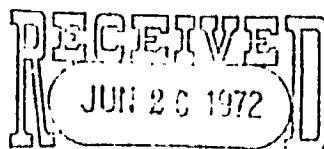
(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER
WARRANT: Pierre, South Dakota 57501
May 22, 1972

Notice is hereby given that Joe M. Schenk, whose post office address is Spearfish, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 78 cubic feet of water per second of time from Crow Creek through the Schenk No. 1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Twp. 7N, Range 1E. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T7N, R1E.

This application No. 958-1 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of July, 1972, at 2:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION
By: BURTON F. JONES
Water Rights Specialist
cc: Joe M. Schenk, R.R. No. 1,
Spearfish, S. Dak. 57713
(961 - 4t, J 1-8-15-72)



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

958-1

Publish first publication, on or before June 15, 19 72

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 22, 19 72

Notice is hereby given that Joe M. Schenk
whose post office address is Spearfish, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
.7P cubic feet of water per second of time from the Crow Creek through the
Schenk #1, the point of diversion of which is to be located in the _____

SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 29, Twp. 7N, Range 1E. Said water to be used for the purpose
of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, T7N, R1E

This application No. 958-1 will be considered by the Water Resources Commission at their office at
Pierre upon the 12th day of July, 19 72, at 2:00 P. .M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights
Specialist

cc: Joe M. Schenk, R.R. #1, Spearfish, S.D. 57783

Permit No. 958-1

Water Division 1 BELLE FOURCHE RIVER Water District

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

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Joe M. Schenk
_____ of Spearfish, South Dakota _____ holder _____
of Permit No. 958-1, bearing date of priority of February 20, 1880, ~~xxx~~
authorizing the diversion of 0.78 cu. ft. per second of the waters of Crow Creek
irrigation Lawrence County
for _____ purposes, in _____ 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:

Rainmaster pump 3 in. mod. SS 3H25
Wisconsin air cooled gasoling
engine, Mod. DP4D

Water Permit No. 958-1 authorized a change of diversion point from headgate of the Miller-Mulholland irrigation ditch to a pump location on Crow Creek for a specific 54.7 acres of land irrigated under the Miller-Mulholland water right.

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

1/8 mile of 5 inch aluminum mainline

C. Works used to apply water to beneficial use.

1/4 mile of handmoved aprinkler pipe, 4 and 2 inch diameter.

The system is in the following condition: good

The point of diversion is located 2900 feet N. and 500 feet W from SE Corner of Section 29, T7N, R1E

The works are capable of diverting and conveying to the place of use 0.9
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 Section 29, N7N, R1E

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 25.3 acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.4 acres

comprising a total of 54.7 acres of land.

Date- August 8, 1972

Donald C. Lusk
(Signature)

DONALD DRISCOLL, Deputy Chief Engineer, W.R.C.

958-1.

February 5, 1973

Mr. Joe M. Schenk
R.R. #1
Spearfish, South Dakota 57763

Dear Mr. Schenk:

Enclosed you will find a revised Water License No. 958-1, which the changes requested in your letter of November 17, 1972, to which the Commission has given its approval.

Under this Water License No. 958-1, you may divert from the Miller-Mulholland ditch, or by direct pumping from Crow Creek, in an amount not to exceed 0.78 c.f.s.

