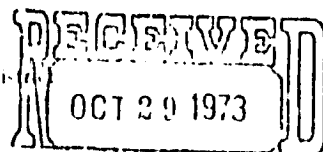


Water Right Number 2026-3

1. Considered November 14, 19 73
2. Name of Applicant Clayton Schipper
3. Post Office Address 811 W. 2nd, Flandreau, S.D.
4. Amount of Water claimed 2.28
5. Source of Water supply ground water
6. Water to be used for irrigation
Acres to be irrigated 160
7. Water to be diverted and used in Moody County
about 3 N 1 W miles 1 1/2 of FLANDREAU
8. Proof of Publication
Received ~~12~~ 11-13-73
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Referred _____

10. Remarks:

No. 2026-3Map No. 2-1435-3 Water Division No. 3 BIG SIOUX RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Clayton Schipper
 Postoffice address 211 West 2nd Street, Box 40, State Flandreau, S.D.
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) EMPLOYMENT OF OTHERS
3. Name of diversion work SCHIPPER IRRIGATION PROJECT
4. Amount of water claimed (cubic feet per second) Maximum Allowable 900 cfs
5. Source of water supply WELL
6. Location of point of diversion SHEELER AT GEOGRAPHICAL CENTER OF NW 1/4 SEC. 9
107N R48W
- County Mealy Co. S.D.
7. Annual period or periods during which water is to be used THROUGHOUT YEAR
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 160A

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.
NW 1/4 NW 1/4 SEC 9 107N R48W	40A		
NE 1/4 NW 1/4 SEC 9 107N R48W	40A		
SE 1/4 NW 1/4 SEC 9 107N R48W	40A		
SW 1/4 NW 1/4 SEC 9 107N R48W	40A		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 1/2 years. Additional time required to complete application of water to the proposed beneficial use 2 yrs years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication MEADY CO ENTERPRISE
12. Principal Features of the Proposed Water Supply System.

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

Well Pump

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

Aluminum Pipe

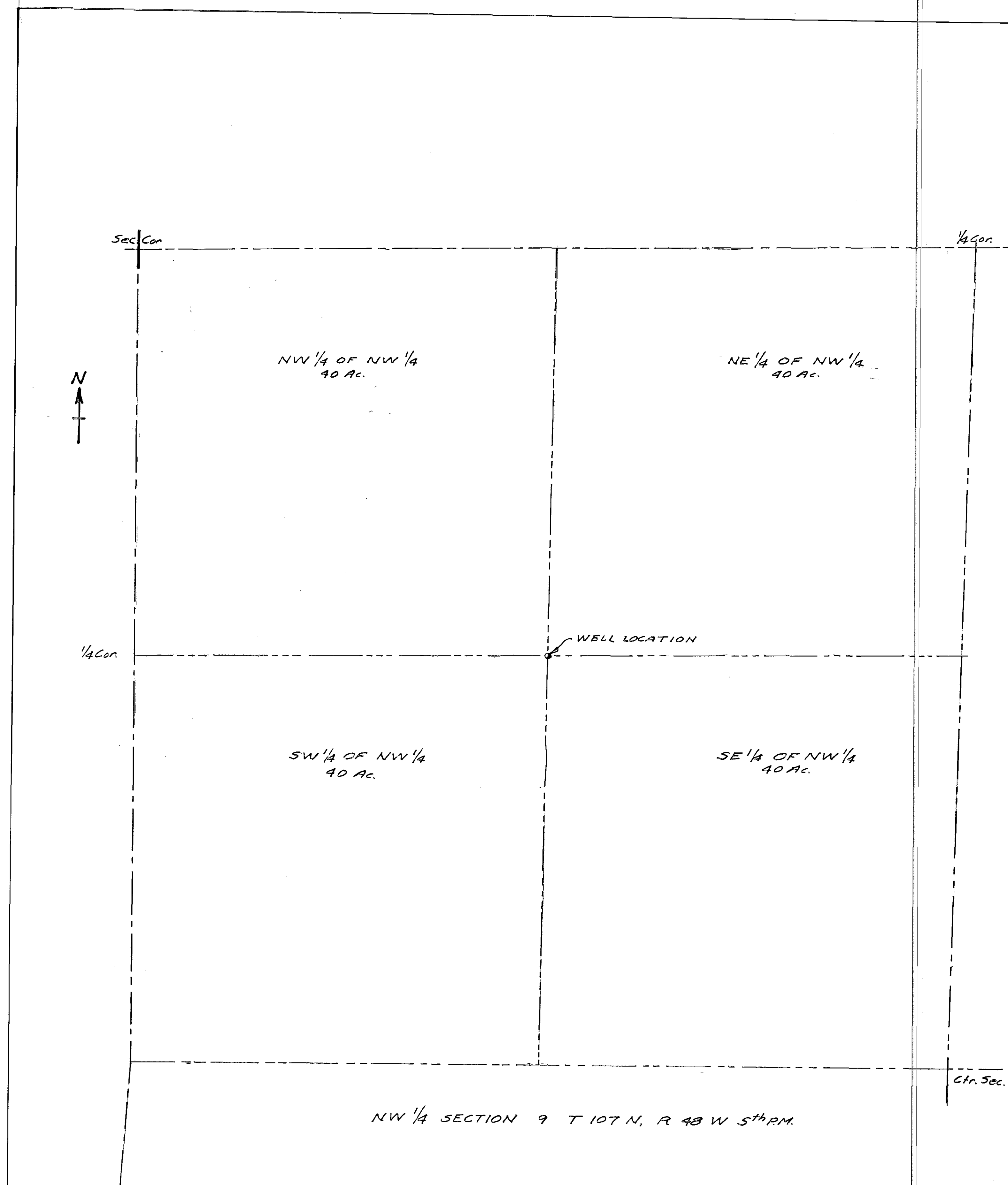
C. Works proposed to apply water to beneficial use.

