

1372-2

1. Considered MAY 20, 1976
2. Name of Applicant EARL SONNENSCHN & SONS
3. Post Office Address FT. PIERRE
4. Amount of water claimed 1.2
5. Source of water supply BAD RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 87
7. Water to be diverted and used in STANLEY county
about SW EDGE miles of FT. PIERRE
8. Proof of Publication Received 5-18-76
Not received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

No. 1372-2Map No. 1162-2 Water Division No. 2 BAD RIVER District _____
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Earl Sonnenschein and Sons
Post-office address Box 662, Ft. Pierre, State South Dakota
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work Sonnenschein #1
4. Amount of water claimed (cubic feet per second) 1.2
5. Source of water supply Bad River
6. Location of point of diversion Between points in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 33, and
in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T5N, R31E
- County Stanley
7. Annual period or periods during which water is to be used April thru October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 87

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.
Lot 4	40.8		
Outlots 1 & 2 to City			
of Ft. Pierre in W $\frac{1}{2}$ SE $\frac{1}{4}$	46.2		
all in Sec. 33, T5N, R31E			

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. Name of newspaper for notice of intent to appropriate water publication Ft. Pierre Times, Pierre, S.D.
12. Principal Features of the Proposed Water Supply System.

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

Pump and motor

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

Mainline

C. Works proposed to apply water to beneficial use.

Gated pipe and/or sprinkler system

Estimated Total Cost \$ _____

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 Hughes)I, Earl Sonnenschein

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 Earl Sonnenschein

21st day of April 1976

Subscribed and sworn to before me this

Betty Westlund
Notary Public (or other qualified officer)

BETTY WESTLUND, Land/Water Clerk II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1372-2EARL SONNENSCHNEIN

(Applicant)

Box 1263, Ft. Pierre

(Post Office Address)

SOUTH DAKOTA 57532

(State)

With the following modifications:

Date of first receipt of application APRIL 21 1976Date of return to applicant for correction, amendments or changes required — 19—Date of receipt of corrected application — 19—Approved MAY 20 1976 Recorded in Book 15 Page 76WATER RIGHT PERMIT NO. 1372-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1372-2 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 APRIL 21 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 1978
3. The whole of said work is to be completed on or before MAY 20 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20 1985
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 1.2 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 MAY 20 1985; said water to be used during the following described annual period: APRIL THROUGH OCTOBER

Witness my hand this 24TH day of MAY 1976

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—Water License Issued — 19—

Publish first publication, on or before May 7, 19 76

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 23, 19 76

Earl Sonnenschein and Sons

Notice is hereby given that Earl Sonnenschein and Sons
whose post office address is Ft. Pierre, 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

1.2 cubic feet of water per second of time from the Bad River through the
Sonnenschein #1, the point of diversion of which is to be located in the

between points in the NW 1/4, SE 1/4 and in the SW 1/4 NE 1/4

of Section 33, Twp. 5N, Range 31E Said water to be used for the purpose

of providing irrigation on ^{portions of} the following described land:

Lot 4 and Outlots 1 and 2 to the City of Ft. Pierre in

Section 33, T5N, R31E

This application No. 1372-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 19 76, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw
cc:

Earl Sonnenschein, Box 663, Ft. Pierre, S.D. 57532

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1372-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Stanley) ss.

I, JAMES E THOMPSON hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Fort Pierre Times

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

Fort Pierre

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

May 1, 1976

May 8, 1976

James E. Thompson

(Signature)

(Title)

(Date Signed)

Mary Hines, Notary
4/16/81

NOTICE
INTENT TO
APPROPRIATE WATER
No. 1372-2

Notice is hereby given that
Earl Sonnenschein and Sons
whose post office address is Ft.
Pierre, 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 1.2 cubic feet of
water per second of time from
the Bad River through the
Sonnenschein No. 1, the point
of diversion of which is to be
located between points in the
NW 1/4 SE 1/4 and in the SW 1/4
NE 1/4 of Section 33, Twp. 5N,
Range 31E. Said water to be
used for the purpose of
providing irrigation on portions
of the following described
land:

Lot 4 and Outlots 1 and 2

to the City of Ft. Pierre in
Section 33, T5N, R31E.

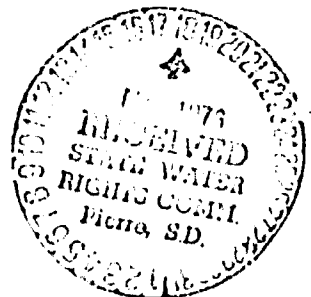
This application No. 1372-2
will be considered by the Water
Rights Commission at their
office at Pierre upon the 20th
day of May, 1976, at 1:00 P.M.
All interested persons may
appear and be heard.

