

Water Right Number

1115-2

1. Considered Sept. 6, 1972

2. Name of Applicant Harlan Schenck

3. Post Office Address Valentine, Neb.

4. Amount of Water claimed 2.22

5. Source of Water supply Ground Water

6. Water to be used for Irrigation

Acres to be irrigated 182.70

7. Water to be diverted and used in Todd County

about 9 miles 5 of MISSION

8. Proof of Publication

Received Aug. 14, 1972

Not Received _____

9. Application

Approved _____

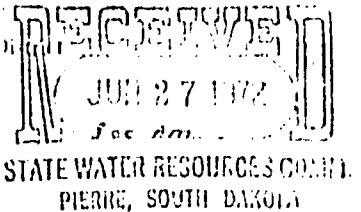
Subject to _____

Not Approved _____

Action Deferred _____

Remarks:

Map No. 947-2 Water Division No. 2 KEYAPAH RIVER
(Thanks to be filed by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COUNCIL
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant Harland Schemm
Postoffice address Valentine State Nebraska
If a corporation show date and place of incorporation _____
2. Method of accomplishing work ~~(contract)~~ employment of other ~~XXXXXXXXXX~~
3. Name of diversion work Harland Schemm Irrigation Project
4. Amount of water claimed (cubic feet per second) 1000 gpm
5. Source of water supply Well
6. Location of point of diversion NE 1/4 Section 20 T37N R28W
S. 70° W, 1518 FEET FROM THE NE CORNER, SECTION 20, T37N, R28W
County Todd
7. Annual period or periods during which water is to be used May-October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, ALL IN T37N, R28W Total number of acres to be irrigated 182.7

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

Local Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 Section 17	7.0	NE 1/4 Section 20	33.0
NW 1/4 Section 17	7.0	NW 1/4 Section 20	40.0
SW 1/4 Section 17	40.0	SW 1/4 Section 20	14.0
SE 1/4 Section 17	34.0	SE 1/4 Section 20	7.7

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 1 years.
11. Choice of newspaper for notice of Intent to Appropriate Water publication Todd County Tribune
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 \$ 25,000 - \$30,000

