

Water Division No. 2

(Blanks to be filled by the Engineer for the W. D. C.)

Big River

JAN 14 1960

SOUTH DAKOTA WATER RESOURCES BOARD

PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of applicant Bernard H. Marion Arthur Schimkat 12/6/66
115 S. Washington
 Postoffice address Pierre, County Hughes, State South Dakota

I. If a corporation

- (a) Name of same _____
 (b) Date and place of incorporation _____
 (c) Amount of capital stock _____
 (d) Amount paid in _____
 (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II Method of accomplishing the work and financial resources of the applicant:

- (a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Completed

- (b) Cash on hand, \$ _____ (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Marion #1
 3. Amount of water claimed 1.1 cubic feet per second
 4. Source of water supply ground water (Well #1 & #2)
 5. Location of point of diversion S. 46° 30' E. 2300' from NE Cor. Sec. 28, T. 5 N., R. 31 E,
and 313° E 1470' from NE Cor. Sec. 28, T. 5 N., R. 31 E Box Stanley County.
 6. Annual period or periods during which water is to be used May 1 to Oct. 1
 7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkler, combination system?
- Sprinkler

- (a) Number of acres to be irrigated 80 (78.85)
Lot 6 - 50.85 Sec. 28, Lot 8 - 3.55 - Sec. 21
 (b) Legal subdivisions to be irrigated Lot 7 - 25.56 all in T. 5 N., R. 31 E.

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

- (c) Statement as to domestic use (giving location, etc.)
- irrigation

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

- (a) Nature of use none
 Name any of the above uses claimed _____
 (b) Amount of power to be generated _____ horse power.
 Amount claimed for engine cooling _____
 (c) Location of plant _____
 (d) Method of developing power _____
 (e) Point where water will be returned to stream _____

Map # 804-2

8. Estimated cost of work: Wells \$ 700.00
Motors & Pumps 1800.00
Pipe & Sprinklers 2400.00
(a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at top feet; thickness at bottom feet; thickness at top feet, slope at front water face; slope at back face material used in construction
(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
Material.....
(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years. Completed
11. Time required for complete application of water to the proposed beneficial use years.
12. Choice of newspaper for publication of notice of intention to appropriate Not applicable

STATE OF SOUTH DAKOTA

County of Hughes ss.

I, Bernard M. Marion, 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, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

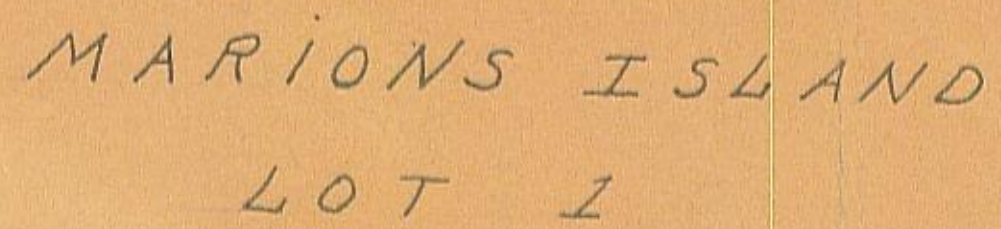
Signed Bernard M. Marion

Subscribed and sworn to before me this 20th day of January 1960

Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

3-2-67



Formerly parts of: Lot 8 Section 21 &
Lots 6 & 7 Section 28, both of T 5 N
R 31 E BHM Stanley County, S. Dak.

----- = 1891 property line
----- = 1953 platted line.
Scale 1" = 200'

Scale 1" = 200'

83.49 Acres

— outline of Irrigation Project

Remarks by State Water Resources Commission:

"Vested Right Claimed"

STATE OF SOUTH DAKOTA
County of Hughes ss.

