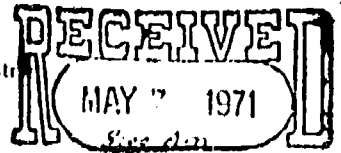


Water Right Number 1080-2

1. Considered July 14, 19 71
2. Name of Applicant Morte Dean Schell
3. Post Office Address Wall, S.D.
4. Amount of Water claimed 1.00
5. Source of Water supply Cheyenne River and Dry Draws
6. Water to be used for Irrigation
Acres to be irrigated 72.00
7. Water to be diverted and used in Pennington County
about 1 E miles of West
8. Proof of Publication Received 6-25-71
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1080-2Map No. 920-2 Water Division No. 2 EAST CHEYENNE RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COM. PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Monte Dean Schell
 Postoffice address Wall State S. Dak.

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 SCHELL WATERSPREADING SYSTEM4. Amount of water claimed (cubic feet per second) 1 (one)5. Source of water supply Pump site #1 Cheyenne River6. Location of point of diversion East Bank 114 Rods N81°50'W ofNE corner, Section 4, T1N+R14E or dry draw diversion,18 Rods N64°00'E of SW cor. Sec 3, T1N+R14ECounty Pennings7. Annual period or periods during which water is to be used APRIL THRU OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 72

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.
SE ¹ SW ⁴ , Sec. 4, T1N+R14E	15		
SW ⁴ SW ⁴ , Sec. 3, " "	30		
SE ⁴ SW ⁴ " " "	20		
SW ⁴ SE ⁴ " " "	7		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication WALL COURANT, WALL, S. DAK.

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

Attachment : 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 Pennings) ss.

I, Monte Dean Schell, 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 Monte Dean SchellSubscribed and sworn to before me this 6 day of May 19 71
George A. Hurvix
 Notary Public (or other qualified officer)

