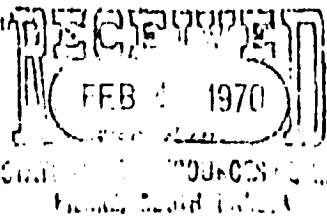


1. Considered MARCH 18 1910 1721-3
2. Name of Applicant MENNO H. SCHMIDT
3. Post Office Address WILLOW LAKE
4. Amount of water claimed 3.4
5. Source of water supply DUGOUT
6. Water to be used for IRRIGATION
- Acres to be irrigated 240
7. Water to be diverted and used in CLARK county
about 3 miles W of WILLOW LAKE
8. Proof of Publication Received 3.13.10
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 1731-3

Map No. 1247-3 Water Division No. 3 JAMES RIVER
(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 Menno H. Schmidt
 Postoffice address Willow Lake 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) all three
3. Name of diversion work Menno H. Schmidt Irrigation Project No. 1
4. Amount of water claimed (cubic feet per second) 3.4 CFS
5. Source of water supply Dugout
6. Location of point of diversion 40 rods north and 40 rods east of S 3 / 4 corner of
Section 3.113, 57 County CLARK
7. Annual period or periods during which water is to be used April thru Oct.
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 240

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.
SW 1/4, 3,113,57	160		
SE 1/2, NW 1/4, 3,113,57	80		

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 Daily Plainsman, Huron
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.