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

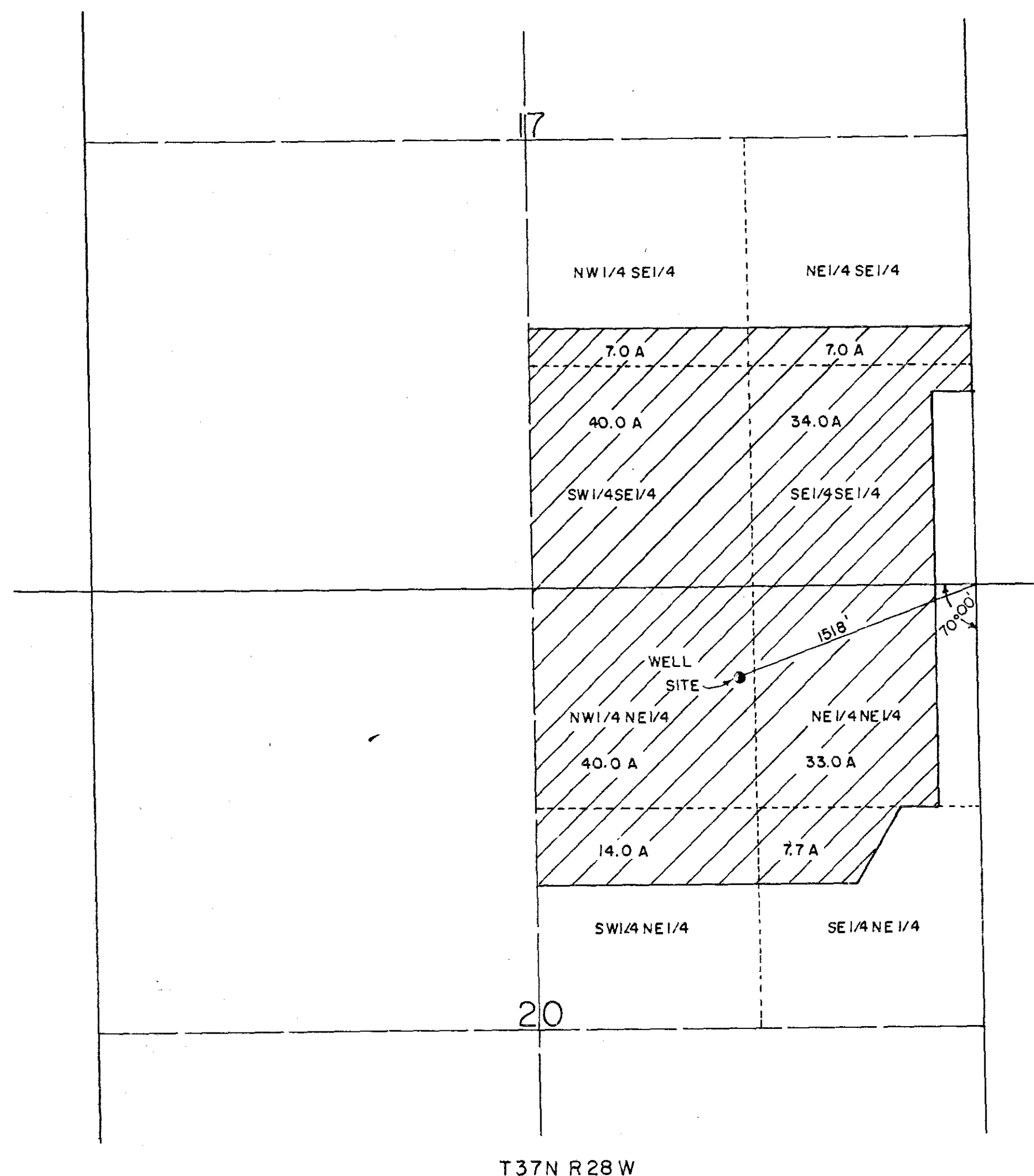
STATE OF SOUTH DAKOTA

County of Todd

I Harland Schemm 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 Harland SchemmSubscribed and sworn to before me this 11th day of May, 1972.

James E. Lawler
Notary Public for and in the State of South Dakota



T37N R28W

/// = LAND TO BE IRRIGATED

SCALE 1"=660'

LOCATION	SECTION	TWP	RANGE	ACRES
NE 1/4 SE 1/4	17	37N	28W	7.0
NW 1/4 SE 1/4	17	37N	28W	7.0
SW 1/4 SE 1/4	17	37N	28W	40.0
SE 1/4 SE 1/4	17	37N	28W	34.0
NE 1/4 NE 1/4	20	37N	28W	33.0
NW 1/4 NE 1/4	20	37N	28W	40.0
SW 1/4 NE 1/4	20	37N	28W	14.0
SE 1/4 NE 1/4	20	37N	28W	7.7
TOTAL				182.7

ENGINEER'S CERTIFICATE

I, ROBERT SCHROEDER, A SOUTH DAKOTA REGISTERED PROFESSIONAL ENGINEER NUMBER 1797, CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT DELINEATION OF AN IRRIGATION WELL SITE LOCATED IN THE NE 1/4 OF SEC. 20 T37N R28W 6TH P.M. TODD COUNTY, SOUTH DAKOTA. THE ABOVE DESCRIBED LAND BEING OWNED BY HARLAND SCHEMM.

DATE: 5-22-72

Robert Schroeder
ROBERT SCHROEDER PE-1797

ACKNOWLEDGEMENT

STATE OF NEBRASKA) SS
COUNTY OF CHERRY)

ON THIS 22 DAY OF May 1972, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED ROBERT SCHROEDER WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME AND HE ACKNOWLEDGED THE SIGNING OF SAID ENGINEERS CERTIFICATE TO BE HIS VOLUNTARY ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL THE AFORESAID DATE.

MY COMMISSION EXPIRES: NOVEMBER 24, 1973.