MONTE DEAN SCHELL

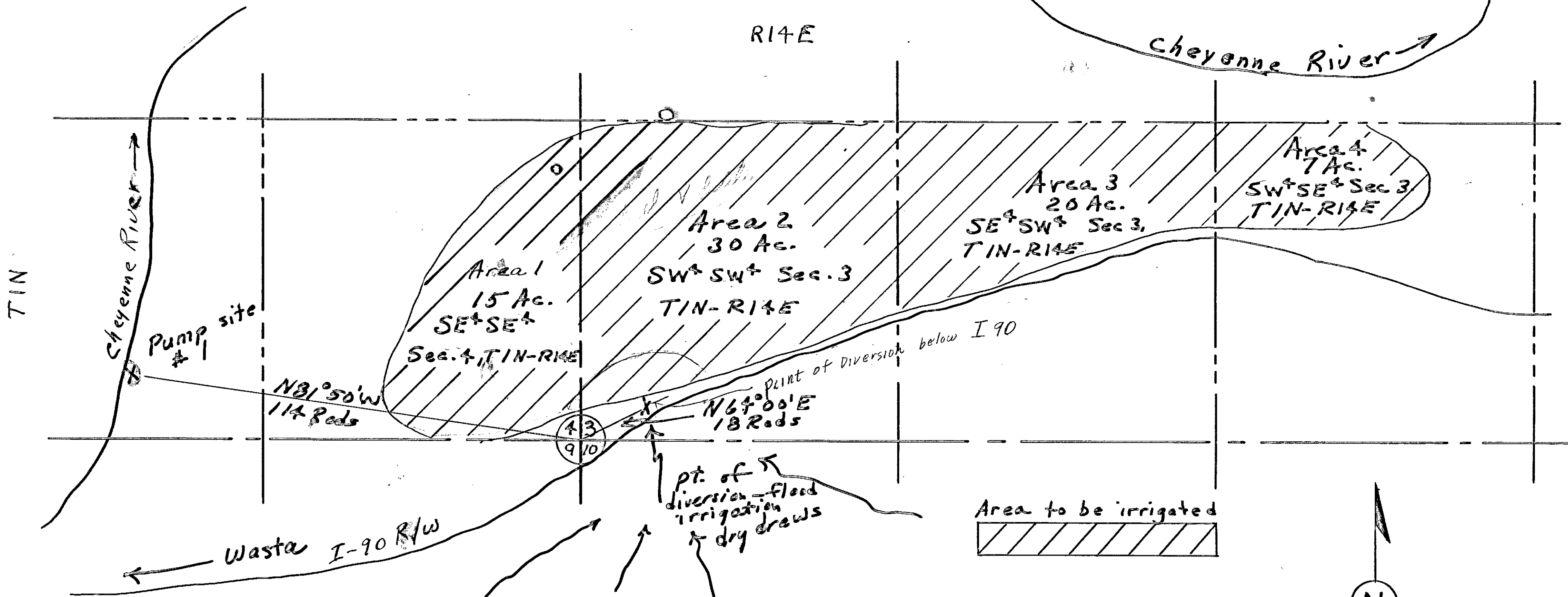
IRRIGATION PROJECT NO. 1

Pennington County

South Dakota

R14E

Cheyenne River



Area	Location	Acre
1	SE ¹ SE ¹ Sec. 4, T1N-R14E	15
2	SW ¹ SW ¹ Sec. 3, T1N-R14E	30
3	SE ¹ SW ¹ Sec. 3, T1N-R14E	20
4	SW ¹ SE ¹ Sec. 3, T1N-R14E	7
Total		72

SURVEYOR'S CERTIFICATE

I R.V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Dean Schell, I have surveyed the tract of land as shown, and that the above drawn Plat is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 10th day of September, 1970, A.D.

R.V. Summerside
REGISTERED LAND SURVEYOR

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1080-2MONTGOMERY DEAN SCHELLWALL

(Applicant)

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

DIVERSIONS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON WATER SUPPLIES BEING FIRST AVAILABLE TO PRIOR WATER RIGHTS DOWNSTREAM ON THE CHEYENNE RIVER. FLOW RECORDS SHOW THAT THERE ARE OCCASIONAL YEARS WHEN THE FLOWS OF THE CHEYENNE RIVER ARE DEFINITELY AND RECOGNIZABLY LOWER THAN USUAL DURING THE MONTHS OF JULY, AUGUST AND SEPTEMBER. DIVERSIONS OF WATER ARE NOT TO BE MADE UNDER THIS PERMIT DURING SUCH LOW FLOW PERIODS

Date of first receipt of application MAY 7, 19 71Date of return to applicant for correction, amendments or changes required —, 19 —Date of receipt of corrected application —, 19 —Approved JULY 14, 19 71, Recorded in Book 12 Page 14WATER RIGHT PERMIT NO. 1080-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1080-2 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 MAY 7, 19 71
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 14, 19 74
3. The whole of said work is to be completed on or before JULY 14, 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 14, 19 80
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 1.0 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 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 14, 19 80; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of JULY, 19 71

WATER RESOURCES COMMISSION

By:

McCormick
Chief Engineer, Executive Officer

Certificate of Construction Issued DECEMBER 29, 19 80Water License Issued DECEMBER 27, 19 80

WATER LICENSE NO. 1080-2.

(1) WHEREAS, On the 7th day of May A. D. 19 71
Monte Dean Schell

made Water Right Application No. 1080-2 for a permit to use 1.0 cubic feet per second of the waters of the Cheyenne River and dry draws

County of Pennington, State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 14th day of July A. D. 19 71

Permit No. 1080-2, with a date of priority of May 7, 1971

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 14th day of July A. D. 19 76 and for the application to beneficial use of said water on or before the 14th day of July A. D. 19 80

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 1.0 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.

to irrigate the following lands all in 1N, 14E

Section 4 SE $\frac{1}{4}$ SE $\frac{1}{4}$ 15 acres

Section 3 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 30 "

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 20 "

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 7 "

TOTAL 72 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 Monte Dean Schell

of Wall, South Dakota

the holder _____ and owner _____ of said permit No. 1080-2 a water right, dating from May 7, 1971

to use of 1.0 cubic feet per second of the waters

of the Cheyenne River and Dry draws

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

purposes hereinbelow mentioned, to be diverted ~~xxx~~ from the Cheyenne River - east bank, 114 rods

north 81°50' west of SE corner Section 4, from dry draw - 18 rods north 64° east

of SW corner Section 3, all in T1N, R14E

and conducted to and upon portions of Sections 3 and 4 in T1N, R14E more fully
described on the face of this license.

for the purpose of irrigation

subject to any limitations listed in Water Right Permit No. 1080-2 and subject to the laws of the State of South Dakota

WITNESS, My hand and seal of our office at Pierre, South Dakota

this 29th day of December A.D.

Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:



Civil Engineer, Executive Officer

JOHN HATCH

Permit No. 1080-2

Water Diversion No. 2 East Cheyenne River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Monte Dean Schell

_____ the holder _____ of
Permit No. 1080-2, issued upon Application No. 1030-2, bearing date of priority of _____
May 7, 1971 authorizing the diversion of 1.0 cu. ft. per second of the waters of the
Cheyenne River & dry draws County of Pennington, State of South Dakota as
from the Cheyenne River-East bank, 114 rods north 31°50' west of SE corner
Section 4, from dry draw-18 rods north 64° east of SW corner Section 3, all
in T1N, R14E, 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 (est.) 30 cu. ft. per second of water.

Date December 29, 1980


JOHN HATCH, Chief Engineer
Water Rights Division

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA ;
County Pennings) ss.

I, R. F. Jones hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Pennings Co. Reservoir

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 Wall

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

June 3, 1971
" 10, 1971
" 17, 1971
" 24, 1971

R. F. Jones
(Signature)

Editor
(Title)

June 24, 1971
(Date Signed)

No. 1080-2
NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota
57501

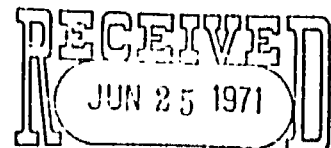
June 1, 1971

Notice is hereby given that
Monte Dean Schell whose post
office address is Wall, South Da-
kota, has made an application in
accordance with the provisions of
the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.0 cubic feet of
water per second of time from the
Cheyenne River and a dry draw
through the Schell Waterspread-
ing System, the point of diversion
of which is to be located in the
SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 and in
the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section
10, Twp. 1N, Range 14E.
Said water to be used for the pur-
pose of providing irrigation on
portions of the following described
land

S $\frac{1}{2}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$, SE $\frac{1}{4}$ Sec
3, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4,
T1N, R14E

This application No. 1080-2 will
be considered by the Water Re-
sources Commission at their of-
fice at Pierre upon the 14th day
of July, 1971, at 2:00 P.M. All in-
terested persons may appear and
be heard.

Water Resources Commission
Burton F. Jones
Water Rights Specialist
pub. June 3, 10, 17 and 24



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Publish first publication, on or before June 17, 19 71NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 1, 19 71Notice is hereby given that Monte Dean Schellwhose post office address is Wall, 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 use1.0 cubic feet of water per second of time from the Cheyenne River and a dry draw through theSchell Waterspreading System, the point of diversion of which is to be located in thethe SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4 and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Twp. 1N, Range 14E. Said water to be used for the purpose of providing irrigation on portions of the following described land:S $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, 11N, 14EThis application No. 1080-2 will be considered by the Water Resources Commission at their office at Pierre upon the 14th day of July, 19 72, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON P. JONES, Water Rights Specialist

ENH:1

cc: Monte Dean Schell, Wall, S.D. 57790

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7851

PIERRE, December 29, 19 80

RECEIVED OF Monte Dean Schell, Wall, SD 57790

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. 1080-2	----	12 00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 1080-2		
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		12 00

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer

1080-2 Hints Dean Siskel

4-29-80 Bower broke off pump.

Pump. Limited to 2-2-2-2-2-2-2-2-2-2

but in some cases and will pump in

slower water. Or in other words

at least 1000 ft. - 1 DE

10 ft 791

Pump. 10,000 ft 791

2-2-2-2-2-2-2-2-2-2
mop

12" Alum Pipe 700 ft. long which

former 1000 ft.

Permit No. 1080-2Water Division 2 East Cheyenne River Water District

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

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

I have this day made a thorough examination of the water use system constructed by Monte Dean Schell of Wall, South Dakota holder of Permit No. 1080-2, bearing date of priority of May 7, 1971 authorizing the diversion of 1.0 cu. ft. per sec. and of the waters of Cheyenne River & Dry Ditches for Irrigation purposes, in Pennington 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:

Crisafulli Pump - Model 002-1 DE, Style 791
Tractor Power Take off. Pumps 10,000 gpm

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

Ditches and 900 ft 12" Aluminum Pipe

C. Works used to apply water to beneficial use.

Level V ditches to spread water

The system is in the following condition: Fair

The point of diversion is located Cheyenne River - East Bank 114 Rds N 81° 50' W of
SE cor Sec. 4, Dry Ditch 18 Rds N 64° E of SW cor Sec. 3,
All in T1N R14E