Center Irrigation MachineEstimated Total Cost \$9000.00Attachments: 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 MealyI, Clayton Schipper, 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 constructionSigned Clayton SchipperSubscribed and sworn to before me this 27 day of Oct 1973Notary Public Jan 27, 1975

Notary Public (or other qualified officer)



NW 1/4 SECTION 9 T 107 N, R 48 W 5th PM.

IRRIGATED AREA
NW 1/4 OF NW 1/4 40 Ac.
NE 1/4 OF NW 1/4 40 Ac.
SW 1/4 OF NW 1/4 40 Ac.
SE 1/4 OF NW 1/4 40 Ac.
Total 160 Ac.

SURVEYOR'S CERTIFICATE

STATE OF SOUTH DAKOTA } ss
COUNTY OF BROOKINGS }
I, Emory E. Johnson, a registered engineer and land
surveyor do certify that at the request of the owner, I
prepared this map showing irrigable land in the property of
the owner for which application for water right is being made
and this map is a true representation thereof.
In witness whereof, I have hereunto set my hand and
seal this 25th day of October, 1973

Emory E. Johnson
Registered Engineer and
Land Surveyor

STATE OF SOUTH DAKOTA } ss
COUNTY OF BROOKINGS }
On this 26th day of October, 1973 before me L.J. Larson, the
undersigned officer, personally appeared Emory E. Johnson, known
to me to be the person whose name is subscribed to the
within instrument and acknowledged that he executed the
same for the purpose therein contained.
In witness whereof I hereunto set my hand and official seal.

L.J. Larson
Notary Public
My commission expires Feb. 10, 1977.