Janet E. Lawler
NOTARY PUBLIC

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1115-2
HARLAND SCHEMM VALENTINE
 (Applicant) (Post Office Address)
NEBRASKA 69201 With the following modifications:
 (State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JUNE 27 19 72
 Date of return to applicant for correction, amendments or changes required JULY 10 19 72
 Date of receipt of corrected application JULY 15 19 72
 Approved SEPTEMBER 6 19 72 Recorded in Book 12 Page 143

WATER RIGHT PERMIT NO. 1115-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1115-2 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 JUNE 27 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 6 19 75
3. The whole of said work is to be completed on or before SEPTEMBER 6 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 6 19 78
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 2.22 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 SEPTEMBER 6 19 78; said water to be used during the following described annual period: MAY TO OCTOBER

Witness my hand this 8TH day of SEPTEMBER 19 72

WATER RESOURCES COMMISSION

By: [Signature]
 Chief Engineer/Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36 in, Depth 190 ft
(2) Casing, Type concrete Diameter 18 ID Thickness 2 inch
(wood, concrete, steel, etc)
(3) Perforated Screen.
Type concrete, Diameter 18, Length 75 ft
(4) Gravel Pack. Thickness 9 in all around, Length of gravel pack 190 ft

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Water Bearing sand with Black
crystals in it

Depth to top of water bearing material 57 ft

Depth to bottom of water bearing material 190 ft

Thickness of water bearing material 133 ft

Depth to water (ground surface to water level) 57 ft

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 160 rds. On property owned by others 320 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Harland L. Schenck
Signature of Applicant

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Todd } 88.

Judy Parker, being first
duly sworn, on oath says that The Todd Co. Tribune
(name of newspaper)

is a weekly newspaper printed and published
(daily or weekly)

in Todd in said county of Todd
(city)

by Tiger Printing, Inc. (or individual)
(name of publisher)

(a co-partnership) (a corporation), and that affiant is

employee of said corporation
(employee, sole owner, member, or officer) (newspaper, co-partnership, or corporation)

and is authorized to and does make this affidavit on behalf of said

corporation; that affiant has personal
(newspaper, co-partnership, or corporation)

knowledge of all the facts stated in this affidavit; that said newspaper

is a legal newspaper as defined by SDC 05.0508 as amended, has a

bona fide paid circulation of at least two hundred copies weekly
(daily or weekly)

has been published in the English language within said county and

has been admitted to the United States mail under the second class

mailing privilege, for at least one year continuously next prior to

the publication of the notice herein mentioned and was and is printed

wholly or in part in an office maintained at said place of publication;

that said notice, printed copy of which taken from the paper in

which the same was published is hereto attached and is made a part

of this affidavit, was published in said newspaper two times

as follows: that the first publication of said notice in said newspaper

aforsaid on Thursday, the 31 day

of August, 1972, and that the succeeding

publications were as follows:

on Thursday, the 10 day of Aug, 1972;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

on _____, the _____ day of _____, 19_____;

Affiant further says that the full amount of the fees charged for the publication of said notice
inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the
division thereof has been made with any other person; that no part thereof has been agreed to be paid
to any person whomsoever; and that the fees charged for the publication thereof are

Seven & 36/100 dollars (\$ 7.36).

Subscribed and sworn to before me this 10 day of Aug, 1972.

Ervin Tiger
Notary Public.

Todd County, South Dakota.

Notice of Intent to
Appropriate Water

Notice is hereby given that Har-
land Schemm whose post office
address is Valentine, Nebraska,
has made an application in accor-
dance with the provisions of the
water laws of South Dakota for a
permit to appropriate for benefi-
cial use 2.22 cubic feet of water per
second of time from ground water,
through the Schemm Irrigation
Project, the point of diversion of
which is to be located in the NW 1/4
NE 1/4 of Section 20, Twp. 37N, Ra-
nge 28W. Said water to be used
for the purpose of providing irriga-
tion on portions of the following
described land: SE 1/4, Section 17
and NE 1/4, Section 20, T37N, R28W.

This application No. 71-52 will
be considered by the Water Resou-
rces Commission at their office at
Pierre upon the 6th day of Sept-
ember, 1972, at 2 p.m. All interest-
ed persons may appear and be
heard.