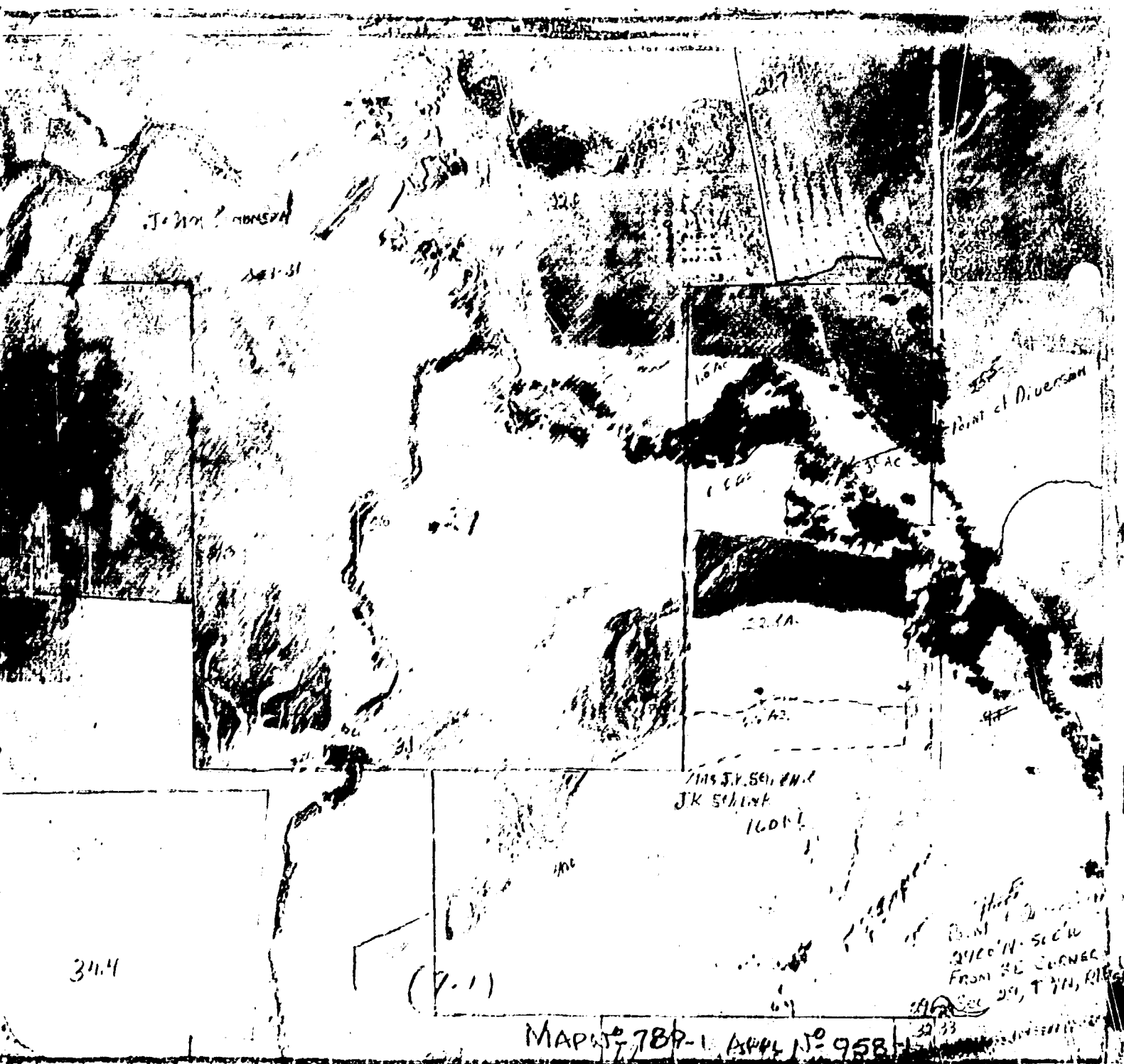
As you will note, this Water License No. 958-1 replaces Water License No. 958-1 issued on September 12, 1972.

Sincerely,

DONALD DRISCOLL
Deputy Chief Engineer

DD/bw

Encl: As stated



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

November 18, 1986

958-1

Joe M Shenk
RR 1, Box 204
Spearfish SD 57783

Dear Mr. Shenk:

I am writing in response to the 1986 irrigation questionnaire we received from you on November 13, 1986. You stated you had already completed a questionnaire a month ago and returned it to us.

The questionnaire you completed must have been for a different State agency or perhaps a Federal agency. The irrigation questionnaires our office mails out are sent once a year, usually around the 1st of November. This year they were mailed November 3rd.

Enclosed is your 1986 irrigation questionnaire. Please complete and return the form to us as soon as possible. I have also enclosed a postage paid envelope for your convenience.

If you need assistance in completing the form, please contact me.

Sincerely,

Genny McMATH /ks

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

Questionnaire returned Dec 4, 1986



958-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

October 26, 1993

Joe M Shenk
RR #1 Box 204
Spearfish, SD 57783

Dear Mr. Shenk:

Enclosed is your 1993 irrigation questionnaire. The form must be completed or it can not be accepted.

The form, as originally submitted, reflects irrigation of 38 acres of alfalfa took place in September. In order to calculate how much water was used during 1993, you will need to complete the columns marked: "# days pumped", "average # hours per day", and "average pump rate (gpm)". The column marked "water used" can be completed in our office if the first three columns are filled in.

If you have any questions concerning completion of the enclosed questionnaire, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

encl

11/1/93 Russell Wade called Mr. Shenk. Information they reported was for irrigation done under "Miller-McIntire" Ditch - No irrigation done under 958-1 in the last couple years.