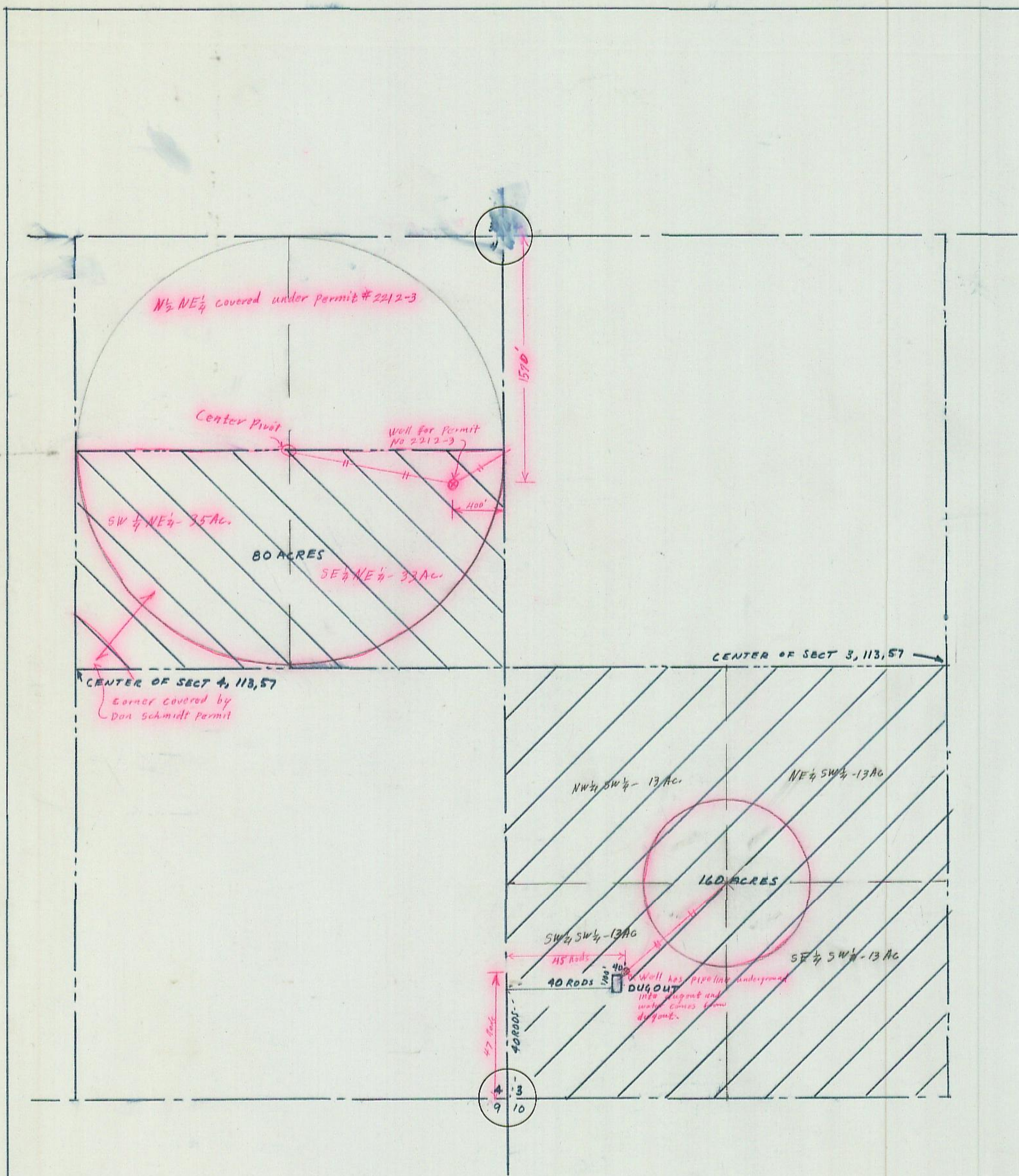
Estimated Total Cost \$ _____

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 BeadleI, Menno H. Schmidt 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.Subscribed and sworn to before me this 29th day of January 1970

Notary Public (or other qualified officer)



AREA BY LEGAL SUBDIVISION

160 ACRES - SW $\frac{1}{4}$ SECT 3, T.113N., R.57W., 5TH PM.
80 ACRES - S $\frac{1}{2}$, NE $\frac{1}{4}$ SECT 4, T.113N., R.57W., 5TH PM.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA) ss
COUNTY OF BEADLE)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF MENNO H. SCHMIDT,
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON JAN. 22, 1970 FOR WHICH
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 22ND DAY OF JAN 1970.
Harlan W. Meyer
REGISTERED LAND SURVEYOR #495

SCALE 1" = 400'

MENNO H. SCHMIDT IRRIGATION PROJECT #1
SHOWS AREA TO BE IRRIGATED & DUGOUT LOCATION WHERE
WATER WILL BE DIVERTED - FOR PERMIT TO APPROPRIATE WATER

OWNER
SURVEYOR

MENNO H. SCHMIDT
HARLAN W. MEYER
JAN 1970

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1721-3MENNO H. SCHMIDT
(Applicant)WILLOW LAKE
(Post Office Address)SOUTH DAKOTA
(State) With the following modifications:

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 FEBRUARY 4 19 70
 Date of return to applicant for correction, amendments or changes required — 19 —
 Date of receipt of corrected application — 19 —
 Approved MARCH 18 19 70, Recorded in Book 11 Pa 92

WATER RIGHT PERMIT NO. 1721-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1721-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 4 19 70
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 18 19 72
3. The whole of said work is to be completed on or before MARCH 18 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18 19 76
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 3.40 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 MARCH 18 19 76; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 20th day of MARCH 19 70

WATER RESOURCES COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

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

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter _____, Depth _____
- (2) Casing, Type _____, Diameter _____ Thickness _____
(wood, concrete, steel, etc)
- (3) Perforated Screen,
Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

- (1) Surface dimensions 40 X 100, Depth 12

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 1 1/2 ft overburden, 2 1/2 ft of sand and gravel

Depth to top of water bearing material 1 1/2 ft

Depth to bottom of water bearing material 25 1/2 ft

Thickness of water bearing material 24 ft

Depth to water (ground surface to water level) 3 ft

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

On same owner's property none rds. On property owned by others 160 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.