The works are capable of diverting and conveying to the place of use 30.0 (est)
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: The following in Sec. 4,
T1N R14E. SE 1/4 SE 1/4 - 15 Ac. The following in Sec. 3 T1N R14E
SW 1/4 SW 1/4 - 30 Ac, SE 1/4 SW 1/4 - 20 Ac, SW 1/4 SE 1/4 - 7 Ac.

comprising a total of 72 acres of land.

license for 1.0 cfs

Date April 29, 1980
Leroy J. McLaughlin
(Signature)

**South Dakota Department of
Water & Natural Resources**

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

1080-2

January 29, 1988

MONTE DEAN SCHELL
RR #1 BOX 35
WALL, SD 57790

NOTICE

Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1080-2. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1080-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

CAMERA CREATOR



Department of Water & Natural Resources

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: MONTE DEAN SCHELL
RR #1 BOX 35
WALL, SD 57790

FROM: John Hatch, Chief Engineer
Water Rights Division
773-3352

SUBJECT: Amendment to Water Permit No(s). 1080-2

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 1080-2 to add the following qualification to each:

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

The addition of this qualification to your Permit(s) means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 1080-2

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 1080-2 to add the following qualification to each:

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

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery.. —c
—c

MONTE DEAN SCHELL
RR #1 BOX 35
WALL, SD 57790

☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

P404 786 459

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5 *Monte Dean Schell*

DATE OF DELIVERY

3/15/88

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S
INITIALS

CEPT, REGISTERED, INSURED AND CERTIFIED MAIL



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

MONTE DEAN SCHELL
HC 47 BOX 93
WALL SD 57790

NOTICE

RE: Violation of Water Permit No(s) 1080-2

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 1080-2 qualification:

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

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 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) 1080-2 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 before the March 4th hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 12, 1992

1080-2

Monte Dean Schell
HC 47 Box 93
Wall, SD 57790

Dear Mr. Schell:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right No. 1080-2. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMeth
Natural Resources Analyst
Water Rights Division

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

MONTE DEAN SCHELL
HC 47 BOX 93
WALL, SD 57790

4a. Article Number

P 906-557 796

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery

1-29-92

5. Signature (Addressee)

6. Signature (Agent)

8. Addressee's Address (Only if requested and fee is paid)

DEAR SIR;

THANK YOU

CHARLENE SCHELL
22955 JENSEN RD;
WALL, SD 57790



1080-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 2, 1997

1080-2

Charlene Schell
22955 Jensen Rd
Wall, SD 57790

Dear Ms. Schell:

This will acknowledge receipt of your 1997 irrigation questionnaire and letter explaining the need to transfer the water right.

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

Thank you for bringing this matter to our attention. If you have any questions concerning the water right or completion of the transfer form, please get in touch with me.

Sincerely,

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

encl



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

SECOND NOTICE
Permit No. 1080-2

Charlene Schell
22955 Jensen Rd.
Wall, SD 57790

Dear Ms. Schell:

On December 2, 1997, notice was sent to you concerning the transfer of Water Right No. 1080-2 in the name of Monte Dean Schell. To date, we have not heard from you on this matter.

A transfer form was previously sent to you, enclosed is an additional form. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50. The Water Right can then be transferred to your name. If you are not the present owner of the land covered under this Water Right, please notify this office. It is very important that ownership records be kept current. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact Cheryl Frost, (605) 773-3352.

Very truly yours,

RON DUVALL
Natural Resources Engineer
For John Hatch, Chief Engineer
Water Rights Program

enclosure

1080-2

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • Print your name and address on the reverse of this form so that we can return this card to you. • Attach this form to the front of the mailpiece, or on the back if space does not permit. • Write "Return Receipt Requested" on the mailpiece below the article number. • This Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: Charlene Schell 22955 Jensen Rd. Wall, SD 57790		4a. Article Number 1080-2 Z 119 141 524	
5. Signature (Addressee) [Signature]		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
6. Signature (Agent) [Signature]		7. Date of Delivery 5-28-78	
		8. Addressee's Address (Only if requested and fee is paid)	

PS Form 3811, December 1991 U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1080-2

Date: May 26 - 1998

I/We request that Water Right No. 1080-2

formerly owned by: Monte Dean Schell

be transferred to: (name & address) Schell Ranch - 22955 Jensen Rd.
Wall, S.D. 57790 Telephone No. 605-279-2236

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

SE 1/4 SE 1/4 Section 4; S 1/4 SW 1/4 and SW 1/4 SE 1/4 Section 3, all in T1N, R4E

I/We understand that the validity of Water Right No. 1080-2 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 attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Pennington)

I/We Charlene Schell 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.