958-1

PLEASE FILL OUT AND RETURN
BEFORE DECEMBER 17, 1993

OCTOBER 1993 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE

Telephone No. 642-3107

Type of Power	No. of acres irrigated
1. Electric	
2. Gravity	
3. Gasoline	
4. Nat. Gas pipeline	
5. Diesel	
6. Propane	
7. Other	
Type of System	
1. Hand moved sprinklers	
2. Portable noons	
3. Center pivots (# of)	
4. Gated pipes	
5. Sidewheels	
6. Towlines	
7. Big gun	
8. Siphons	
9. Flood	☒
10. Other	

Owner or address change, if any:

1. SURFACE WATER ☒ GROUNDWATER ☒
2. Did you irrigate during 1993? Yes ☒ No ☒
(if no, please include reason(s) in comment section)
3. Number of acres irrigated in 1993 38
4. Has your system been constructed? Yes ☒ No ☒
5. Are chemicals, including fertilizer, applied through your irrigation system? Yes ☒ No ☒

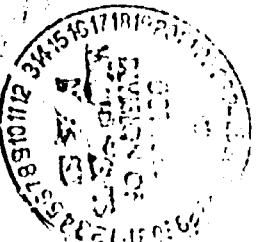
Month	# days pumped	Average # hours per day	Average pump rate (gpm)	Acres of Crop Irrigated & Estimated Water Use			
				Crop	Acres	Water Used	Water Used
April							
May							
June							
July							
August							
Sept.	☒	☒		ALF	38	ALL CROPS	
Oct.							
Other Months							

COMMENTS:

WASTE OF TIME.

RESTORE

RESTORE



Complete & return to:
Water Rights Division
Joe Foss Building
523 E Capitol
P.O. Box 57501-3181
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 2, 1998

958-1

J Daniel Schenk
RR 1 Box 206
Spearfish, SD 57783

Dear Mr. Schenk:

Thank you for returning the 1998 irrigation questionnaire for Water Right No. 958-1. It is my understanding from the notation you wrote on the form that you wish to have the water right transferred to your name.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review the form and make any necessary corrections. You will need to complete the portion titled "to be transferred to: (name & address).....". Upon completion, please sign the form in the presence of a notary public and return it to our office with a required filing fee of \$2.50.

If you have any questions, please contact me.

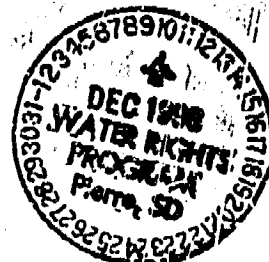
Sincerely,

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

encl

Note: The check or money order for the fee should be made out to the "Water Rights Program".

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 958-1

Date: Dec 8 98

I/We request that Water Right No. 958-1

formerly owned by: Joe M Schenk

be transferred to: (name & address) J. DANIEL SCHENK & RENEE L. SCHENK

RR#1 Box 206 SPEARFISH SD 57783

Telephone No. 605 642-3107

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

54.7 acres - SE 1/4 NE 1/4 and NE 1/4 SE 1/4 Section 29, T7N, R1E

I/We understand that the validity of Water Right No. 958-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of LAWRENCE)

I/We J. DANIEL SCHENK being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

J. Daniel Schenk
(Signed)

Subscribed and sworn to before me this 8 day of December, 19 98.

Eva M. Waldrop
(Notary Public)

EVA M. WALDROP, Notary Public
My Commission Expires September 13, 1999

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

Pierre,

No 415969

December 10, 1958

RECEIVED OF J. Darlel & Reine L. Schenk, RR 1, Box 205, Specfish, SD 57783
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

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 _____ Water Right No. 958-1

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By

Chief Engineer

John Hatch (P)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 10, 1998

958-1

J Daniel & Renee L Schenk
RR 1 Box 206
Spearfish, SD 57783

Dear Mr. & Mrs. Schenk:

Thank you for returning the "Notice of Transfer of Ownership" form for Water Right No. 958-1. The transfer has been completed and the water right is now listed in your names.

Enclosed is your Receipt No. 415969 in the amount of \$2.50 which you paid for filing the transfer of ownership.

If you have any questions, please contact me.

Sincerely,

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

encl

958-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 7, 2018

958-1

J Daniel & Renee L Shenk
1421 Lookout Valley Ct
Spearfish SD 57783-1551

Dear Mr. & Mrs. Shenk:

Enclosed is a "Notice" dated October 30, 2018 concerning the 2018 irrigation questionnaire.