Thomas H. S. R. A.
Signature of Applicant

WATER LICENSE NO. 1721-3

(1) WHEREAS, On the 4th day of February, 1970, A. D. 1970, Henno H. Schmidt

made Water Right Application No. 1721-3 for a permit to use 3.40 cubic feet per second of the waters of a dugout of Clark County, State of South Dakota, for Irrigation

(2) WHEREAS, On the 18th day of March, 1970, A. D. 1970, Permit No. 1721-3, with a date of priority of February 6, 1970

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 18th day of March, 1975, and for the application to beneficial use of said water on or before the 18th day of March, 1976

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 1.71 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 described lands all in T117N-R5W

Description		Acres
Section 3	NW 1/4 SW 1/4	13
	NE 1/4 SW 1/4	13
	SW 1/4 SW 1/4	13
	SE 1/4 SW 1/4	13
* Section 4	SW 1/4 NE 1/4	35
	SE 1/4 NE 1/4	33
Total		120 acres

* This 68 acres irrigated, Licensed under this permit, use the diversion point (well) along with lands irrigated under Water Permit No. 2212-3.

(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 Henno Schmidt

_____ of Willow Lake SD
the holder _____ and owner _____ of said permit No. 1721-3 a water right, dating from February 4, 1970
_____ to use of 1.71 cubic feet per second of the waters
of a dugout

in the County of Clark and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at X from dugout 47 rods north and 45 rods east of the
SW corner, Sec. 3-T113N-R57W and from a well (covered under Water Permit No. 2212-3)
1570 feet south and 400 feet west of the NE corner Sec. 4-T113N-R57W

and conduct to and upon lands in Section 3 and 4 - T117N - R57W more fully described on the
face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1721-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this _____ day of _____ A. D.
8th January
Nineteen Hundred and Seventy-nine

WATER RIGHTS COMMISSION

By: John Hatch
Chief Engineer, Executive Officer

, JOHN HATCH

Permit No. 1721-3

Water Diversion No. 3 James River Water District

CERTIFICATE OF CONSTRUCTION

Henno H. Schmidt

This is to Certify, That _____

_____ the holder _____ of
Permit No. 1721-3, issued upon Application No. 1721-3, bearing date of priority of February 4,
1970 authorizing the diversion of 3.40 cu. ft. per second of the waters of _____
a dugout and well _____ County of Clark, State of South Dakota XX _____
from dugout 47 rods north and 45 rods east of the SW corner, Sec. 3-T113N-R57W
and from a well (covered under water Permit No. 2212-3) 1570 feet south & 400
feet west of the NE corner, Sec. 4-T113N-R57W for irrigation.

purposes, has s complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use .78 cu. ft. per second of water.

Date January 8, 1979

By: WATER RIGHTS COMMISSION
John Hatch
JOHN HATCH, Chief Engineer

No. 1721-3

Publish first publication, on or before February 19, 19 70

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

February 9, 19 70

Notice is hereby given that Herman H. Schmidt

whose post office address is Willow Lake, 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

3.4 cubic feet of water per second of time from the ground water (dugout) through the

_____, the point of diversion of which is to be located in the _____

S1/2 S1/2

of Section 3, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on the following described land:

S1/2, Section 3; S1/2 NE1/4, Section 4, T113N, R57W

This application No. 1721-3 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of March, 19 70, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: **Herman H. Schmidt, Willow Lake, S.D.**

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County _____) ss.

I, Arlene Farmer hereby

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

Water was taken from the _____

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

Daily Plainsman of Huron, So. Dakota

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

Notice-Intent To Appropriately Water

Arlene Farmer
(Signature)

Bookkeeper
(Title)

March 12, 1970
(Date Signed)

THE DAILY PLAINSMAN

FP 2-19-70 NOTICE LP 3-12-70

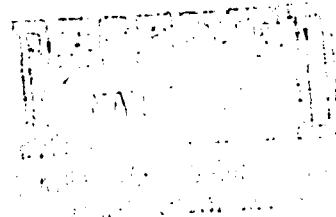
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
February 9, 1970

Notice is hereby given that Menno H. Schmidt, whose post office address is Willow Lake, 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 3.4 cubic feet of water per second of time from ground water (dugout) through the point of diversion of which is to be located in the SW1/4 SW1/4 of Section 3, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on the following described land: SW1/4, Section 3, S1/2 NE1/4, Section 4, T113N, R57W.

This application No. 1721-3 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of March, 1970, at 2:00 p.m. All interested persons may appear and be heard.