Water Rights Commission

By: Burton P. Jones

Water Rights Specialist

Publish: May 1, 8, 1976



**SOUTH DAKOTA Department of
Water & Natural Resources**

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

March 31, 1986

Notice

Earl Sonnenschien & Son
Box 663
Ft. Pierre, SD 57532

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s). 1372-2. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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.

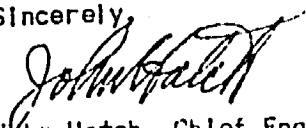
The hearings will be held at 2:00 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) 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). 1372-2 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.

Sincerely,


John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

South Dakota
Department of
Water & Natural Resources

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

May 20, 1986

NOTICE OF AMENDMENT TO WATER PERMIT(s)

To: Earl Sonnenschien & Son
Box 663
Ft. Pierre SD 57532

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 1372-1

Pursuant to the provisions of the notice dated March 31, 1986, and following the hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 1372-1 to add the following qualification:

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

The addition of this qualification to your Permit 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.

Equal Opportunity Employer

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

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

Attachment to Water Permit No. 1372-2

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 1372-2 to add the following qualification:

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

Equal Opportunity Employer

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

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

March 23, 1987

EARL SONNENSCHEN & SON
BOX 663
FT PIERRE, SD 57532

NOTICE

Re: Violation of Water Permit No(s). 1372-2

Our records indicate that the 1986 Irrigation Questionnaire has not been received for Permit No(s). 1372-2. The request for the Questionnaire was dated November 2, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1372-2 qualification:

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

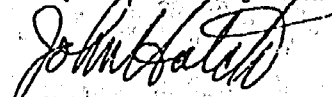
The hearing(s) will be at 2:00 pm, May 6, 1987, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 1372-2 until either the 1986 Questionnaire is submitted or for a period of up to one 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, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

April 15, 1987

1372-2

Earl Sonnenschien & Sons
Box 663
Ft. Pierre, SD 57532

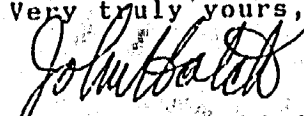
Dear Mr. Sonnenschien:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 1372-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,



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

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

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

January 29, 1988

EARL SONNENSCHEN & SON
BOX 663
FT PIERRE, SD 57532

NOTICE

Re: Violation of Water Permit No(s) 1372-2

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 1372-2. 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 permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1372-2 qualification:

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

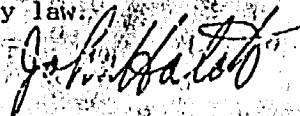
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. There are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 1372-2 until either the 1987 Questionnaire is submitted or for a period of up to one 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, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota
Department of
Water & Natural Resources

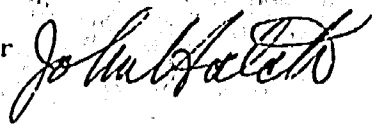
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: EARL SONNENSCHEN & SON
BOX 663
FT PIERRE, SD 57532

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352



SUBJECT: One Year Suspension Of Water Permit No(s). 1372-2

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 1372-2 be SUSPENDED until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

● **SENDER:** Completes Items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge)

EARL SONNENSCHEN & SON
BOX 663
FT PIERRE, SD 57532

4. Article Number

P501 739 012

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee
or agent and **DATE DELIVERED.**

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

MAR 15 1988

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



Department of Water & Natural Resources

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

April 29, 1988

1372-2

Earl Sonnenschien
Box 663
Ft. Pierre, SD 57532

Dear Mr. Sonnenschien:

I am writing to acknowledge receipt of your 1987 irrigation questionnaire. You completed the questionnaire while in our office on April 13, 1988. The Water Management Board took action to suspend your water permit at their March 2, 1988 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing.

You were told at the time you completed your questionnaire, that although it had now been received in our office, it does not change the Board's action to suspend your permit. If you want to petition the Water Management board to rescind the suspension, you will need to submit a letter to our office by Friday, May 6, 1988, requesting time on the agenda for the Water Management Board Meeting to be held May 11, 1988, in Pierre. The letter should include your reasons for not returning your irrigation questionnaire prior to the March Board Meeting.

If you have any questions, please contact us.