Pierre, South Dakota, January 21, 1960

This is to certify that the foregoing application was received by the Commission at 11:00 o'clock
A m. upon the 19 day of January, 1960

State Water Resources Commission

By: J. C. Brinner

Chief Engineer, Executive Officer

Number of permit 569-2

Date of first receipt of application January 19, 1960

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right 1953, 19____

Approved January 21, 1960, Recorded in Book 5 Page 296

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified has been completed on or before _____

2nd. The whole of said work has been completed on or before _____, 19____

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith has been completed, 19____

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 11 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 used

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

from May 1 to October 1 inclusive

Witness my hand this 21st day of January, 1960

State Water Resources Commission

By: J. C. Brinner

Chief Engineer, Executive Officer

Certificate of Construction Issued January 21, 1960

Water License Issued January 21, 1960

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 8" Depth 42'

Type of casing 6" perforated
(wood, concrete, steel, etc.)

Size of casing 6" Thickness of casing

Length of casing 42' If collection gallery, length, size and depth of
gallery

(b) Screens

Type of perforated screen Steel

Size of perforated screen 6"
(diameter) (length)

Thickness of gravel pack 2" length of gravel pack

(c) Water Bearing Material

Distance to water 12' Character of water bearing materials

Pea size to walnut sized gravel

Thickness of water bearing material 22'

(d) Pump and Motor

Type of pump Wisconsin Centrifugal
(centrifugal, propeller, mixed flow, etc.)

Name of pump size 3"

Kind of motor gasoline
(gasoline, electric, diesel, etc.)

Horsepower 7½ Name of Motor Wisconsin

(e) Complete well

Capacity 200 at drawdown of 12' Estimated cost \$250.00

(f) Owner of land upon which well is located

Bernard M. Marion
NamePierre, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 1300' On property owned by others ½ mile

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 18", Depth 42'Type of casing Steel
(wood, concrete, steel, etc.)Size of casing 10", Thickness of casing _____Length of casing 42' If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen perforatedSize of perforated screen _____
(diameter) (length)Thickness of gravel pack 6", length of gravel pack 42'

(c) Water Bearing Materials

Distance to water 12' Character of water bearing materials Coarse gravel

Thickness of water bearing material _____

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propeller, mixed flow, etc.)Name of pump Layne, size 8"Kind of motor gasoline
(gasoline, electric, diesel, etc.)Horsepower 22, Name of Motor Chevrolet

(e) Complete well

Capacity 350 at drawdown of 12' Estimated cost \$450.00(f) Owner of land upon which well is located Bernard Marion
NamePierre, South Dakota
Address

(g) Distance to nearest existing wells

On same owner's property 1300 rods. On property owned by others 3/4 miles

STATE OF SOUTH DAKOTA

WATER LICENSE No. 569-2.

WHEREAS, On the 19th day of January A. D. 1960

Barnard M. Marion

of Piorre County of Hughes and State of South Dakota duly made application (No. 569-2) to us for a Vested Right permit to use 1.1 cubic feet per second of the waters of ground water County of Stanley, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 21st day of January A. D. 1960 Vested Right 569-2 was issued to said applicant... for the diversion of said water, and recognizing ~~XXXXXX~~ for the completion of the works of diversion therein described ~~XXXXXXXXXX~~ ~~XXXXXX~~ and for the application to beneficial use of said water ~~XXXXXXXXXX~~ ~~XXXXXX~~ ~~XXXXXX~~ and,

WHEREAS, On the 19th day of January A. D. 1960 Vested Right the holder... of said permit duly made proof of the completion of adequate works for the diversion of 1.1 cubic feet per second of said waters, as evidenced by our Certificate No. 569-2 dated January 21, 1960 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 1.1 cubic feet per second of water, with date of priority of 1953 ~~XX~~ and,

WHEREAS, On the 19th day of January A. D. 1960 proof was duly made of the application to beneficial use of 1.1 cubic feet per second of said water; to be used for irrigating portions of Lot 6 & 7, Sec. 28, and Lot 8, Sec. 21, T 5 N, R 31 E.