MAP
SHOWING AREA AND PUMP SITE
FOR PERMIT TO APPROPRIATE WATER
CLAYTON SCHIPPER OWNER

Scale 1" = 200'
OCTOBER 25, 1973
Emory E. Johnson
Registered Engineer
and Land Surveyor

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2026-3CLAYTON SCHUPPER
(Applicant)811-W-2ND--FEANDREAU
(Post Office Address)SOUTH DAKOTA
(State)RR #4, Box 48, Slater Falls 5716
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 OCTOBER 29 19 73

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved NOVEMBER 14 19 73, Recorded in Book 12 Page 283WATER RIGHT PERMIT NO. 2026-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2026-3 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 OCTOBER 29 19 73
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before FEBRUARY 14 19 74
3. The whole of said work is to be completed on or before MAY 14 19 74
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 14 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 2.28 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 as ached, 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 NOVEMBER 14 19 76; said water to be used during the following described annual period MARCH THRU NOVEMBER

Witness my hand this 16TH day of NOVEMBER 19 73

WATER RESOURCES COMMISSION

By:

Donald D. Russell
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 3 1/2", Depth 3.5' East
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 20" Thickness Armed Concrete 10 ga?
- (3) Perforated Screen.
Type Wood Cylinders, Diameter 20", Length Determined by depth
- (4) Gravel Pack, Thickness 6", Length of gravel pack Bottom of casing to static level

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill pit 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 Not available

Hardy
a new test will be made

Depth to top of water bearing material 9'

Depth to bottom of water bearing material 3.5'

Thickness of water bearing material 26'

Depth to water (ground surface to water level) 7'

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

On same owner's property 80 rds. On property owned by others _____ 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.

Clayton R. S. Kipper
Signature of Applicant

RECEIVED
AUG 27 1973

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

August 22, 1973

Mr. Clayton Schipper
Flandreau, South Dakota 57028

Dear Mr. Schipper:

Your form WI-1 arrived and the water sample you submitted has been analyzed.

The soils indicated on the WI-1 are adequate for this quality of water. There should be no problem with normal irrigation practices in the rainfall zone of Flandreau.

A copy of this letter, the water analysis and the WI-1 are being forwarded today to the State Conservation Commission.

Sincerely yours,

Lawrence O. Fine

Lawrence O. Fine, In Charge
Water Quality Lab

LOF:lb
enclosures

cc: State Conservation Commission
Jerry Mach, County Agent
Darrel Pahl

AND ON MICROFILM WHICH MEET THE RECOMMENDED REPRODUCTION STANDARDS OF THE NATIONAL BUREAU OF STANDARDS FOR GOVERNMENT DOCUMENTS
REPRODUCTIONS: REDUCTION 25:1 ROLL NO. 31
DATE MICROFILMED 4-14-82
Name: Clayton Schipper

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Clayton Schipper
Address: Flandreau, S. Dak.
57028

Date Rec'd August 14, 1973
Sample No. 73-508
Identification Test hole
NW1, Sec. 9, T 107N, R 48W

WATER ANALYSIS

Calcium (Ca)	136	ppm*	6.80	me/l**
Magnesium (Mg)	13	ppm	1.10	me/l
Sodium (Na)	8.7	ppm	0.38	me/l
Potassium (K)	2.6	ppm	0.07	me/l
Sulfate (SO ₄)	98	ppm	2.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.22	me/l
Bicarbonate (HCO ₃)	303	ppm	4.96	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	396	ppm	23	g.p.g.***
Alkalinity (Methyl Orange)	248	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	744	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19			
Sodium	4.55	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.50			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 8.35 me/l
Total anions 7.22 me/l

By: Shirley Hittan

Service Performed	Amount Due
Irrigation analysis	\$6.30

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-508

Amount Enclosed

Signed

Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION

FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: OK

Water Quality: OK

Soils Capability: good

Approved: 8/23/73

Disapproved: 8/23/73

NAME: Clayton Schipper

ADDRESS: Flandreau, So. Dak.

COUNTY: Moody

LEGAL DESCRIPTION

1. WELL LOCATION: N1/4 Sec 9 107 48
2. AREA TO BE IRRIGATED: N1/4 Sec 9 107.48

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Big Gunner Valley
4. CROPS TO BE IRRIGATED: Corn and Beans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0 - 2% slope Flandreau loam family
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Class III Intake 0.5

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 73-508 (Test Hole)
8. SALINITY: EC 744 micromhos/cm (medium)
9. SODIUM: SAR = 0.19 (low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

George Leibel
and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Clyton S. Higgins

Subscribed and sworn before me this

14 day of Aug. 1973.