Very truly yours,

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



May 9, 1988



John Hatch, Chief Engineer
Water Rights Division
SD Dept. of Water & Natural Resources
Joe Foss Building, 523 E Capitol
Pierre, SD 57501

RE: Water Permit #1372-2

Dear John,

I would like to request time on your agenda for the hearing to be held May 11th at 9:15 a.m. at the Joe Foss Building. This would give me an opportunity to ask for a reconsideration of my water permit and a reissue of that permit for the following 1988 year. The questionnaire was not returned to you, and I would like the opportunity to meet with you and explain the reason for that, most of which was that there was not any water pumped from that location at all in 1987.

I look forward to the opportunity to visit with you pertaining to this matter. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Earl Sommenschein".

Earl Sommenschein

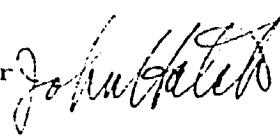
 **Department of
Water & Natural Resources**

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

May 9, 1988

NOTICE

TO: Earl Sonnenschien
Box 663
Ft. Pierre SD 57532

FROM: JOHN HATCH, Chief Engineer 
Water Rights Division
605 773-2352

SUBJECT: Notice of Hearing to Consider request for
Reconsideration of Suspended Water Permit No. 1372-2

The hearing on your request to the Water Management Board to reconsider suspension of Water Permit No. 1372-2 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permits, defer action or taken no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Gaylord Sonnenschien
Harold Deering, Assistant Attorney General



CERTIFICATION

I hereby certify that on May 9, 1988 I have personally deposited with the U.S. Mail, postage prepaid envelopes containing Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit No. 1372-2 addressed as follows:

Earl Sonnenschien
Box 663
Ft. Pierre SD 57532

Gaylord Sonnenschien
905 N Madison
Pierre SD 57501

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of May, 1988.

John Hatch
Notary Public



Earl Sonnenschien & Sons
Water Permit No. 1372-2

GENERAL

Application submitted by: Earl Sonnenschien & Sons
Box 663
Ft. Pierre, SD 57532

Permit Approved: May 20, 1976

Water Permit was Amended May 14, 1986 to include the
Irrigation Questionnaire Qualification for violation of the
requirement to submit the 1985 irrigation questionnaire

FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1983	November, 1983	did not return form	none
1984	October, 1984	April 16, 1985 (in office)	none
1985	November, 1985	did not return form	May 14, 1986
1986	November, 1986	April 6, 1987 (in office)	none
1987	October, 1987	April 13, 1988 (in office)	March 2, 1988

PAST VIOLATIONS

1. Violation of Requirement to Submit 1985 Irrigation Questionnaire:

March 31, 1986, Earl Sonnenschien & Sons were given notice of violation of the requirement to submit the 1985 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 14, 1986.

May 14, 1986, The Water Management Board amended Water Permit No. 1372-2 to add the Irrigation Questionnaire Qualification.

May 20, 1986, Earl Sonnenschien & Sons were notified of the Board action to amend Water Permit No. 1372-2.

2. 1986 Irrigation Questionnaire Violation

March 23, 1987, Earl Sonnenschien & Sons were given notice of permit violation for non-return of the 1986 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held May 6, 1987.

April 6, 1987, Earl Sonnenschien stopped in the office and provided the irrigation questionnaire data. The water permit was then deleted from the list of permits/rights brought before the Water Management Board May 6, 1987.

3. 1987 Irrigation Questionnaire Violation

January 29, 1988, Earl Sonnenschien & Sons were given notice of permit violation for non-return of the 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Permit No. 1372-2 until December 31, 1988.

March 14, 1988, Earl Sonnenschien and Sons were notified of the Board action to suspend Water Permit No. 1372-2.

April 13, 1988, Earl Sonnenschien stopped in the office and completed the 1987 irrigation questionnaire and was advised to submit a letter requesting time to meet with the Water Management Board to explain why his questionnaire was not returned and to appeal the suspension.

April 29, 1988, Earl Sonnenschien was notified that we had not yet received a request from him regarding the suspension of this permit and that if he wanted to petition the Water Management Board to rescind the suspension he would need to submit a letter to our office by May 6, 1988.

May 9, 1988, Gaylord Sonnenschien called the office and advised that they wished to appear before the Water Management Board regarding suspension of Water Permit No. 1372-2.