The notice was originally mailed to 19757 Red Hill Rd, Spearfish. The post office notified us that your address has changed and I will update our records accordingly.

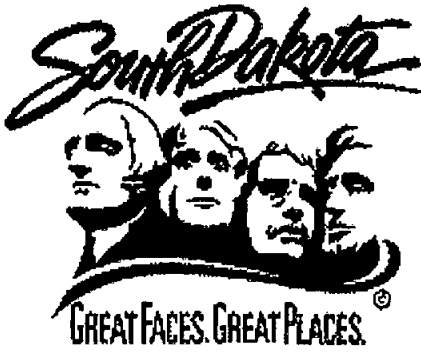
If you have any questions, please contact me.

Sincerely,

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

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

enclosures



958-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 14, 2018

958-1
1404-1

Travis Schenk
10307 Chicken Creek Rd
Spearfish SD 57783

Dear Mr. Schenk:

I am writing in regard to ownership of land described in Water Right No. 958-1 (J Daniel & Renee L Schenk) and Vested Water Right No. 1404-1, Miller-Mulholand Ditch. Dan Schenk called and indicated both should be transferred to you.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Please review the forms to ensure that you own all of the land listed. This is especially important with the vested right listed under Miller-Mulholand Ditch.

Upon completion of the forms, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

I have enclosed copies of both water rights for your records. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures

958-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 28, 2019

958-1
1404-1

Travis Schenk
19757 Red Hill Rd
Spearfish SD 57783-4122

Dear Mr. Schenk:

I am writing regarding ownership of land described in Water Right No. 958-1 and Vested Water Right No. 1404-1. If you own all the land described in each water right, both should be transferred to your name.

Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each (\$100 total). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of each water right for you to keep for your records. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent than the last name "McMath".

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

enclosures

PAID

JAN - 6 2020

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 1341

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

RECEIVED

JAN 06 2020

WATER RIGHTS
PROGRAM

No. 958-1

Date: 12-31-19

I/We request that Water Right No. 958-1

formerly owned by: J Daniel Schenk & Renee L Schenk

be transferred to: (name & address) Travis & Jody Schenk

19757 Red Hill Rd

Specftsk SD 57783

Telephone No. 605-645-1466

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

54.7 acres - SE 1/4 NE 1/4 and NE 1/4 SE 1/4 Section 29, T7N, R1E

I/We understand that the validity of Water Right No. 958-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

T-Sch

(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

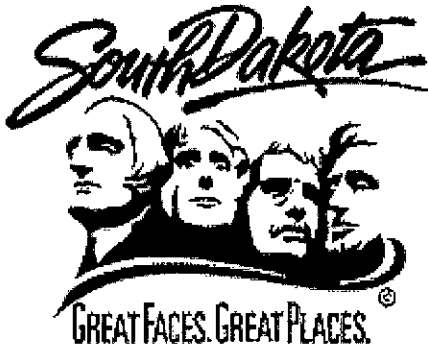
Date January 6, 20 20

RECEIVED OF Travis Schenk/Jody Schenk 19757 Red Hill Rd Spearfish SD 57783

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
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>958-1</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law)	
TOTAL	\$50.00

By Jeanne Goodman
Chief Engineer vm



958-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 8, 2020

958-1
1404-1

Travis & Jody Schenk
19757 Red Hill Rd
Spearfish SD 57783-4122

Dear Mr. & Mrs. Schenk:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 958-1 and Vested Water Right No. 1404-1.

The ownership changes have been completed. The above listed water right and vested water right are now listed in your names.

Enclosed for your records are receipts for the filing fees paid for each transfer. If I can answer any questions for you, please let me know.

Sincerely,

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

enclosures



958-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 17, 2021

958-1

Travis Schenk
19757 Red Hill Rd
Spearfish SD 57783

Dear Mr. Schenk:

Thank you for sending in the irrigation questionnaire so promptly. On the form you made a notation to remove Jody's name. In order to do this, an ownership change will need to be filed. I realize this seems bureaucratic, but we can't edit names on a water right without the owner signing off on the change.

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

If I can answer any questions for you, please let me know.

Sincerely,

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

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: TRAVIS SCHENK, 19757 RED HILL RD, SPEARFISH, SD 57783

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 958-1 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1869-1 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1869-1 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 958-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: WHHFCL**

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 19, 2025

958-1

1869-1

Travis & Jody Schenk
19757 Red Hill Rd
Spearfish SD 57783

Dear Mr. & Ms. Schenk:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 958-1 & 1869-1. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us