Reuben L. Peterson

Notary Public

(Title)

INSTRUCTIONS FOR PREPARING FORM WI-1

LEGAL DESCRIPTION:

Line 1 - show legal description to nearest 40 acres.
Line 2 - show legal description to nearest 40 acre

TYPE OF IRRIGATION:

Complete Lines 3 and 4.

LAND CAPABILITY FOR IRRIGATION:

Lines 5 and 6 - Have your local Conservation District Office, or a qualified Soils Scientist serving as consultant provide the information for this section.

WATER QUALITY:

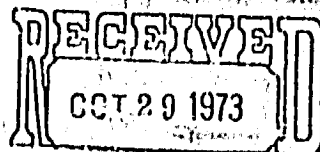
The applicant must send a sample of the ground water to be used for irrigation to the Water Quality Laboratory, Water Resources Research Institute, South Dakota State University, Brookings, South Dakota, 57006. A report of the analysis will be mailed to the State Conservation Commission by the Water Quality Laboratory. From this report the Commission will complete lines 7, 8, and 9. The applicant will also receive an analysis report for his records.

Certification on back of Form WI-1 must be completed by applicant and notarized.

SOUTH DAKOTA STATE UNIVERSITY
BROOKINGS, SOUTH DAKOTA 57003

WATER RESOURCES RESEARCH INSTITUTE

August 17, 1973



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Mr. Clayton Schipper
Flandreau, South Dakota 57028

Dear Mr. Schipper;

The test hole sample you submitted (73-508) has been analyzed and the report is on the attached sheet. It is also diagrammatically represented on the back cover of Circular 654, enclosed, by the encircled cross in red ink.

It is quite good water and should give no problem on moderately well drained or better soils. Salinity is in the high medium range but natural rainfall should keep this from being a problem.

You are aware, I'm sure, that an application for a water use permit using ground water must be accompanied by a form WI-1, available at your county extension office. The WI-1, after completion and notarization, should be sent to me, and I will report your analysis to the State Conservation Commission and send the WI-1 to that Commission.

Sincerely yours,

Lawrence O. Fine

Lawrence O. Fine, In Charge
Water Quality Lab

LOF:lb
enclosures

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Olayton Schinner
 Address: Blondre St., S. Dak.
57028

Date Rec'd: April 15, 1973
 Sample No. 73-508
 Identification 1012
102, Dec. 2, 1971, 8.481

WATER ANALYSIS

Calcium (Ca)	136 ppm*	6.30	me/l**
Magnesium (Mg)	13 ppm	1.10	me/l
Sodium (Na)	6.7 ppm	0.30	me/l
Potassium (K)	2.3 ppm	0.07	me/l
Sulfate (SO ₄)	25 ppm	1.04	me/l
Nitrate (as N)	ppm		me/l
Chloride (Cl)	8 ppm	0.28	me/l
Bicarbonate (HCO ₃)	203 ppm	8.96	me/l
Carbonate (CO ₃)	ppm		me/l
Iron (Fe)	ppm		me/l
Fluoride (F)	ppm		me/l
Hardness (EDTA as CaCO ₃)	396 ppm	25	g.p.g.***
Alkalinity (Methyl Orange)	248 ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0 ppm (as CaCO ₃)		
Electrical Conductivity	744 micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19		
Sodium	4.35 % of cations		
Residual sodium carbonate	0.00 me/l		
pH	7.50		

Others:

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 8.35 me/l
 Total anions 7.22 me/l

By: Shirley Linton

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-508

Amount Enclosed \$6.00

Signed [Signature]

Form 6 - Notice of Intent to Appropriate Water

2026-3

Publish first publication, on or before November 1, 1973

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

~~October 29~~ 1973

Notice is hereby given that Clayton Schipper

whose post office address is Flendreau, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

2.28 cubic feet of water per second of time from the ground water through the Schipper Irrigation Project, the point of diversion of which is to be located in the

Center of the NW 1/4

of Section 9, Twp. 107N, Range 48W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4, Section 9, T107N, R48W

This application No. 2026-3 will be considered by the Water ^{Rights} Commission at their office at Pierre upon the 14th day of November, 1973, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Clayton Schipper, 811 West 2nd, Flendreau, S.D. 57028

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

No. 2026-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Moody) ss.