Willow Lake, S. D.
By: Burton F. Jones,
Water Rights Specialist
cc: Menno H. Schmidt,
Water Rights Specialist

No. 56 (adj.)



Permit No. 1721-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Menno H. Schmidt
 of Willow Lake, South Dakota 57278 holder
 of Permit No. 1721-3, bearing date of priority of February 4, 1970
 authorizing the diversion of 3.40 cu. ft. per second of the waters of Dugout
 for Irrigation purposes, in Clark 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: the Following Pump and Motor for CP in SW $\frac{1}{4}$ Sec. 3,
Motor - US Electric, 25 HP, 1750 RPM, I.D. R 2783-02-D344
R 2076418,
Pump - Fairbanks Morse, Ser. # K 3A 2080840, size 10A,
Fig 7000, 212 TDH. Pumping 350 gpm.
- B. Works used to transport water to place of use,
800 ft Underground Pipe in SW $\frac{1}{4}$ Section 3
900 ft. " " " 5 $\frac{1}{2}$ NE $\frac{1}{4}$ Section 4.
- C. Works used to apply water to beneficial use.
Olson Center Pivot. Covers 52 Ac. In SW $\frac{1}{4}$ Section 3.
Electregator center Pivot in NE $\frac{1}{4}$ Section 4. Same CP and well
as used in Permit # 2212-3.

The system is in the following condition: Good

The point of diversion is located 47 Rods N and 45 Rods E of the SW corner of
Sec. 3, T113N R57W. See Permit No. 2212-3 for point of diversion
in NE $\frac{1}{4}$ Sec. 4, T113N R57W Permit 1721-3 Permit 2212-3

The works are capable of diverting and conveying to the place of use $0.78 + 2.9 = 3.57$ cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 13 Ac. NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 13 Ac.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 13 Ac. SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 13 Ac. All in Section 3, T117N R57W. and
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 35 Ac.; SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 33 Ac. All in Section 4, T117N R57W
comprising a total of 120 acres of land.Dugout. 40' x 100' x 12 ft depth.

For Well data see Permit # 2212-3

Date December 12, 1978
Leroy J. McLaughlin
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 6632

PIERRE, December 21, 1978

RECEIVED OF Manino Schwaldt, Willow Lake, SD 57278

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. <u>(1721-3)</u>	12	0
Fee for Inspecting Beneficial Use, and issuing Water License No. <u>(1721-3)</u>		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filling _____		
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	12	10

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

99



Department of Water & Natural Resources

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

January 29, 1988

MENNO SCHMIDT
SR BOX 15
WILLOW LAKE, SD 57278

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2212-3, 4228-3, 1721-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

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

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

1. Amend Permit No(s). 2212-3, 4228-3, 1721-3 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 March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 10, 1988

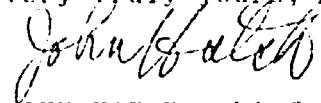
1721-3
2212-3
4228-3

Menno Schmidt
SR Box 15
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 1721-3, 2212-3, 4228-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

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

March 19, 1990

4228-3

2212-3

(1721-3)

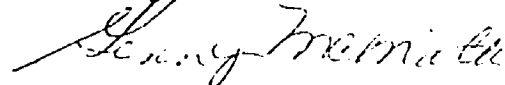
Donald Schmidt
SR Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

Enclosed, as we discussed, are copies of Water Right Nos. 4228-3, 2212-3 and 1721-3 listed in the name of Menno Schmidt. Also enclosed are copies of two logs for wells drilled in 1976 for domestic purposes.

If you have any questions, please contact me.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosures



1721-3

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

January 29, 1993

NOTICE

TO: MENNO SCHMIDT
SR BOX 15
WILLOW LAKE SD 57278

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1721-3, 2212-3 & 4228-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1721-3, 2212-3 & 4228-3 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

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

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

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

Consult postmaster for fee.