May 9, 1988, Earl Sonnenschien was notified of the Hearing to consider request for reconsideration of suspended Water Permit No. 1372-2. Gaylord Sonnenschien (905 N Madison, Pierre, SD) was sent a carbon copy of the notice.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3101

May 13, 1988

NOTICE

TO: Earl Sonnenschein & Sons
Box 663
Ft. Pierre SD 57532

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 11731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohlen) 3825-3 (Rod Page, operator); 4117-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurvell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsing); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



CERTIFICATION

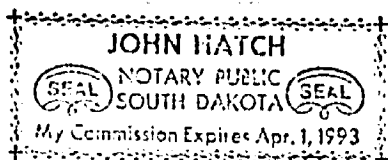
I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Reinstatement of Suspended Water Permits addressed as follows:

Earl Sonnenschein & Sons
Box 663
Ft. Pierre SD 57532

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.



Notary Public

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

No. 1372-2

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

December 9, 1988

Earl Sonnenschein & Sons
Box 663
Fort Pierre, South Dakota 57532

Dear Mr. Sonnenschein:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 1372-2 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.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

Permit No. 1372-2

Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Earl Sonnenschein
and sons _____ of 421 W. Cedar Ave., Ft. Pierre, S.D. holder of
57532Permit No. 1372-2, bearing the priority of April 21 1952, authorizingthe diversion of 1.2 cu. ft. per second of the waters of Bad Riverfor irrigation purposes in Stanley County.

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

A. Works used to divert the water:

A pump: Cornell-Rainflow, 1200 gallons per minute capacity.

A motor, Case diesel

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

8 inch Aluminum pipe, 50 feet long.

C. Works used to apply water to beneficial use:

Gated pipes, 1650 feet long, 30 inches spacing between the gates.

The system is in the following condition goodThe point of diversion is located approximately 2288 feet west, 528 feet north from the Southeast
corner of Section 33, T5N-R31E (SW $\frac{1}{4}$, SE $\frac{1}{4}$)The works are capable of diverting and conveying to the place of use 2.67cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows. all in Section 33, T5N-R31ELot 3 1.8 ac. Outlot No. 1- City of Ft. Pierre 15.5 ac.Lot 4 34.9 ac.Lot 5 5.7 ac.SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.6 ac.comprising a total of 62.1 acres of land and the license should be issued for 0.9 cfsApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: _____ Date 11/23/88

(signature)

MZhad

LICENSE FOR PERMIT NUMBER 1372-2

1. Legal location of wells: _____

~~XXXX~~ structures: S 1/4 SE 1/4 Section 33, T5N-R31E

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level _____

Pump a) make Cornell-Rainflow Motor a) make Case Diesel
b) model 6HBBW62B4-1 b) model no. A401D
c) size _____ c) horsepower rating **
d) capacity 1200 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines 8 inches
b) type Aluminum
c) length 50 feet

** The owner did not have any idea
of the motor's horse power.
Morris Irrigation was contacted,
they did not have any idea either.

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

1) size _____
2) type _____
3) length _____

5. System Type: a) sizeroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPH _____

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length 1650 feet
- 2) diameter 8 inches
- 3) spacing of gates 30 inches

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

___ NA ___

X ___

X ___

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

2. Special Qualifications to permit being abided by.

3. All Structures, wells and lands on map.

REMARKS:

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1372-2

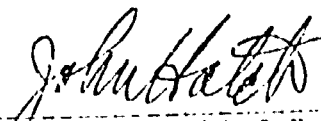
(1) Earl Sonnenschein and Sons of 421 W. Cedar Avenue, Ft. Pierre, SD 57532 made Application No. 1372-2, April 21, 1976 for a water permit to appropriate 1.20 cubic feet of water per second from the Bad River, Stanley County, South Dakota for irrigation purposes. Permit No. 1372-2 with a priority date of April 21, 1976 was approved May 20, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before May 20, 1981 and for the application to beneficial use of said water on or before May 20, 1985.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.90 cubic feet of water per second for beneficial use. The location of the diversion point is: 2288 feet west and 528 feet north of the SE corner of Section 33, T5N, R31E (SW1/4 SE1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T5N, R31E Section 33	Lot 3	1.8 acres
	Lot 4	34.9 acres
	Lot 5	5.3 acres
	SW1/4 SW1/4	4.6 acres
Outlot No. 1- City of Ft Pierre		15.5 acres
	Total	62.1 acres

(4) Pursuant to Section 46-5-30.1 Earl Sonnenschein and Sons of 421 W. Cedar, Ft. Pierre, SD 57532 the holder(s) and/or owner(s) of Water Permit No. 1372-2 is issued a license to appropriate water, the right to use 0.90 cubic feet of water per second from the Bad River with a priority date of April 21, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 1372-2 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural
Resources