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 Bernard M. Marlon
 of Pierre the holder... and owner... of Vested Right permit No. 569-2
 a water right, dating from 1953 to the use of 1.1
 cubic feet per second of the waters of ground water
 in the County of Stanley and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinafter mentioned, to be diverted at a point in Lot 6 and a
point in Lot 7, Sec. 28, T 5 N, R 31 E
 and conducted to and upon 80 acres more specifically described in
Certificate of Completion of Works
 for the purpose... of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
 State, and subject, also, to the local or community customs, rules and regulations which have been or may be
 adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
 which such water may be taken, when such rules and regulations have for their object the economical use of such
 water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
 this 21st day of January A. D. Nineteen
 Hundred and Sixty

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No.

To

Source of Supply

County

Am't c. f. s.

Point of Diversion

Place of Use

Purpose

Date of Expiry

Recorded

In Book of Page

Permit No. 569-2Water Division No. 2 Bad River Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Bernard M. Marionof Pierre, County of Hughes, and State of South Dakota, the holder of Vested Right of Permit No. 569-2, issued upon ApplicationNo. 569-2, bearing date of priority of 1953, authorizing the diversion of 1.1 cu. ft. per second of the waters of ground waterCounty of Stanley, State of South Dakota, at a point in Lot 6 and a point in Lot 7, Sec. 28, T 5 N, R 31 Efor irrigationpurposes, has fully 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 recognized as satisfactory~~therefor~~ for diverting and conveying to the place of intended use 1.1 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,to-wit: all lands in T 5 N, R 31 E

Lot 6	Sec. 28	50.69 acres
Lot 7	" "	23.56 acres
Lot 8	Sec. 21	3.55 acres

78.00

Witness my hand this 21st day of January A. D. 19 60

State Water Resources Commission

By:

J. W. GRIMES,

Chief Engineer, Executive Officer

Location No. 529.2Water Division No. 2Bud
Rural Water District**Proof of Application of Water to Beneficial Use****PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Barnard M. Marion

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. Not Applicable

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. wells drilled in 1953

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Ground water-2 Wells - S46° 30' E 2300' from NW Cor., Sec. 28, T 5 N,
R 31 E, and S13° E 1470' from NW Cor., Sec. 28, T 5 N, R 31 E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Two shallow wells about 42' deep with adequate pipe and sprinklers
to cover proposed area

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

irrigation on all or portions of Lot 6 & 7 Sec. 28 and Lot 8,
Sec. 21, T 5 N, R 31 E

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. None

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.1 cfs

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. original owner

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Wells drilled in 1953 and some irrigation done during that summer. Complete area has been irrigated continuously since then.

(Sign) Bernard M. Martin

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in PIERRE, County of Hughes

State of South Dakota, on this 20th day of January, A. D. 1960

Witnesses, Alvin H. Hall
Notary Public - 3-2-62

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the work, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

NOTICE OF TRANSFER OF WATER PERMIT

December 6, 1966

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to certify you that Bernard M. Motion

who previously owned the land described below has sold his interests to

Arthur Schimkat

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 569-2
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA

County of _____ } ss.

I, _____ 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 I know of my own personal knowledge that the information herein stated is true.

Signed

Art Schimkat

Subscribed and sworn to before me this 6 day of December 1966

Alvin A. Allen
Notary Public

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

ARTHUR SCHMIKAT
BOX 1016
PIERRE, SD 57501

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

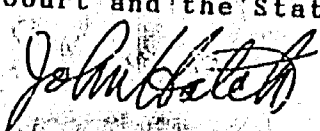
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 917-2, 569-2. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be 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 pm, May 6, 1987 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). 917-2, 569-2 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, Chief Engineer
Water Rights Division
605 773-3352

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

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

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: ARTHUR SCHMIKAT
BOX 1016
PIERRE, SD 57501

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

John Hatch

SUBJECT: Amendment to Water Permit No(s). 569-2, 917-2

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 569-2, 917-2 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.