Charlene Schell
(Signed)

Subscribed and sworn to before me this 26 day of May, 1998.

Vicky Wall
(Notary Public)
My Commission Expires 8-23

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

NO 415779

Pierre,

May 28, 1998

RECEIVED OF Schell Ranch, 22955 Jensen Rd., Wall, SD 57790
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. 1080-2

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer

John H. H. H.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 15, 1998

No. 1080-2

Schell Ranch
%Charlene Schell
22955 Jensen Rd.
Wall, SD 57790

Dear Ms. Schell:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 1080-2.

Our records now show Shell Ranch as the owner of Water Right No. 1080-2.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

er.closure



1080-2
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: SCHELL RANCH, CHARLENE SCHELL, 22955 JENSEN RD, WALL, SD 57790
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) 1080-2. 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) 1080-2 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) 1080-2 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.

1080-2

SENDER COMPLETE THIS SECTION		ADDRESSEE 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.		A. Received by (Please Print Clearly) _____ B. Date of Delivery <u>1-13-00</u>	
1. Article Addressed to: SCHELL RANCH CHARLENE SCHELL 22955 JENSEN RD WALL SD 57790		C. Signature <u>Jill M. Schell</u> ☐ Agent ☐ Addressee D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
2. Article Number (Copy from service label) <u>2227620219</u>		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
PS Form 3811, July 1999		4. Restricted Delivery? (Extra Fee) ☐ Yes Domestic Return Receipt 102595 89 M-1/79	



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

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall, SD 57790

Dear Mr. Schell:

Thank you for calling about your 1999 irrigation questionnaire. I completed a form for you based on our phone conversation. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 1080-2.

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

1080-2

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:

SCHELL RANCH
LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

LARRY SCHELL

B. Date of Delivery

1-23-01

C. Signature

X

Larry Schell

☐ Agent☒ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ 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)

7000 0600 0026 9814 1990



1080-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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) 1080-2 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 7, 2001 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) 1080-2 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 2, 2001, 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2001

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall, SD 57790

Dear Mr. Schell:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right No. 1030-2.

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



1080-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 16, 2002

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 1080-2 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 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 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) 1080-2 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 8, 2002, 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.

1080-2

■ 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.	A. Received by (Please Print Clearly) <u>LARRY L. SCHELL</u>	B. Date of Delivery <u>1-25-02</u>
	C. Signature <u>Larry L. Schell</u> ☒ Agent ☐ Addressee	
1. Article Addressed to: SCHELL RANCH LARRY SCHELL 22955 JENSEN RD WALL SD 57790	D. Is delivery address different from item 1? ☐ Yes ☒ No YES enter delivery address below:	
	3. Service Type ☐ Certified Mail ☐ Registered Mail ☐ Insured Mail ☒ Registered Mail for Merchandise	
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No		

2 7001 2510 0004 4777 3886

PS Form 3811, July 1999

Domestic Return Receipt

162593-00-M-J952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3102
www.state.sd.us/denr

March 5, 2002

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall, SD 57790

Dear Mr. Schell:

I am writing to acknowledge receipt of your 200 Irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 1080-2.

I completed a questionnaire for you based on our March 5th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



1080-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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) 1080-2 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 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) 1080-2 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, 2003, 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.



1080-2

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 4128

Your item was delivered at 2:16 pm on January 24, 2003 in WALL, SD 57790. The item was signed for by L SCHELL.

[Shipment History >](#)[Request Delivery Record >](#)

Track & Confirm

Enter label number:

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 4128

Post
At
(P)
SCHELL RANCH
LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

Postmark
Here

POSTAL CUSTOMER:

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(See Reverse)

PS Form 153, February 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2003

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

Dear Mr. Schell:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 1080-2.

I completed a questionnaire for you based on our February 3rd telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



1080-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 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) 1080-2 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 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) 1080-2 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 27, 2004**, 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.



1080-2

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9593

Your item was delivered at 2:30 pm on January 15, 2004 in WALL, SD 57790. The item was signed for by S R.