SEP 14 1969

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, December 1st, 1933

RECEIVED OF Earl Sonnenschein, Box 937, Ft. Pierre SD 57522

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>1372-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Haich
Chief Engineer

SOUTH DAKOTA

Department of Water & Natural Resources

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

1372-2

SEP 14 1989

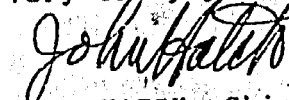
Earl Sonnenschein and Sons
421 W. Cedar
Ft. Pierre, SD 57532

Dear Mr. Sonnenschein:

Enclosed is Water License No. 1372-2. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 411542 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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

Very truly yours,



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

enclosures





Department of Water & Natural Resources

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

February 9, 1990

EARL SONNENSCIEN & SONS
BOX 663
FT PIERRE, SD 57532

NOTICE

RE: Violation of Water Permit No(s). 1372-2

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1372-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s). 1372-2 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, 1990 at the Howard Johnson's, Roosevelt-Jefferson Room, I-90 at LaCrosse, Rapid City 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, the Water Management Board can:

1. Suspend Permit No(s). 1372-2 until the 1989 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the March 7th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

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

**Department of
Water & Natural Resources**

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

February 16, 1990

1372-1

Earl Sonnenschien & Sons
Box 937
Ft. Pierre SD 57532

Dear Mr. Sonnerschien:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1372-1. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Ron Duvall/KS

RON DUVAL
Natural Resources Engineer
Water Rights Division



1372-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3121

October 22, 1993

Gaylord Sonnenschein
905 N Madison
Pierre, SD 57501

Dear Gaylord:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" for use in filing an ownership change on Water Right No. 1372-2. I have also enclosed a copy of the water right for your records.

You indicated the majority of the interest in the water right would be held by your mother with a quarter of the interest held by you. It is acceptable to have the water right listed in both of your names, with correspondence being directed to your attention. Please complete the form where necessary and return it to our office along with a \$2.50 filing fee.

If you have any questions, please do not hesitate to call me.

Sincerely,

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

enclosure

1372-2

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 1372-2
Date: _____

I/We request that Water Right No. 1372-2

formerly owned by: Earl Sonnenschein and Sons

AN UNDIVIDED 3/4 INTEREST ONTO BERTHA SONNENSCHN, 503
be transferred to: (name & address) WEST CEDAR AVENUE, FORT PIERRE SD 57532, TELEPHONE :
605-223-2570, AND AN UNDIVIDED 1/4 INTEREST ONTO GAYLORDSONNENSCHN, 905 NORTH
MADISON AVENUE, PIERRE SD 57501, (Telephone No) 605-224-5588

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

Lots 3, 4 & 5, SW 1/4 SW 1/4, Outlot No. 1 (City of Ft Pierre), Section 33, T5N, R31E

I/We understand that the validity of Water Right No. 1372-2 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 at the Division of Water Rights, 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 HUGHES)

BRUCE O. LEY, TRUST OFFICER
I/We OF BANKWEST, INC., PIERRE 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.

BY: Bruce O. Ley
(Signed)

BRUCE O. LEY, TRUST OFFICER
BANKWEST, INC.

Subscribed and sworn to before me this 5th day of July, 19 95.

CARLY SMALLEY, Notary Public
My Commission Expires
February 19, 2000

Carly Smalley
(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.

RECEIPT

414547

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ July 11, 19 95

RECEIVED OF Gylord Sonnenschein, 905 N Madison, Pierre, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 1372-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch / gmk
Chief Engineer



1372-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 17, 1995

1372-2

Gaylord Sonnenschein
905 N Madison
Pierre, SD 57501

Dear Mr. Sonnenschein:

The transfer of ownership for Water Right No. 1372-2 has been completed. The water right was transferred as follows: an undivided 3/4 interest onto Bertha Sonnenschein, 503 West Cedar Avenue, Ft Pierre, SD and an undivided 1/4 interest onto Gaylord Sonnenschein, 905 N Madison Avenue, Pierre, SD.

Gaylord, if it is acceptable to you, I have made a notation in the file to send the yearly irrigation questionnaires directly to you. If you would like them mailed differently, please let me know. They are mailed out in October each year.

Enclosed is Receipt No. 414547 in the amount of \$2.50 which you paid for filing the transfer of ownership form. If you have any questions, please contact me.