I, Wayne D. Lyford hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Moody County Enterprise

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

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

October 31, 1973

November 7, 1973

Wayne D. Lyford
(Signature)

Publisher
(Title)

11-8-73
(Date Signed)

NOTICE
INTENT TO APPROPRIATE WATER
Pierre, South Dakota 57501
October 29, 1973
Notice is hereby given that Clayton
Schipper, whose post office address is
Flandreau, South Dakota, has made an
application in accordance with the
provisions of the water laws of South
Dakota for a permit to appropriate for
beneficial use 2.28 cubic feet of water
per second of time from ground water
through the Schipper Irrigation Project
the point of diversion of which is to be
located in the Center of the NW 1/4 of
Section 9, Twp. 107 N., Range 48 W. Said
water to be used for the purpose of
providing irrigation on the following
described land: NW 1/4, Section 9, T-107
N., R 48 W. This application No. 2026-3 will be
considered by the Water Rights Commission
at their office at Pierre upon the
14th day of November, 1973, at 2:30
p.m. All interested persons may appear
and be heard.

Water Rights Commission
By: Burton F. Jones
Water Rights Specialist
(Oct. 31-Nov. 7)

RECEIVED
NOV 13 1973

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Permit No. 2026-3
 Water Division 3 Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by CLAYTON
SCHIPPER of SIOUX FALLS holder
 of Permit No. 2026-3 bearing date of priority of OCTOBER 29, 1973
 authorizing the diversion of 2.28 cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in MCCOPY 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:

38' DEEP WELL WITH 20" STEEL CASING - 15' SS SCREEN
 WESTERN LAND ROLLER 8" PUMP 8-10 CH
 POWERED BY 40 HP US ELECTRIC MOTOR @ 1760 RPM

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

40' OF 8" ALUMINUM PIPE TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

ELECTROGATOR MODEL 680 CENTER PILOT - LOW PRESSURE
 WITH NELSON #200 END GUN

The system is in the following condition. GOOD

The point of diversion is located 40' S OF THE CENTER OF THE NW 4
SECTION 9, T107N, R48W

The works are capable of diverting and conveying to the place of use 1.33 (600 GPM)
 cu. ft. per second of water which is to be used for IRRIGATION

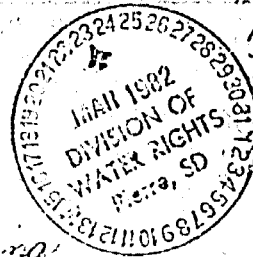
Water has been put to beneficial use to the maximum extent as follows:

FOR IRRIGATING A 132 ACRE CIRCLE IN THE NW 4
SECTION 9, T107N, R48W

comprising a total of 132 acres of land.

SEAN DUTCHER
 WATER ENGINEER
 P. E.
 LICENSE NO. 120078

Dated NOVEMBER 18, 1981
Dustin Jones
 (Signature)



RR 3, Box 17
Hancock, S.D.
57028
March 18, 1982

Dear Mr. and Mrs. Stirling,

We are rather confused about the water license which you mention in the enclosed letter you sent to us in February. We ^{think} have a water license and a receipt for inspection and license of the only irrigation well on our land. They are dated January of 1979. We feel we need more information on this such as legal location of the well and why a new license and inspection were required. As far as we know there has been no new inspection of our well. Also the water right number in your letter is different from the one we have now. Please send us this further information on the water license.