WATER RESOURCES COMMISS-
SION

By: Burton P. Jones
Water Rights Specialist
Publ.: Aug. 3, 1972

RECEIVED
AUG 22 1972

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Publish first publication, on or before August 24, 19 72NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 24, 19 72

Notice is hereby given that Harland Scherri
whose post office address is Valentine, Nebraska, 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
2.22 cubic feet of water per second of time from the ground water, through the
Scherri Irrigation Project, the point of diversion of which is to be located in the _____

NW 1/4 NE 1/4of Section 20, Twp. 37N, Range 28W. Said water to be used for the purposeof providing irrigation on ^{portions of} the following described land:SE 1/4, Section 17 and NE 1/4, Section 20, T37N, R28W

This application No. 1115-2 will be considered by the Water Resources Commission at their office at
Pierre upon the 6th day of September, 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

BRU/bw
cc: Mr. Harland Scherri, Valentine, Nebraska 69201

No. 1115-2



Department of Water & Natural Resources

Joe Foss Building
823 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

June 21, 1983

NOTICE

Harland Schemm
Valentine, Nebraska 69201

Dear Mr. Schemm:

The inspection of your water use system and inspection of the extent application of water to beneficial use, as developed under your Water Right No. 1115-2 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

Section 58 of House Bill 1001 as passed by the 1983 Legislature effective March 8, 1983 states that a permit holder may not divert water until this \$50.00 license fee has been paid.

Sincerely,

Genny McMath
Water Rights Specialist

GM:ms

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

WNR-814 3/83
Request for W/L fee(\$50)

Permit No. 1115-2Water Division 2 Keya Paha River Water District
10150006REPORT 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 Harland
Scheurer of Valentine, Nebraska holder
of Permit No. 1115-2, bearing date of priority of June 27, 1972
authorizing the diversion of 2.22 cu. ft. per second of the waters of Ground Water (Ogallala)
for Irrigation purposes, in Todd 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:

ONE 206 ft. deep Well.
Western Land Roller Pump: 12 in.; 5 stage turbine
75 HP US VHS Three phase electric motor.

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

30 ft. of 8 in. PVC Pipe.

C. Works used to apply water to beneficial use.

9 Tower Lockwood center pivot; 170 ft. spans; 1545' Total Length
Nelson End gun.
75 psi operating pressure.

The system is in the following condition: Good

The point of diversion is located 1485 ft. S. 53° 8' W. of the N.E.
Corner S. 20 T37N. R. 28W

The works are capable of diverting and conveying to the place of use 1.89cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: Irrigation of following land:

<u>S. 17 T. 37 N. R. 28 W</u>	<u>S. 20 T 37 N R. 28 W</u>
<u>SW⁴ SE⁴: 12.7 acres</u>	<u>SW⁴ NE⁴: 8.0 acres</u>
<u>SE⁴ SE⁴: 11.5 Acres</u>	<u>SE⁴ NE⁴: 8.5 acres</u>
	<u>NW⁴ NE⁴: 38.7 acres</u>
	<u>NE⁴ NE⁴: 32.6 acres</u>

comprising a total of 112.0 acres of land.

Well information:

Total depth = 206 ft.
Casing = 130 ft. 17 in. i.d. concrete
Screen = 76 ft. 17 in. concrete
Static Level: 22 ft.

i.e. cfs. Max. allowable

Date April 27, 1983

Frank Smith
(Signature)

WATER LICENSE NO.

(1) WHEREAS, On the 27th day of June A. D. 19 72
Harland Scherm

made Water Right Application No. 1115-2 for a permit to use 2.22 cubic feet per second of the waters of groundwater (one well)

County of Todd, State of South Dakota, for Irrigation

purposes; and

(2) WHEREAS, On the 6th day of September A. D. 19 72

Permit No. 1115-2 with a date of priority of June 27, 1972

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 6th day of September A. D. 19 77 and for the application to beneficial use of said water on or before the 6th day of September A. D. 19 70

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 1.60 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 land all in T37N, R28W

Section 17 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 12.70 Acres (DC)

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 11.50 Acres (DU)

Section 20 SW $\frac{1}{4}$ NE $\frac{1}{4}$ 8.00 Acres (DC)

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 8.50 Acres (AD)

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 38.70 Acres (AB)

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 32.60 Acres (AA)

TOTAL 112.00 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 Harland Schamm

of Valentine, Nebraska 69201

the holder and owner of said permit No. 1115-2 a water right, dating from June 27, 1972 to use of 1.60 cubic feet per second of the waters of groundwater (one well)

in the County of Todd and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 1485'S 53°8'W of the NE Corner, Section 20, T37N, R28W (AB)

and conducted to and upon portions of Sections 17 and 20, T37N, R28W, more fully described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1115-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 7th day of July A. D.
Eighty-Three
Nineteen Hundred and

