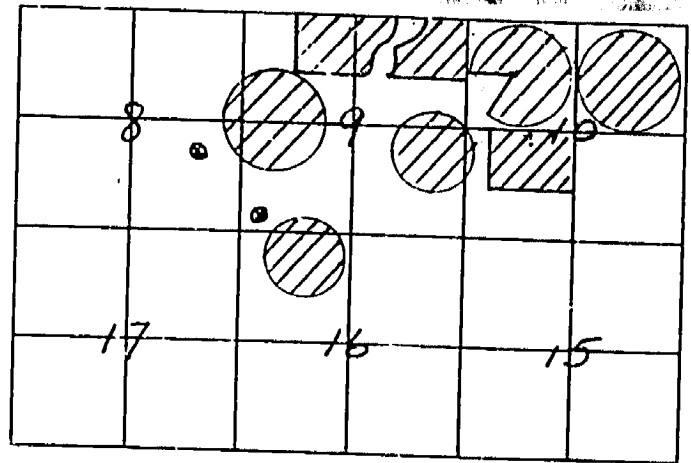


Name of Applicant: Cleo I MeyerAddress: 1006 1st Ave West, Mobridge SD 57601Phone: 605 845-2137Amount of Water Claimed: no additional (10.66 cfs)Total Acres: no additional (746 acres)Source of Water Supply: Missouri RiverWater to be used for: irrigation County: CampbellType of Waste Disposal System: NALocation: 5 miles west of PollockPRIORITY Date Received: 9-8-95Fee: \$50.00Corrected Application Received: NAPeriod of Annual Use: April 1 - October 31Remarks: Change in acreage and adds to the area of the location of the point of diversion

Diversion Point: between 2 points in the
E 1/2 Sec 8 and SW 1/4 Sec 9; all in
T128N-R79W

Land to be Irrigated: SE 1/4 NE 1/4, NE 1/4
SE 1/4 Sec 8; NE 1/4 NW 1/4, S 1/2 NW 1/4,
NE 1/4, SE 1/2 Sec 9; N 1/2, N 1/2 SW 1/4,
SW 1/4 SW 1/4 Sec 10; NW 1/4 Sec 16; all
T128-R79W

Depth of Well: NA Well Driller: NARemarks: NAType of Map: aerial photoPrepared by: Mark RathReviewed and the Number Assigned on: 9-8-95By: Karen Schlaak

Notice of Hearing - date to intervene: _____

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2219A-3

(1) Cleo L. Meyer, 1006 1st Ave West, Mobridge SD 57601 made Application No. 2219A-3, September 8, 1995 for a water permit to appropriate no additional cubic feet of water per second from the Missouri River, Campbell County, South Dakota for irrigation purposes. Permit No. 2219A-3, with a priority date of March 3, 1975 was approved November 6, 1995 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Permit No. 2219A-3 authorized the correct location of the irrigated acreage that was developed but not permitted under Water Permit No. 2219-3 and Water Right No. 1281-3. Permit No. 2219A-3 did not allow for an increase in the developed diversion rate or the number of acres being irrigated. The applicable portions of Water Permit No. 2219-3 and Water Right No. 1281-3 have been incorporated into this Water License No. 2219A-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 10.66 cubic feet of water per second for beneficial use. The location of the diversion points are: between two points located in the E 1/2 Section 8 and the SW 1/4 Section 9; all in T128N-R79W.