3. Article Addressed to:

MENNO SCHMIDT
SR BOX 15
WILLOW LAKE SD 57278

4a. Article Number

1721-3 P906560004

4b. Service Type

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

7. Date of Delivery

2-01-93

5. Signature (Addressee)

6. Signature (Agent)

M. Schmidt

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

PS Form 3811, December 1991 • U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1721-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 4, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt your 1992 irrigation questionnaires for Water Permit Nos. 2696-3A, 4414-3 & 4658-3 (Donald Schmidt) and Nos. 1721-3, 2212-3 & 4228-3 (Menno Schmidt). The questionnaires were completed following our telephone conversation on February 1, 1993. You may disregard the January 29, 1993, Notices for Violation of Water Permit, Failure to Report Chemical Use and Violation of the Requirements to Submit the 1992 Irrigation Questionnaires.

The questionnaires were received prior to the Water Management Board meeting, and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

cc: Menno Schmidt, SR Box 15, Willow Lake, SD 57278



1721-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

MENNO SCHMIDT
SR BOX 15
WILLOW LAKE SD 57278

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 1721-3, 2212-3 & 4228-3. 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 hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 1721-3, 2212-3 & 4228-3 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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

Is your RETURN
stated on the reverse side?

SENDER:

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

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

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1721-3

MENNO SCHMIDT
SR BOX 15
WILLOW LAKE, SD 57278

4a. Article Number

P 757 566 343

4b. Service Type

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

7. Date of Delivery

2-08-95

5. Signature (Addressee)

M. Schmidt

6. Signature (Agent)

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



1721-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 1995

1721-3 ✓

2212-3

4228-3

Menno Schmidt
SR Box 15
Willow Lake, SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaires.

The questionnaires were received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

1721-3

$N\frac{1}{2}NE\frac{1}{4}$ covered under permit #2212-3

Center Pivot

Well for Permit
No 2212-3

1570'

$W\frac{1}{4}NE\frac{1}{4}$ - 35 AC.

80 ACRES

$SE\frac{1}{4}NE\frac{1}{4}$ - 32 AC.

1400'

CORNER OF SECT 4, 118, 57

Corner covered by
Schmidt Permit

CENTER OF SECT

$NW\frac{1}{4}SW\frac{1}{4}$ - 13 AC.

$NE\frac{1}{4}$

160 ACRES

$SW\frac{1}{4}SW\frac{1}{4}$ - 13 AC

45 ACRES

40 RODS

40'

DUGOUT

Well has pivoting underground
into dugout and
water comes from
dugout.

47 Feet

40 RODS

9 10

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1721-3

(1) Menno H Schmidt of St Rt Box 15, Willow Lake, SD 57278 was issued Water License No. 1721-3, January 8, 1979 for a water right to appropriate 1.71 cubic feet of water per second from groundwater (dugout), Clark County, South Dakota for irrigation purposes. Water License No. 1721-3, with a priority date of February 4, 1970 was issued to the permit holder for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

A review of the original water license and report of examination of works found an error in the legal description of the acres irrigated. The township was incorrectly written as "T117N" and should have been written as "T113N". The January, 1979 water license is being reissued to correct the error. Reissuance of the license does not alter the remaining portions of the license.

(2) It is certified that Menno H Schmidt 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 1.71 cubic feet of water per second for beneficial use. The location of the diversion point (dugout) is 47 rods north and 45 rods east of the SW corner Section 3, T113N, R57W (SW 1/4 SW 1/4). A well located 1570 feet south and 400 feet west of the NE corner of Section 4, T113N, R57W (SE 1/4 NE 1/4), covered under Water Right No. 2212-3 is used to irrigate the land in the S 1/2 NE 1/4 Section 4, T113N, R57W (described below).

(3) Menno H Schmidt has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 120 acres - all in T113N, R57W

Section 3

NW 1/4 SW 1/4	13 acres
NE 1/4 SW 1/4	13 acres
SW 1/4 SW 1/4	13 acres
SE 1/4 SW 1/4	13 acres

Section 4

SW 1/4 NE 1/4	35 acres
SE 1/4 NE 1/4	33 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Menno H Schmidt of St Rt Box 15, Willow Lake, SD 57278 the holder and/or owner of Water Right No. 1721-3 is issued a license to appropriate water, the right to use 1.71 cubic feet of water per second from groundwater (dugout) with a priority date of February 4, 1970 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This reissued license is subject to any limitations or qualifications listed in Water Permit No. 1721-3 and subject to South Dakota State Law.