Sincerely,
M. Wayne Haddock

WATER RIGHTS DIVISION

(605) 773-3352

April 2, 1982

Mrs. Wayne Headrick
RR#3, Box 17
Flandreau, South Dakota 57028

Dear Mrs. Headrick:

This letter is in regard to your letter of March 18, 1982 in which you requested information on the inspection and issuance of Water License No. 2026-3. The License you refer to which you stated you received in 1979 was for Water Right No. 2952-3, listed in the name of William Headrick. The fee we requested in our letter dated February 11, 1982 is for inspection and issuance of Water License No. 2026-3 listed in the name of Clayton Schipper, Sdoux Falls, South Dakota.

Since you rent the land covered under this permit (NW¼, Section 9, T-107N, R-48W) from Mr. Schipper, the notice for fees was sent to you. If Mr. Schipper is to pay the fees, (\$50.00) please forward the notice to him.

If you have any questions, feel free to contact our office. Your assistance in this matter will be appreciated.

Sincerely,

Genny Young
Water Rights Specialist
Water Right Division
773-3352

GY:ms
Enc.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2026-3

(1) WHEREAS, On the 29th day of October, A. D. 19 73
Clayton Schipper

made Water Right Application No. 2026-3 for a permit to use 2.28 cubic feet per second of the waters
of groundwater (one well)

County of Moody, State of South Dakota, for Irrigation
purposes; and

(2) WHEREAS, On the 14th day of November, A. D. 19 73

Permit No. 2026-3 with a date of priority of October 29, 1973

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 14th day of May, A. D. 19 74 and for the
application to beneficial use of said water on or before the 14th day of November, A. D. 19 76

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 1.33 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,

for irrigating a 132 acre circle in the NW1/4 Section 3, T107N, R48W.

(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 Clayton Schipper

_____ of Sioux Falls
the holder _____ and owner _____ of said permit No. 2026-3 a water right, dating from October 29, 1973
_____ to use of 1.33 cubic feet per second of the waters
of groundwater (one well)

in the County of Moody and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 40'S of the center of the NW $\frac{1}{4}$, Section 9,
T107N, R48W

and conducted to and upon a 132 acre circle in the NW $\frac{1}{4}$, Section 9, T107N, R48W

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 2026-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 4th day of May A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer JOHN HATCH

Permit No. 2026-3

Water Diversion No. 3 Big Sioux River Water District
101702-3

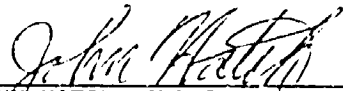
CERTIFICATE OF CONSTRUCTION

This is to Certify, That Clayton Schipper

_____ the holder _____ of
Permit No. 2026-3, issued upon Application No. 2026-3, bearing date of priority of _____
October 29, 1973 authorizing the diversion of 2.28 cu. ft. per second of the waters of _____
groundwater (one well) County of Moody, State of South Dakota at _____
a point 4015 of the center of the NW 1/4, Section 9, T107N, R48W
_____, for Irrigation

purposes, has 5 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 1.33 cu. ft. per second of water.

Date May 4, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8811

PIERRE, April 20, 1992

RECEIVED OF Clayton SchipperXXXXXXXXXX RR#4, Box 48, Sioux Falls, SD 57101

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. 2026-3	50	00
Fee for inspecting Beneficial Use, and Issuing Water License No. 2020-3		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *W. L. Hatch*
Chief Engineer, Executive Officer
JOHN HATCH, Ins.



Department of Water & Natural Resources

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

2026-3

January 29, 1988

CLAYTON SCHIPPER
RR 4 BOX 48
SIOUX FALLS, SD 57101

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). 2026-3. 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). 2026-3 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.