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

Section 8-T128N-R79W

*SE 1/4 NE 1/4 3 ac
*NE 1/4 SE 1/4 3 ac

Section 9-T128N-R79W

NE 1/4 NW 1/4	40 ac	NW 1/4 NE 1/4	32 ac	NW 1/4 SE 1/4	18 ac	*NW 1/4 SW 1/4	37 ac
*SE 1/4 NW 1/4	24 ac	NE 1/4 NE 1/4	39 ac	NE 1/4 SE 1/4	39 ac	*NE 1/4 SW 1/4	24 ac
*SW 1/4 NW 1/4	37 ac	SE 1/4 NE 1/4	13 ac	SE 1/4 SE 1/4	20 ac	SE 1/4 SW 1/4	6 ac
		*SW 1/4 NE 1/4	3 ac	SW 1/4 SE 1/4	6 ac	SW 1/4 SW 1/4	3 ac

Section 10-T128N-R79W

NW 1/4 NW 1/4	33 ac	NW 1/4 NE 1/4	33 ac	NW 1/4 SW 1/4	36 ac
NE 1/4 NW 1/4	33 ac	NE 1/4 NE 1/4	33 ac	NE 1/4 SW 1/4	40 ac
SE 1/4 NW 1/4	33 ac	SE 1/4 NE 1/4	33 ac	SW 1/4 SW 1/4	1 ac
SW 1/4 NW 1/4	18 ac	SW 1/4 NE 1/4	33 ac		

Section 16-T128N-R79W

NW 1/4 NW 1/4 21 ac
NE 1/4 NW 1/4 38 ac
*SE 1/4 NW 1/4 9 ac
*SW 1/4 NW 1/4 5 ac

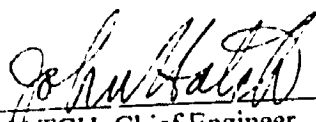
Total 746 acres

* land retains a priority date of June 6, 1966 (established by Water Right No. 1281-3)
remaining land retains a priority date of March 3, 1975 (established by Water Permit Nos. 2219-3 and 2219A-3)

(continued)

Water License No. 2219A-3
Cleo I Meyer
Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cleo I. Meyer, 1006 1st Ave West, Mobridge, SD 57601 the holder and/or owner of Incorporated Water Permit No. 2219A-3 is issued a license to appropriate water, the right to use 10.66 cubic feet of water per second from the Missouri River with priority dates of June 6, 1966 and March 3, 1975 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 license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2219A-3 and subject to South Dakota State Law.



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

APR 4 1996

date



FORM 2: Application for Irrigation in South Dakota

(type or print)

Mail to:
Water Rights Program
Joe Foss Building
523 E. Capitol
Pierre, SD 57501-3181
(605) 773-3352

No. _____ Hydrologic Unit _____
Basin _____
Newspaper _____
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: _____ New _____ Vested Right X Amendment/Correction to Permit No. 2219-3
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

CHANGE IN ACREAGE

- Name of Applicant CLEO I MEYER Phone 605 845-2131
(check one) Owner _____ Tenant/lessee _____
Mailing Address 1006 1st Ave WEST HONOLULU State SD 57401
(Street, RR, or Box) (Zip Code)
- Amount of water claimed 10.66 *CFS or _____ **GPM _____ ***AF _____ Total Acreage 746
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam dugout if applicable)
- Source of water supply MISSOURI RIVER
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) BETWEEN TWO POINTS LOCATED IN THE EYE OF SECTION 8 AND THE SW 1/4 OF SECTION 9 ALL IN T128N-R79W County CAMPBELL
- County or counties where water will be used CAMPBELL
- Annual period during which water is to be used APRIL - OCT 31
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description
<u>SEE ATTACHMENT 1</u>
<u>Changed 601069</u>
<u>1/4 NE 1/4 SEC 9-T128N-R79W</u>
<u>5/2 SW 1/4 SEC 9-T128N-R79W</u>

Acres

<u>13</u>
<u>9</u>

Land Description

Acres

8. Give a description of the project. (Attach sheet if more space is needed)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Campbell ^{SS}

I, Cleo I Meyer, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Cleo I Meyer

Subscribed and sworn to before me this 7th day of SEPT 19 95

James M. Wales
Notary Public

Attachment 1

Location of irrigated acres:

Land located in Section 8 T128N-R79W

SE1/4 NE1/4 - 3 ac

NE1/4 SE1/4 - 3 ac

Land Located in Section 9 T128N-R79W

NE1/4 NW1/4 - 40 ac

SE1/4 NW1/4 - 24 ac

SW1/4 NW1/4 - 37 ac

NW1/4 NE1/4 - 32 ac

NE1/4 NE1/4 - 39 ac

SE1/4 NE1/4 - 13 ac

SW1/4 NE1/4 - 3 ac

NW1/4 SE1/4 - 18 ac

NE1/4 SE1/4 - 39 ac

SE1/4 SE1/4 - 20 ac

SW1/4 SE1/4 - 6 ac

NW1/4 SW1/4 - 37 ac

NE1/4 SW1/4 - 24 ac

SE1/4 SW1/4 - 6 ac

SW1/4 SW1/4 - 3 ac

Land Located in Section 10 T128N-R79W

NW1/4 NW1/4 - 33 ac

NE1/4 NW1/4 - 33 ac

SE1/4 NW1/4 - 33 ac

SW1/4 NW1/4 - 18 ac

NW1/4 NE1/4 - 33 ac

NE1/4 NE1/4 - 33 ac

SE1/4 NE1/4 - 33 ac

SW1/4 NE1/4 - 33 ac

NW1/4 SW1/4 - 36 ac

NE1/4 SW1/4 - 40 ac

SW1/4 SW1/4 - 1 ac

Land Located in Section 16 T128N-R79W

NW1/4 NW1/4 - 21 ac

NE1/4 NW1/4 - 38 ac

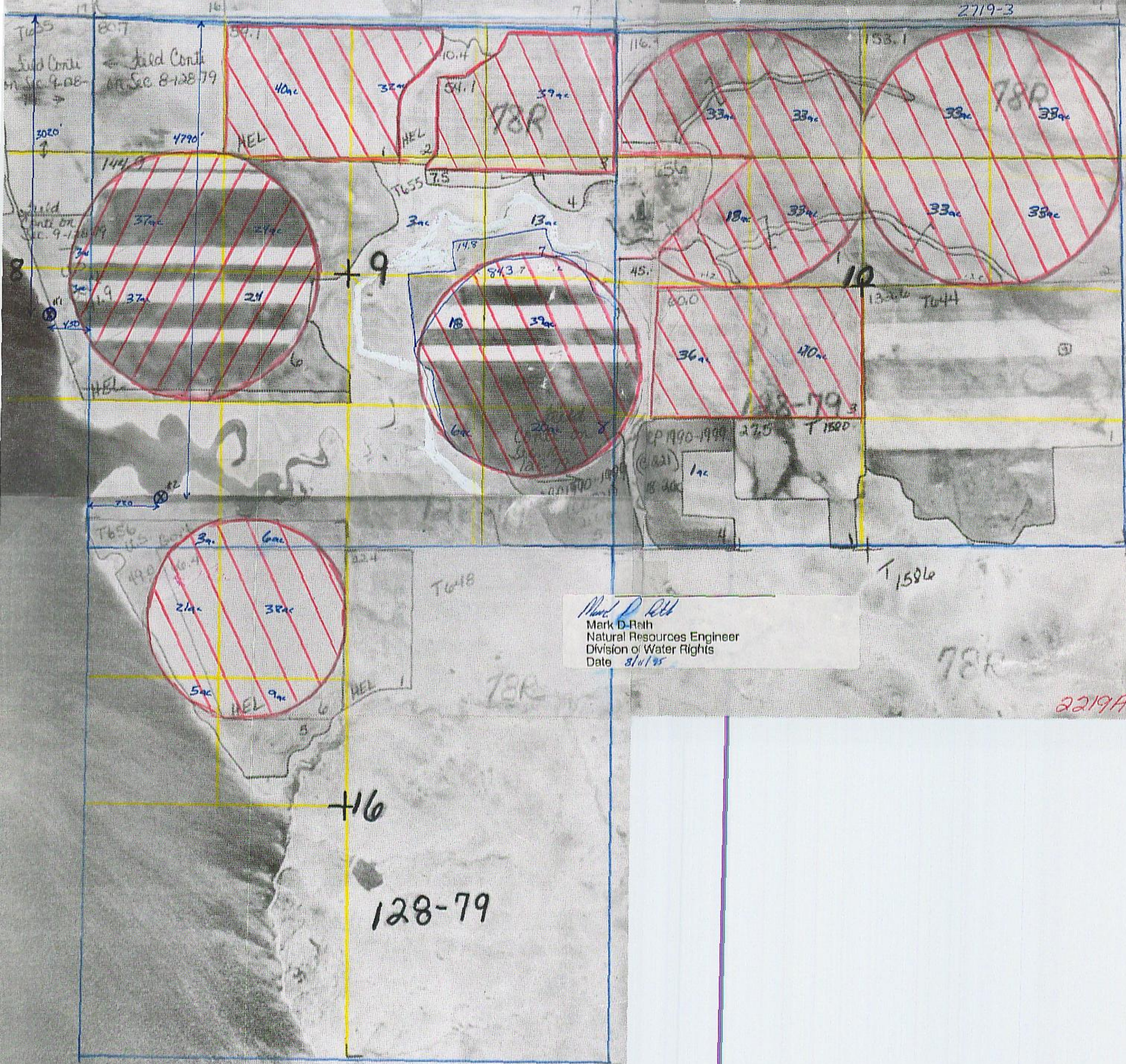
SE1/4 NW1/4 - 9 ac

SW1/4 NW1/4 - 5 ac

Total acres irrigated = 746



ST TO SCALE



REPORT ON WATER PERMIT APPLICATION NO. 2219A-3
CLEO I. MEYER
SEPTEMBER 14, 1995

Application No. 2219A-3, Cleo I. Meyer is to specify the correct location of the irrigated acreage authorized by Water Right No. 1281-3 and Water Permit No. 2219-3. Water Right No. 1281-3 and Water Permit No. 2219-3 combined, appropriate 13.12 cubic feet of water per second (cfs) of water from the Missouri River to irrigate 957 acres located in the SE1/4 NE1/4, NE1/4 SE1/4 in