[Shipment Details >](#)

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Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9593

SCHELL RANCH
LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

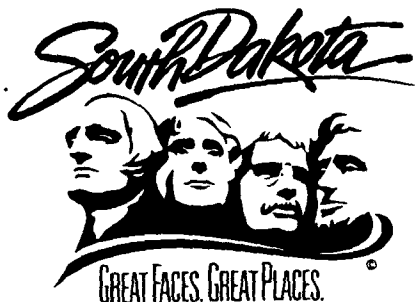
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PS Form 153, July 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHT

TO: Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right No. 1080-2

On March 3, 2004, the Water Management Board ordered:

That Water Right No. 1080-2 be suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaire.

Suspension of a water permit or right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2003 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



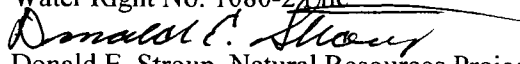
1080-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 2, 2004

INTERNAL MEMORANDUM

TO: Water Right No. 1080-2 File
FROM: 
Donald E. Stroup, Natural Resources Project Engineer
SUBJECT: Irrigation

During the month of May 2004 I examined a gravel operation at Wasta, SD at the same area (T1N R14E, Sections 3 & 4) as No. 1080-2 is permitted for irrigation. There was no indication that irrigation had taken place for some time or that preparation for irrigation was being instigated.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 30, 2006

NOTICE OF SHUTOFF ORDER

TO: SCHELL RANCH
LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1080-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates after January 1, 1970 from Angostura Dam to Belle Fourche River confluence. Effective immediately, no diversions of water from the Cheyenne River and tributaries will be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

September 5, 2006

1080-2

SCHELL RANCH - LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

Dear Sir:

This letter is to inform you that until further notice pumping **will be allowed** to continue under your junior priority water right(s) from the Cheyenne River. Due to recent rains and cooler temperatures, flow in the Cheyenne River has improved and appears to holding steady.

We will continue to monitor the daily stream flows. If flow conditions worsen and domestic use flow is again being impacted, DENR may be forced to again limit pumping.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the Cheyenne River and it's tributaries at the following web address:

<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182
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September 5, 2006

1080-2

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<http://waterdata.usgs.gov/sd/nwis/rt>

If you have any questions, please contact Mark Rath or Lynn Beck with the Water Rights Program at (605) 773-3352. Thank you.

GARLAND ERBELE, Chief Engineer
Water Rights Program



1080-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 5, 2007

Dear Water Right Holder;

Due to the ongoing drought I am advising Cheyenne River water right holders of the possibility of shutoff orders in 2007 for the river reach from Angostura Dam to the Belle Fourche River confluence. This is **not a shutoff order**.

As a result of the continuing lack of precipitation, tributary flows throughout the Cheyenne River basin remain well below the historical average. Angostura Reservoir ended February almost 21-feet below full and the forecast for improved conditions throughout the summer months is not favorable.

This letter is only intended to give you advanced warning that your ability to divert water may be cut short this year. If shut-off orders are issued, you will receive another letter from the department. In the meantime, water right holders can help by closely monitoring water usage and trying to avoid wasting water.

South Dakota water law gives the highest priority to domestic use, which includes livestock watering. There is generally adequate water available to meet both domestic use and other needs. However, once water availability reaches critical low levels, other uses, including irrigation, will begin to interfere with domestic use. If levels become critically low, the department must issue shut-off orders to protect domestic water uses. Once these orders are issued, the department will continue to monitor water availability and should conditions improve, the shutoff orders would be rescinded.

If you are interested, the US Geological Survey has an Internet site showing river flows at 150 stream gauging stations across the state. Go to sd.water.usgs.gov and click on "[Realtime streamflow data via satellite](#)".

Thank you for your cooperation. If you have any questions, please contact Mark Rath or Mike DeFea at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

NOTICE OF SHUTOFF ORDER

June 27, 2007

TO: SCHELL RANCH
LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

FROM: GARLAND ERBELE, Chief Engineer
SD DENR Water Rights Program

SUBJECT: Cheyenne River Shutoff Order for Junior Priority Date Water Rights

Shutoff Order for Water Right Nos. 1080-2

To protect the senior priority water rights, the department is issuing shutoff orders to junior water right holders with priority dates between January 1, 1970 and present for the river reach between the Angostura Dam to Belle Fourche River confluence. Effective immediately, diversions of water from the Cheyenne River and tributaries will not be allowed for those permits with a priority date after January 1, 1970.