Attachment to Water Permit No. 569-2

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 569-2 to add the following qualification:

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

● **SENDER:** Complete 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. ☐ Restricted Delivery.

3. Article Addressed to:

ARTHUR SCHUBERT
BOX 1016
PIERRE, SD 57501

4. Article Number: **P1576309739**

5. Type of Service:

☐ Registered ☐ Insured
☒ Certified ☐ COB
☐ Express Mail

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

5. Signature of Addressee
X *[Signature]*

6. Signature - Agent
X *[Signature]*

7. Date of Delivery
5-8-80

8. Addressee's Address (ONLY if requested and fee paid)
**1011 Arriand
Pine View, TX
77072**

South Dakota
Department of
Water & Natural Resources

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

June 8, 1987

569-2
917-2

Arthur Schmikat
1011 Garland
Plainsview, TX 79072

Dear Mr. Schmikat:

This letter will acknowledge receipt of your 1986 irrigation questionnaires for Water Right Nos. 569-2 and 917-2. Jerry Schmikat telephoned our office May 18, 1987 and indicated no irrigation had taken place under these water rights in 1986. With this information, questionnaires were completed for you.

A notice was sent to you March 23, 1987, regarding the Irrigation Questionnaire submittal violation of Water Right Nos. 569-2 and 917-2 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation. Since your questionnaires were not received prior to the hearing date, the Water Management Board amended your water rights to require the Irrigation Water Use Questionnaire to be submitted each year.

The amendment means that you are now required to return the irrigation questionnaires each year as a qualification to your water rights. Future violations of the Irrigation Questionnaire Qualification can result in a one year suspension any rights under Nos. 560-2 and 917-2.

If you have any questions, please contact us.

Very truly yours,

John Hatch

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

September 21, 1988

NOTICE

Arthur Schimkat
Box 1016
Pierre SD 57501

Dear Mr. Schimkat:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 569-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for *W. Edwin H. Brown*
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



 **Department of
Water & Natural Resources**

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

May 26, 1988

Arthur Schmikat
1011 Garland
Plainsview, TX 79072

Dear Mr. Schmikat:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 569-2, 917-2.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988, if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,



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



June 9, 1988



Mr. John Hatch
S. D. Dept. of Water & Natural Resources
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181

RE: Arthur Schimkat
Water Permit No. 569-2, 917-2

Dear Mr. Hatch:

I am in receipt of your letter dated May 26, 1988, concerning the above listed permit.

The reason that we have not reported any irrigation in the last five years is that we found that it was not necessary to irrigate the crop because of sufficient moisture. We have plans to use the irrigation in the future. Mr. Hatch, I would appreciate it if you would drop me a line confirming the renewal of the permit.

If you have any questions concerning this matter or require any additional information, please let me know.

Sincerely,

Arthur Schimkat
Box 1016
Pierre, SD 57501

SOUTH DAKOTA

Dakota Department of Water & Natural Resources

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

June 23, 1988

Arthur Schimkat
Box 1016
Pierre SD 57501

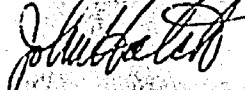
Dear Mr. Schimkat:

I am writing in answer to your letter of June 9, 1988.

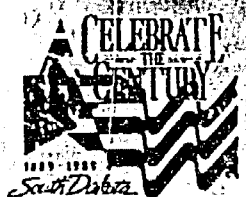
You need to use Water Right No. 569-2 and Water Permit No. 917-2 or they may be subject to cancellation. As stated in my May 26, 1988 letter, South Dakota Water Law states that you must use the water at least once every three years. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings that prevent the use of water. Water Rights and/or Water Permits that are cancelled or subject to cancellation may not be reactivated. It will take a new application to reactivate (renew) your Water rights/permits.