Section 8; NE1/4 NW1/4, S1/2 NW1/4, N1/2 SW1/4, SW1/4 NE1/4, N1/2 NE1/4 SE1/4 in Section 9; N1/2, N1/2 SW1/4, SW1/4 in Section 10; NW1/4 in Section 16; all in T128N-R79W. An inspection of Water Right No. 1281-3 and Permit No. 2219-3 found that two diversion points had been developed and were capable of diverting 10.66 cfs to irrigate 746 acres. The diversions are located between two points located in the E1/2 of Section 8 and the SW1/4 of Section 9; all in T128N-R79W. This application is to correct the location of 22 of the 746 acres being irrigated. The correct location of the 22 acres is the SE1/4 NE1/4, S1/2 SW1/4 of Section 9 T128N-R79W.

No increase in the diversion rate or the number of acres being irrigated is requested by this application. The irrigation project is located in Campbell County northwest of the Town of Pollock.

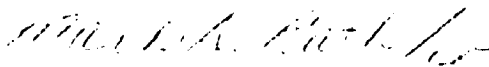
Review of the Proposed Project and Existing Water Rights

A July 17, 1995 inspection of the irrigation system found 22 acres being irrigated that were not authorized. The total number of acres being irrigated are less than what was authorized by Water Right No. 1281-3 and Water Permit No. 2219-3.

The source of water for this irrigation project is the Missouri River. A review of the records for this irrigation project found no problems reported to the Water Rights Program.