South Dakota
Department of
Water & Natural Resources

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

March 14, 1988

NOTICE OF AMENDMENT TO WATER PERMIT(S)

TO: CLAYTON SCHIPFER
RR 4 BOX 48
SIOUX FALLS, SD 57101

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

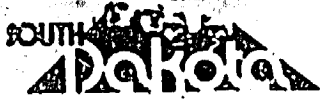
John Hatch

SUBJECT: Amendment to Water Permit No(s). 2026-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2026-3 to add the following qualification to each:

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

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



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2026-3

Pursuant to the provisions of the notice dated January 29, 1988 and following the Hearing March 2, 1988, the Water Management Board has amended Water Permit No(s). 2026-3 to add the following qualification to each:

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

PS Form 381 (Dec. 1959)

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

(CONSULT POSTMASTER FOR FEES)

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

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

CLAYTON SCHIPPER
 RR 4 BOX 48
 SIOUX FALLS, SD 57101

CEPT, REGISTERED, INSURED AND CERTIFIED MAIL

- ☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

P 464 786 460

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. *Clayton P. Schipper*
 DATE OF DELIVERY
 9-16-78

POSTMARK

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S
INITIALS



2026-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DAVE AHLERS, LEASOR, RR 2 BOX 156, FLANDREAU, SD 57028
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2026-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 2026-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2026-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

cc: CLAYTON SCHIPPER, 301 E ELM, FLANDREAU, SD 57028

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DAVE AHLERS, LEASOR, RR 2 BOX 156, FLANDREAU SD 57028

**FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 2026-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2026-3 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. Prior to February 20, 1998, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.

cc: Clayton Schipper, 301 E Elm, Flandreau SD 57028

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- 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:

2026-3

DAVE AHLERS, LEASOR
RR 2 BOX 156
FLANDREAU SD 57028

4a. Article Number

2119141186

4b. Service Type

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

7. Date of Delivery

1-23-98

5. Received By: (Print Name)

Deb Ahlers

6. Signature: (Addressee or Agent)

X Deb Ahlers

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

PS Form 3811, December 1994

102565-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- 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:

2026-3

Clayton Schipper
301 E Elm
Flandreau SD 57028

4a. Article Number

119141187

4b. Service Type

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

7. Date of Delivery

5. Received By: (Print Name)

Clay Schipper

6. Signature: (Addressee or Agent)

X Clayton Schipper

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

PS Form 3811, December 1994

102565-97-8-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.

2026-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 1998

2026-3

Dave Ahlers
RR 2 Box 156
Flandreau, SD 57028

Dear Mr. Ahlers:

I am writing to acknowledge receipt of your 1997 irrigation questionnaire and chemical reporting form. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit No. 2026-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Clayton Schipper, 301 E Elm, Flandreau, SD 57028



2026-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-0181
www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DAVE AHLERS, LEASOR, RR 2 BOX 156, FLANDREAU, SD 57028
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2026-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 2026-3 qualification:

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

The hearing will be held at 9:45 am, March 3, 1999 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2026-3 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 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

C: CLAYTON SCHIPPER, 301 E ELM, FLANDREAU, SD 57028

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.



2026-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

www.state.sd.us/denr

January 22, 1999

NOTICE

TO: DAVE AHLERS, LEASOR, RR 2 BOX 156, FLANDREAU SD 57028

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Requirement to Report 1998 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 2026-3 was dated October 16, 1998. Our records indicate that we have not received your 1998 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1998 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:45 am, March 3, 1999, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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). 2026-3 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. Prior to March 3, 1999, contact the Water Rights Program, 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 chemigation report(s) is(are) received by this office prior to March 1, 1999 you will no longer be in violation and your name will be deleted from the Board agenda.

C: CLAYTON SCHIPPER, 301 E ELM, FLANDREAU, SD 57028

2026-3

SENDER:
• Complete items 1 and/or 2 for additional services.
• Complete items 3, 4a, and 4b.
• 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, A, 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: **DAVE AHLERS, LEASOR
RR 2 BOX 156
FLANDREAU SD 57028**

4a. Article Number **2119 141 636**

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

5. Received By: (Print Name) **Gamie Ahlers**

6. Signature: (Addressee or Agent) **X Gamie Ahlers**

7. Date of Delivery **1-23-99**

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

PS Form 3811, December 1994 102595-67-B-0179 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

SENDER:
• Complete items 1 and/or 2 for additional services.
• Complete items 3, 4a, and 4b.
• 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: **Clayton Schipper
301 E Elm
Flandreau, SD 57028**