If you have any other 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

October 10, 1989

569-2

Jerry Schmikat
Box 1016
Pierre, SD 57501

Dear Mr. Schmikat:

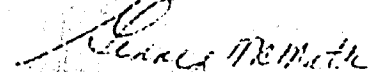
Enclosed is a copy of Water Right No. 917-2 and Vested Water Right Claim No. 569-2. They are currently listed under the name of Arthur Schmikat.

I wish to thank you again for stopping by the office to complete the 1989 irrigation questionnaires. I have one more question I need to ask you pertaining to the questionnaire completed for No. 569-2. I have spoke with several staff members concerning the drip irrigation system you have, and the average gallons per minute of the pump. The 80 gallons per minute I penciled in is too high for this type of system.

This figure may be stamped on the pump. If not, you could contact the person who installed the pump for you. I realize this information may be hard to obtain, however it is necessary in order to complete the questionnaire.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
773-3352





569-2

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

February 7, 1995

APITIUR SCHIMIKAT
BOX 1016
PIERRE SD 57501

NOTICE

RE: Violation of Water Permit No(s) 569-2 & 917-2.

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No(s) 569-2 & 917-2. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 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) 569-2 & 917-2 qualification:

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

The hearing will be held at 9:30 am, March 8, 1995 in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 200 S 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) 569-2 & 917-2 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 3, 1995, 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

SENDER: Complete items 1 and/or 2 for additional services. 1. Complete items 3, and 4a & b. 2. Print your name and address on the reverse of this form so that we can return this card to you. 3. Attach this form to the front of the mailpiece, or on the back if space does not permit. 4. Write "Return Receipt Requested" on the mailpiece below the article number. The 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 fees.	
		3. Article Addressed to: 569-2 ARTHUR SCHMIKAT BOX 1016 PIERRE, SD 57501	
4a. Article Number: 569-2		4b. Service Type: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
5. Signature (Addressee): <i>Arthur Schmik</i>		6. Date of Delivery: 2/14/95	
7. Signature (Agent):		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			

Thank you for using Return Receipt Service

529-2

SPEED MESSAGE

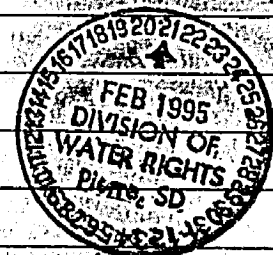
TO
Dept of Environment
and Natural Resources
Joe Jones Bld Rivers SD
523 East Capitol

FROM
ARTHUR SCHIMKAT
1850 P. CAMINO REAL
#123
PALM SPRINGS, CA 92264

DATE 2-14-95

Gentlemen

I am answer to your letter dated Feb 7, 1995
re your Water and Irrigation permit.
I will no longer need a permit since
this property has been sold.



Thank you
Arthur Schimkat

SIGNED

ORIGINAL

WILSON J. L. 185 • Carbonless • MADE IN USA
44 500 Dupl. 187

569-2/917-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Jerry Schimkat

ADDRESS: Box 9, Ft Pierre, SD 57532 COUNTY: Stanley

DATE: May 3, 1995 TELEPHONE: 223-2324

RE: Water Permits for Arthur Schimkat

COMMENTS:

In February, 1995, Art Schimkat notified the office that he would no longer need a water permit since the property was sold.

I contacted Jerry Schimkat to check on who the land was sold to. He indicated the "two cities" had purchased the land, but he would still be watering the trees. He stated the cities would not be irrigating.

He would like the water permits left under Arthur's name and correspondence directed to him (Jerry) at Box 9 in Ft Pierre. He stated he has irrigated the same amount every year and will continue to do so for the coming years. He did not understand why he needed to receive irrigation questionnaires each year when we should know that he always irrigates the same. I explained to him why they were sent and that it was a qualification of the permits. He said this was fine, but if he didn't return them, just fill them out the same as the year before.

I believe that someone should inspect the area to find out how much irrigation is still taking place under the two permits. If only drip irrigation is used, perhaps we could eliminate reporting requirements.

Genny McMath

Genny McMath
Environmental Scientist