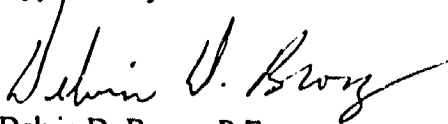
Conclusions

1. Application No. 2219A-3 requests to correct the location of 22 acres for irrigation authorized by Water Right No. 1281-3 and Water Permit No. 2219-3.
2. The source of water for the irrigation project is the Missouri River, records indicate that there has not been any reported problems with this project.



Mark D. Rath
Natural Resources Engineer III

Approved by:



Delvin D. Brosz, P.E.
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2219A-3, Cleo I. Meyer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2219A-3, Cleo I. Meyer, 1006 1st Avenue West, Mobridge, SD 57601.

The Chief Engineer is recommending APPROVAL of Application No. 2219A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
October 5, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

October 6, 1995

Cleo I. Meyer
1006 1st Ave. West
Mobridge, SD 57601

Dear Mrs. Meyer:

Water Permit Application No. 2219A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Prairie Pioneer printed at Pollock, SD (Ph # 605-889-2320). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



October 6, 1995

Prairie Pioneer
Box 218
Pollock, SD 57648-0218

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2219A-3 to be published twice. Please publish the first notice on October 19, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Cleo I. Meyer, 1006 1st Ave. West, Mobridge, SD 57601 (Ph # 605-845-2137).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

FIRST TRANSMITTAL NOTICE

-----CUT HERE-----

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on October 19, 1995 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 2219A-3 to
Amend Water Permit No. 2219-3 and Water Right No. 1281-3

Notice is given that Cleo I. Meyer, 1006 1st Ave. West, Mobridge, SD 57601 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Right No. 1281-3 and Permit No. 2219-3, combined, appropriate 13.12 cubic feet of water per second (cfs) of water from the Missouri River to irrigate 957 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 8; NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4, N 1/2 NE 1/4, SE 1/4, Section 9; N 1/2, N 1/2 SW 1/4, SW 1/4 SW 1/4, Section 10; NW 1/4 Section 16; all in T128N-R79W. An inspection of Water Right No. 1281-3 and Permit No. 2219-3 found that two diversion points had been developed and were capable of diverting 10.66 cfs to irrigate 746 acres. The diversion points are located between the E 1/2 Section 8 and the SW 1/4 Section 9; all in T128N-R79W. This application is to correct the location of 22 of the 746 acres being irrigated. The correct location of the 22 acres is the SE 1/4 NE 1/4, S 1/2 SW 1/4 Section 9; T128N-R79W. No increase in the diversion rate or number of acres being irrigated is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2219A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 6, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Campbell) SS

I, Brenda Larson

certify that the attached printed Notice was
taken from the Prairie Pioneer

printed and published in Pollock, S.D.

County of Campbell and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

October 19, 1995

October 26, 1995

Cost of Printing: \$43.52

Brenda Larson
(Signature)

Production Manager
(Title)

10 26 95
(Date Signed)



Notice of Application
No. 2219A-3

To Amend Water Permit No. 2219-3
and Water Right No. 1281-3

Notice is given that Cleo I. Meyer, 1006 1st Ave. West, Mobridge, SD 57601 has filed an application for a water permit to specify the correct location of the irrigated acreage. Water Right No. 1281-3 and Permit No. 2219-3, combined, appropriate 13.12 cubic feet of water per second (cfs) of water from the Missouri River to irrigate 957 acres located in the SE1/4NE1/4, NE1/4SE1/4 Section 8; NE1/4NW1/4, S1/2NW1/4, N1/2SW1/4, SW1/4NE1/4, N1/2NE1/4, SE1/4, Section 9; N1/2, N1/2SW1/4, SW1/4SW1/4, Section 10; NW1/4 Section 16; all in T128N-R79W. An inspection of Water Right No. 1281-3 and Permit No. 2219-3 found that two diversion points had been developed and were capable of diverting 10.66 cfs to irrigate 746 acres. The diversion points are located between the E1/2 Section 8 and the SW1/4 Section 9; all in T128N-R79W. This application is to correct the location of 22 of the 746 acres being irrigated. The correct location of the 22 acres is the SE1/4NE1/4, S1/2 SW1/4 Section 9; T128N-R79W. No increase in the diversion rate or number of acres being irrigated is requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2219A-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with

SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. A petition opposing the application or contesting the recommendation must be filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition. Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501 (605/773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 6, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 24, 1995

Cleo I. Meyer
1006 1st Ave West
Mobridge, SD 57601

Dear Mrs. Meyer:

This letter is in reference to a July 17, 1995 water permit inspection I made of your irrigation system that are authorized by Water Permit No. 2219-3 and Water License No. 1281-3. At the time of the inspection I found that there is land being irrigated in the S1/2 NE1/4 and S1/2 SW1/4 of Section 9 T128N-R79W that was not covered by either the water permit or the water license.

Because of this you will need to make an application for a new permit to correct this problem. I am enclosing a partially completed application along with the instruction sheet. You should carefully review, complete, sign before a notary public and return to this office along with a \$50 application fee. I have also enclosed a copy of the map showing your irrigated land to help you complete your application.

If you have any questions or comments, please contact me at phone (605) 773-3352.

Sincerely,

Mark D. Rath
Natural Resources Engineer

enclosures

Permit No. 2219A-3
MISSOURI River - Water District

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

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 7/17/1995, made a thorough examination of the water use system constructed by CLEO I. MEYER of 1006 1st AVE WEST, MOBRIDGE SD holder of Water Right No. 1281-3, bearing the priority of JUNE 6, 1966 authorizing the diversion of 2.22 cu. ft. per second and Permit No. 2219-3, bearing the priority of MARCH 3, 1975 authorizing the diversion of 10.9 cu. ft. per second and Permit No. 2219A-3, bearing the priority of # authorizing the diversion of # cu. ft. per second of the waters of THE MISSOURI RIVER for IRRIGATION purposes, in CAMPBELL County.

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

A. Works used to divert the water:

TWO PEERLESS PUMPS AND A BERKLEY PUMP

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

PVC PIPE

C. Works used to apply water to beneficial use:

5 ZIMMATIC CENTER PIVOTS AND A SOLID SET IRRIGATION SYSTEM

The system is in the following condition GOOD. The point of diversion is located BETWEEN TWO POINTS LOCATED IN THE E1/2 OF SECTION 8 AND THE SW1/4 OF SECTION 9 ALL IN T128N-R79W. The works are capable of diverting and conveying to the place of use 10.7 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:

Land located in Section 8 T128N-R79W

SE1/4 NE1/4 - 3 ac NE1/4 SE1/4 - 3 ac

Land Located in Section 9 T128N-R79W

NE1/4 NW1/4 - 40 ac	SE1/4 NW1/4 - 24 ac
SW1/4 NW1/4 - 37 ac	NW1/4 NE1/4 - 32 ac
NE1/4 NE1/4 - 39 ac	SE1/4 NE1/4 - 13 ac
SW1/4 NE1/4 - 3 ac	NW1/4 SE1/4 - 18 ac
NE1/4 SE1/4 - 39 ac	SE1/4 SE1/4 - 20 ac
SW1/4 SE1/4 - 6 ac	NW1/4 SW1/4 - 37 ac
NE1/4 SW1/4 - 24 ac	SE1/4 SW1/4 - 6 ac
SW1/4 SW1/4 - 3 ac	

Land Located in Section 10 T128N-R79W

NW1/4 NW1/4 - 33 ac	NE1/4 NW1/4 - 33 ac
SE1/4 NW1/4 - 33 ac	SW1/4 NW1/4 - 18 ac
NW1/4 NE1/4 - 33 ac	NE1/4 NE1/4 - 33 ac
SE1/4 NE1/4 - 33 ac	SW1/4 NE1/4 - 33 ac
NW1/4 SW1/4 - 36 ac	NE1/4 SW1/4 - 40 ac
SW1/4 SW1/4 - 1 ac	