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

SEP 6 1995

date



1721-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

1721-3

Menno H Schmidt
St Rt Box 15
Willow Lake, SD 57278

Dear Mr. Schmidt:

Enclosed is Reissued Water License No. 1721-3. The water license has been reissued to correct an error in the legal description of the acres irrigated. The original license described the land as being in "T117N" and should have stated "T113N". Reissuance of the license corrected this error and did not alter the remaining portions of the license.

As long as you beneficially use the water as stated in the water license, you will have a continuing right to the use of the water. If you have any questions concerning the reissued license, please contact us.

Very truly yours,

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

enclosure
gm

RECEIVED

NOV 28 2011

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

Water Right/Permit No. 1721-3Date: 11/21/11I/We request that Water Right/Permit No. 1721-3 formerly owned by:Menno H. Schmidt

be transferred to:

New Owner Name: Phyllis SchmidtAddress: 19052 427th AveCity, State, Zip Willow Lake SD 57278 Telephone No. 605-625-5416

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

Sec 3-T113N-R57WSec 4-T113N-R57W

☒ I understand that the validity of Water Right/Permit No. 1721-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Phyllis Schmidt, the new owner, certify that the above information is true and correct.

Phyllis Schmidt
(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 30, 2011

1721-3
2212-3
4228-3

Phyllis Schmidt
19052 427th Ave
Willow Lake SD 57278

Dear Mrs. Schmidt:

I am writing to acknowledge receipt of the 2011 irrigation questionnaires for Water Right Nos. 1721-3 and 2212-3 along with the transfer forms for filing the ownership changes.

The transfer forms were completed properly however can not be processed without the filing fee required by statute. A fee of \$50.00 for each transfer is required.

After reviewing the water rights I found that Menno had another water right on file. Water Right No. 4228-3 is for land in Section 35, T114N, R57W (copy enclosed). Our records indicate the land is currently in the Conservation Reserve Program. Enclosed is a partially completed transfer form to file an ownership change with No. 4228-3 as well.

Please complete and sign the form for Water Right No. 4228-3 and return it to our office with a total of \$150.00. The \$150.00 fee covers the filing fee for all three water rights. The check or money order for the fee can be made payable to the "Water Rights Program".

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

Sincerely,

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

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/8, 20 11

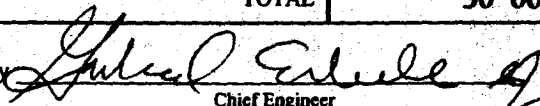
RECEIVED OF B & T Farms LLC 19036 427th Ave Willow Lake SD 57278

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	50 00	
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>1721-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50 00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **05102**

By


Chief Engineer

1721-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 9, 2011

1721-3
2212-3

Phyllis Schmidt
19052 427th Ave
Willow Lake SD 57278

Dear Mrs. Schmidt:

The transfer of ownership for Water Right Nos. 1721-3 and 2212-3 has been completed. The water rights formerly listed in Menno's name are now listed in your name.

Thank you for following up on the changes. I am enclosing Receipt Nos. 05102 and 05103 in the amount of \$50.00 each. The fees were paid for filing the ownership changes.

In reference to Water Right No. 4228-3 that was also listed in Menno's name, I have contacted the City of Willow Lake concerning their interest in the water right. Since the land is no longer irrigated, the water right will be scheduled for cancellation consideration at the next Water Management Board meeting which will be held in March 2012. Notification of the meeting will be sent to you and also to the City of Willow Lake once it is scheduled. You do not need to do anything further concerning that water right. The purpose for notifying both you and the city is because they now own the land and because the water right itself is still in Menno's name.

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 4, 2025

1721-3

Heather Garcia
6831 Silver Valley Dr
Charlotte NC 28215

Dear Ms. Garcia:

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 we received word from one of the irrigators that the property they had previously owned and reported on had been sold 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