4a. Article Number **P328 080 631**

4b. Service Type
☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

5. Received By: (Print Name) **Clayton Schipper**

6. Signature: (Addressee or Agent) **X Clayton Schipper**

7. Date of Delivery **1-23-99**

8. Addressee's Address (Only if requested and fee is paid) **PO BOX 345**

PS Form 3811, December 1994 102595-99-B-0229 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 26, 1999

2026-3

Dave Ahlers
RR 2 Box 156
Flandreau, SD 57028

Dear Mr. Ahlers:

I am writing to acknowledge receipt of your 1998 irrigation questionnaire and the information needed for the chemical reporting form. You may disregard the January 22, 1999, "Notices" concerning reporting requirements for Water Right No. 2026-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Clayton Schipper, PO Box 345, Flandreau, SD 57028-0345



2026-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

www.state.sd.us/denr

January 14, 2000

NOTICE

TO: DAVE AHLERS, LEASOR, RR 2 BOX 156, FLANDREAU, SD 57028

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2026-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2026-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2026-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: CLAYTON SCHIPPER, PO BOX 345, FLANDREAU, SD 57028-0345

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.



Sam Baker's
Great Lakes Great Places

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

51017, 44226, 28, 427

**PRESCRIBED
FIRST CLASS**

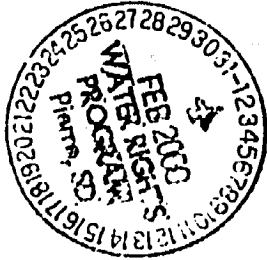
MAIL

U.S. POSTAGE
2.98
PIERRE
SD
03-24-06
09-595

REFUSED
UNCL

~~DAVENHILLERS, LEASOR
RR 2 BOX 156
FLANDREAU SD 57028~~

First Notice 1-15-2000 SD
Second Notice 1-21-2000
Returned 1-30-2000



2026-3

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DAVE AHLERS, LEASOR
RR 2 BOX 156
FLANDREAU SD 57028

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

2 227 670 423

PS Form 3811, July 1999

Domestic Return Receipt

102595-76-M-1789

2026-3

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly)	B. Date of Delivery 1-15-02
1. Article Addressed to: Clayton Schipper PO Box 345 Flandreau SD 57028-0345		C. Signature X Clayton Schipper	☐ Agent ☐ Addressee
		D. Is delivery address different from item 1? ☐ Yes If YES, enter delivery address below: ☐ No	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
2. Article Number (Copy from service label) Z 227 670424		4. Restricted Delivery? (Extra Fee) ☐ Yes	



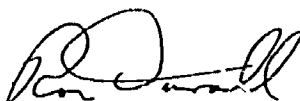
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 2000

NOTICE

TO: Dave Ahlers, RR 2 Box 156, Flandreau, SD 57028

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Right No. 2026-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 15th and January 21st, 2000 to pick up and sign for the certified mail.

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

enclosure

c: Clayton Schipper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 17, 2000

2026-3

Dave Ahlers
RR 2 Box 156
Flandreau, SD 57028

Dear Mr. Ahlers:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 2026-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Clayton Schipper

Map # 4433-5
Appl. # 2026-3

NOT TO SCALE





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

January 20, 2023

NOTICE

TO: CLAYTON SCHIPPER, PO BOX 345, FLANDREAU, SD 57028 0345

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2026-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 2026-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 2026-3 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 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AZJDBJ**

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

January 26, 2023

2026-3

Clayton Schipper
PO Box 345
Flandreau SD 57028-0345

Dear Mr. Schipper:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right No. 2026-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



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: CLAYTON SCHIPPER, PO BOX 345, FLANDREAU, SD 57028 0345

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) 2026-3. 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) 2026-3 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) 2026-3 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: INYZJI**

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.



2026-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 23, 2024

2026-3

Clayton Schipper
PO Box 345
Flandreau SD 57028

Dear Mr. Schipper:

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). 2026-3. 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