Sincerely,

Genny McMath

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

enclosure

cc: Bertha Sonnenschein, 503 West Cedar Avenue, Ft Pierre, SD 57532

1372-2

NOT TO SCALE



- ⊗ Div. pl.
- land being irri.
- - - Present City limit.

MR Shadi
Natural Resources Engineer
11/29/88

Water Right
No. 1372-2



5-31

Div Point

Div Point

3.5

50.0

28.0

5-31

Herbert R. Dams
District Conservationist

1372-2

Map No. 1162-2 (Appl. 121372-2)



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2020

1372-2

Gaylord Sonnenschein
123 Jamieson Dr
Fort Pierre SD 57532-2312

Dear Gaylord:

Enclosed is a "Notice" dated October 23, 2020 concerning the 2020 irrigation questionnaire. The notice was originally mailed to 905 N Madison, Pierre SD. The post office notified us that your address has changed, and I will update our records accordingly.

Additionally, I am not sure if you were aware or not, but the water right is still listed under Bertha and Sonnenschein (3/4 undivided interest) and you (1/4 undivided interest). I am enclosing a partially completed "transfer of ownership" form for you to complete. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If there is no longer a system to irrigate with if conditions warranted, the water right would be scheduled for cancellation and you would not have to file the ownership change. Let me know what you decide.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID

NOV - 9 2020

Ck# 14588

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

RECEIVED

NOV 09 2020

WATER RIGHTS
PROGRAM

No. 1372-2

Date: 11-3-2020

I/We request that Water Right No. 1372-2

formerly owned by: **Bertha Sonnenschein (an undivided 3/4 interest), Gaylord Sonnenschein (an undivided 1/4 interest)**

be transferred to: (name & address)

Gaylord Sonnenschein

123 Jamieson Drive

Ft. Pierre, S.D. 57532

Telephone No. 605-280-1791

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

Lots 3, 4 & 5, SW 1/4 SW 1/4 and Outlot No. 1 (City of Ft Pierre), Section 33, T5N, R31E

I/We understand that the validity of Water Right No. 1372-2 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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Gaylord Sonnenschein
(Signed by new owner)

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

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

1372-2

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date November 9, 2020

RECEIVED OF Gaylord L Sonnenschein 905 N Madison Ave Pierre, SD 57501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>1372-2</u>	\$50.00
Fee for _____	\$
Fee for Issuing New Well Driller's License No. _____	\$
Fee for Renewal of Well Driller's License No. _____	\$
Fee for Issuing Well Pump Installer's License No. _____	\$
Fee for Renewal of Well Pump Installer's License No. _____	\$
(Any Other Work Provided by Law) TOTAL	\$50.00

By Eric Gronlund
Chief Engineer

zm



DENR
SOUTH DAKOTA

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

November 9, 2020

1372-2

Gaylord Sonnenschein
123 Jamieson Dr
Fort Pierre SD 57532-2312

Dear Gaylord:

I am writing to acknowledge receipt of your 2020 irrigation questionnaire, the transfer of ownership form and the filing fee.

The ownership change has been completed. Water Right No. 1372-2 is now listed solely in your name.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Genny McMath".

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

enclosure



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

January 19, 2024

NOTICE

TO: GAYLORD SONNENSCHN, 123 JAMIESON DR, FORT PIERRE, SD 57532

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

SUBJECT: Reporting Requirement for 2023 Irrigation Questionnaire(s)

Our records indicate your 2023 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 1372-2. The request for the Questionnaire was dated October 20, 2023. The Water Management Board has directed owners of water permits who have not submitted the 2023 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) 1372-2 qualification:

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

The hearing will be held at **Wednesday, March 6, 2024 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 1372-2 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 6, 2024** 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MMRAYB**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2024

1372-2

Gaylord Sonnenschein
c/o Cathy Sonnenschein
123 Jamieson Dr
Fort Pierre SD 57532

Dear Ms. Sonnenschein:

I am writing to acknowledge the receipt of your 2023 irrigation questionnaire(s).

You may disregard the January 19, 2024, "Notice" concerning the reporting requirements for Water Permit No(s). 1372-2. The information was received prior to the March 6, 2024, Water Management Board meeting and this permit number has been removed from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 4, 2025

1372-2

Cathy Sonnenschein
123 Jamieson Dr
Ft Pierre SD 57532

Dear Ms. Sonnenschein:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year you noted the unfortunate passing of Gaylord Sonnenschein, and ask that the water right be transferred to you. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card, you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.910.5187

Sincerely,

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

enclosures