Flow in the Cheyenne River continues to decline to the point where domestic use of water, which includes livestock watering from the river, has become a concern. This order will be rescinded as soon as conditions improve. If conditions do not improve, this order will remain in effect until the end of the calendar year.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

<http://waterdata.usgs.gov/sd/nwis/rt>

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river.

If you have any questions concerning this order, please contact either Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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www.state.sd.us/denr

January 18, 2008

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 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) 1080-2 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, 2008** 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) 1080-2 in accordance with applicable provisions of SDCL 46-1-12; **based on the number of past violations, the Water Rights Staff will recommend to the Board that Water Right No. 1080-2 be suspended for three years;**
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 3, 2008**, 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/eforms/secure/eforms/E0455V6-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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 20, 2008

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

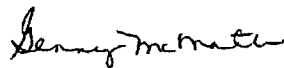
Dear Mr. Schell:

I am writing to acknowledge receipt of the information for your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 1080-2.

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



1080-2
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: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

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) 1080-2. 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) 1080-2 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) 1080-2 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that the water right be suspended for three years;**
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/eforms/secure/eforms/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.

1080-2

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 7347
Status: **Delivered**

Your item was delivered at 3:44 PM on January 27, 2009 in WALL, SD 57790. The item was signed for by L SCHELL.

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Enter Label/Receipt Number.

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No FEAR Act EEO Data

FOIA

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7347

SCHELL RANCH
LARRY SCHELL
22955 JENSEN RD
WALL SD 57790

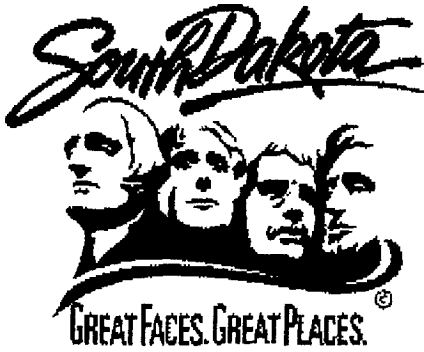
Waiver of Signature ☐ YES ☐ NO

Postmark
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POSTAL CUSTOMER:
Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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PS Form 3800, January 2007 Edition



**DEPARTMENT of ENVIRONMENT
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PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 29, 2009

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

Dear Sir:

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. 1080-2.

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

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



1080-2
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2011

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHT

TO: Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Three Year Suspension of Water Right No. 1080-2

On March 9, 2011, the Water Management Board ordered:

Effective April 9, 2011, Water Right No. 1080-2 is suspended for the 2011, 2012 and 2013 irrigation seasons for failure to submit the 2010 irrigation questionnaire.

If the 2010 irrigation questionnaire is received prior to April 9, 2011, the suspension will not take effect.

Suspension means water may not be pumped during the 2011, 2012 and 2013 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaire is submitted by April 9th.

After April 9th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2010 irrigation questionnaire and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May, 2011, in Pierre, SD. The letter should include your reasons for not completing the irrigation questionnaire in a timely manner. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 10, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10, 2011 regarding cancellations and suspensions addressed as stated below:

One year suspension:

No. 592-1

Zearl Drum, PO Box 203, Faith SD 57626

Nos. 5222-3 and 6874-3

Clayton Kern, Supt, McCook Country Club, PO Box 129, Salem SD 57058

No. 3937-3

Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231

No. 5257-3

Wayne L Bertrand, Scotland Golf Club Inc, Box 488, Scotland SD 57059

Nos. 6426-3 & 6507-3

Terrill Wheeler, 16645 416th Ave, Raymond SD 57258

Three Year Suspension

No. 1080-2

Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790

Nos. 2696-3A & 4414-3

Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278-6205

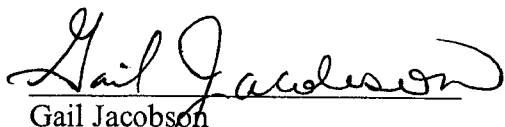
Cancellation

Nos. 1473-2 & 1502-2

Randy Bachelor, 25409 266th Ave, White River SD 57579

No. 5124-3

Victor L Wieczorek, 39507 266th St, Mt Vernon SD 57363



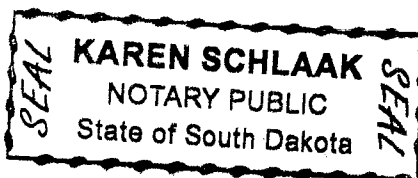
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 2011.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





1080-2
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 21, 2011

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 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) 1080-2 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 9, 2011** 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) 1080-2 in accordance with applicable provisions of SDCL 46-1-12; **Based on a past violation, the staff will be recommending to the Board to suspend No. 1080-2 for a period of three years.**
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 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

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Search Results

Label/Receipt Number: 2303 2160 0000 0802 0577

Service(s): **Signature Confirmation™**Status: **Unclaimed**

Your item was returned to the sender on February 10, 2011 because it was not claimed by the addressee.