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9283

PIERRE, July 6, 1983

RECEIVED OF Harland Schemm, Mission Route, Valentine, NE 69201

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. 1115-2	50	00
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH/ms

No. 1115-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

July 7, 1983

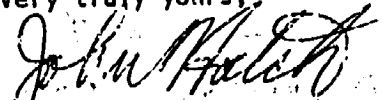
Harland Schamm
Mission Route
Valentine, NE 69201

Dear Mr. Schamm:

Enclosed herewith is, Water License No. 1115-2. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 18, 2001

1115-2
1545-2

Chris Robinson
Farmers National Company
105 W 2nd St
Valentine, NE 69201

Dear Ms. Robinson:

Thank you for inquiry into Water Right Nos. 1115-2 and 1545-2. Enclosed as we discussed, are copies of both water rights. Water Right No. 1115-2 is listed in the name of Harland Schemm and Water Right No. 1545-2 is listed in the name of G C Schemm.

I have also included transfer forms for both water rights. If Harland will still own both, then only No. 1545-2 will need to be transferred. If the land will be sold, then both water rights will end up being transferred to the new owner(s). A \$2.50 filing fee is required for filing a transfer of ownership (for each water right). The check or money order for the fee can be made payable to the Water Rights Program.

During our conversation, you inquired about domestic use versus irrigation rights and the priority given to each. In South Dakota, domestic use is the highest priority and takes precedence over all other appropriative rights. I have enclosed a summary of our water laws and rules. You had also mentioned jurisdiction issues within the boundaries of the reservation. I have contacted our legal counsel and she will be getting in touch with you to answer any questions you may have.

If after reviewing the enclosed materials you have any further questions I can help answer, please let me know.

Sincerely,

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

enclosures

RECEIPT
Water Rights Program
South Dakota Department of Environment and Natural Resources

1115-2

NE 417149

RECEIVED OF Scott R & Samantha Flannery, HC 14 Box 221B, Mission, SD 57555
the following amount in fees for services rendered as provided for by law: Pierre, April 22, 2002

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 _____ 1115-2

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

2 50

By Darland Eide
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1115-2

RECEIVED

APR 22 2002

WATER RIGHTS
PROGRAM

Date: April 12, 2002

I/We request that Water Right No. 1115-2

formerly owned by: Harland Schemm

be transferred to: (name & address) Scott R. & Samantha Flannery
HC 14 Box 221 B, Mission SD 57555 Telephone No. 605 856-4158

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

112 acres in the S 1/4 SE 1/4 Section 17 and the NE 1/4 Section 20, T37N, R28W

I/We understand that the validity of Water Right No. 1115-2 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 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 Tripp)

I/We Scott R. Flannery 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.

Scott R. Flannery
(Signature of new owner)

Subscribed and sworn to before me this 12 day of April, 2002

Yvon Burtz
(Notary Public)

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 22, 2002

1115-2
1545-2

Scott R & Samantha Flannery
HC 14 Box 221B
Mission, SD 57555

Dear Mr. & Mrs. Flannery:

Thank you for following up on the ownership change for Water Right Nos. 1115-2 and 1545-2. The transfers have been completed. The water rights formerly listed in the name of G. C. Schemm or Harland Schemm are now listed in your names.

Enclosed are your Receipt Nos. 417148 and 417149 in the amounts of \$2.50 each.

Also enclosed is a sample irrigation questionnaire. This will give you an idea of what type of information to keep track of during the irrigation season. The actual forms that need to be completed and returned to us will be mailed to you in October, 2002.

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

Sincerely,

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

enclosures

NOT TO SCALE

17
20

101-6

5.5

107.3

1.9

well

1115-2

Harland Schenck

20

Bill Grimm

37-28

map # 947-2
(w/r 1115-2)



1115-2
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, 2020

NOTICE

TO: SCOTT R & SAMANTHA FLANNERY, 27251 288TH ST, MISSION, SD 57555

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire has not been submitted for Permit No(s) 1115-2 & 1545-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1115-2 & 1545-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: UQLHDT**

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.denr.sd.gov

February 3, 2020

1115-2
1545-2

Scott & Samantha Flannery
27251 288th St
Mission SD 57555

Dear Mr. & Mrs. Flannery:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 1115-2 and 1545-2. 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, appearing to read "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