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Enter Label/Receipt Number.

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Detailed Results:

- Unclaimed, February 10, 2011, 12:33 pm, WALL, SD
- Notice Left, January 27, 2011, 2:26 pm, WALL, SD 57790
- Notice Left, January 22, 2011, 2:27 pm, WALL, SD 57790
- Out for Delivery, January 22, 2011, 8:27 am, WALL, SD 57790
- Sorting Complete, January 22, 2011, 8:17 am, WALL, SD 57790
- Arrival at Post Office, January 22, 2011, 7:42 am, WALL, SD 57790

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No FEAR Act EEO Data

FOIA

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0577	SCHELL RANCH LARRY SCHELL 22955 JENSEN RD WALL SD 57790	
	ling.	
	Waiver of Signature ☐ YES ☐ NO	
	Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811		
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		



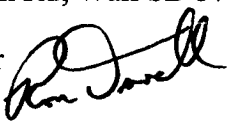
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 16, 2011

NOTICE

TO: Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Division 

SUBJECT: Unclaimed Mail Concerning Violation of Water Right No. 1080-2

The attached notice was sent "Signature Confirmation" on January 21, 2011. The post office has returned the "signature confirmation mail piece to our office marked "unclaimed". The post office indicated they notified you January 22nd, January 27th and February 2nd to pick up and sign for the document before returning it to us February 11th.

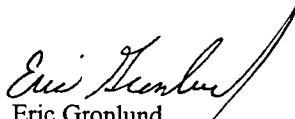
If you have any questions, please contact Genny McMath, (605) 773-3352.

CERTIFICATION

I hereby certify that on February 16, 2011, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage, prepaid envelope containing a Notice dated February 16, 2011 regarding unclaimed mail. The unclaimed mail was a January 21, 2011 notice concerning violation of Water Right No. 1080-2.

The addressee is:

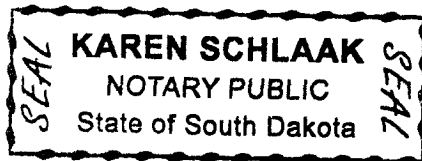
Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790


Eric Gronlund
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of February, 2008¹¹.

Notary Public *Karen Schlaak*



*My Commission
expires 4/1/2013*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2011

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57780

Dear Mr. Schell:

On March 9th, the Water Management Board ordered Water Right No. 1080-2 to be suspended if the 2010 irrigation questionnaire was not received prior to April 9, 2011. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and the suspension will not take place. You may irrigate during the 2011 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



1080-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: SCHELL RANCH, LARRY SCHELL, 22955 JENSEN RD, WALL, SD 57790

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1080-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 1080-2 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 1080-2 in accordance with applicable provisions of SDCL 46-1-12; **based on a past violation, Water Rights Staff will be recommending to the Board that Water Right No. 1080-2 be suspended for a period of three years.**
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 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 6, 2013

1080-2

Larry Schell
Schell Ranch
22955 Jensen Rd
Wall SD 57790

Dear Mr. Schell:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Right No. 1080-2. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 30, 2024

1080-2

Schell Ranch
c/o Kyle Schell
22955 Jensen Rd
Wall SD 57790

Dear Mr. Schell:

The Water Rights Program is in receipt of the 2024 Irrigation Questionnaire you submitted online for Water Right No. 1080-2.

On this year's questionnaire you reported that the system is not constructed. In a review of past reports, it has been found that almost every report since 2015 indicates the same, that the system is not constructed, with irrigation last taking place in 2012.

SDCL 46-5-37 allows for 3 years of non-use before a permit/right is subject to cancellation for abandonment or forfeiture.

Please contact me via email or by calling my direct line (605) 910-5187 to discuss cancellation of Water Right No. 1080-2.

Sincerely,

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

Kyle: 605-645-0132

*wasn't sure where irrigation
was auth. so sending
link to file for review*

Kyleschell3@gmail.com

11/14/24