Land Located in Section 16 T128N-R79W

NW1/4 NW1/4 - 21 ac NE1/4 NW1/4 - 38 ac

SE1/4 NW1/4 - 9 ac SW1/4 NW1/4 - 5 ac

comprising a total of 746 acres of land and the license should be issued for 10.66 cfs.
Applicable permit qualifications have been complied with: **YES**

Exceptions to compliance are: **NONE**



Mark D. Rath

Natural Resources Engineer
DENR, Water Rights Program



Date

REPORT ON INSPECTION OF PERMIT NO. 2219A-3

DATE OF INSPECTION: 7/17/1995

Other permit(s) associated with the project: 2219-3 & 1281-3

DIVERSION POINT LEGAL LOCATION: BETWEEN TWO POINTS LOCATED IN THE E1/2 OF SECTION 8 AND THE SW1/4 OF SECTION 9 ALL IN T128N-R79W

Pump:

- 1) Make PEERLESS
- 2) Model G105709
- 3) Size
- 4) Capacity 3250 GPM

Motor:

- 1) Make D343
- 2) Model No. DIESEL
- 3) Horsepower rating 375 hp

Pump:

- 1) Make PEERLESS
- 2) Model G105681
- 3) Size
- 4) Capacity 1600 GPM

Motor:

- 1) Make US ELECTRICAL
- 2) Model No. 444TPWRI
- 3) Horsepower rating 130 hp

Pump:

- 1) Make BERKLEY
- 2) Model BHJQBUCW
- 3) Capacity 1000 GPM

- 1) Make **ZIMMATIC**
- 2) Overall length **1280** feet
- 3) Number of towers **9**
- 4) End gun **Y**
- 5) High or low pressure **HI**
- 6) Capacity **700** GPM

Center pivot:

- 1) Make **ZIMMATIC**
- 2) Overall length **1280** feet
- 3) Number of towers **9**
- 4) End gun **Y**
- 5) High or low pressure **HI**
- 6) Capacity **700** GPM

Solid Sets:

- 1) Length **21000** feet
- 2) Diameter **6** inches
- 3) Capacity **1650** GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate **N**

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by **Y**
- 2) All structures, wells and lands on map **Y**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **Y**



DEC 11 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Cleo I. Meyer
1006 1st Ave. West
Mobridge, SD 57601

Dear Mr. Meyer:

Enclosed is Water Permit No. 2219A-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount the Water License will be sent to you.

Very truly yours,

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

enclosures

Motor:

- 1) Make CHRYSLER
- 2) Model No. INDUSTRIAL PROPANE

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Length 10000 feet

SYSTEM TYPE:

Center pivot:

- 1) Make ZIMMATIC
- 2) Overall length 1120 feet
- 3) Number of towers 8
- 4) End gun Y
- 5) High or low pressure HI
- 6) Capacity 600 GPM

Center pivot:

- 1) Make ZIMMATIC
- 2) Overall length 1010 feet
- 3) Number of towers 5
- 4) End gun Y
- 5) High or low pressure HI
- 6) Capacity 450 GPM

Center pivot:

- 1) Make ZIMMATIC
- 2) Overall length 1280 feet
- 3) Number of towers 9
- 4) End gun Y
- 5) High or low pressure HI
- 6) Capacity 700 GPM

Center pivot:

**SOUTH DAKOTA
WATER PERMIT NO. 2219A-3**

Date of first receipt of application September 8, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2219A-3 to Cleo I. Meyer, 1006 1st Ave West, Mobridge SD 57601 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 2219A-3 specifies the correct location of the irrigated acreage. Water Right No. 1281-3 and Permit No. 2219-3, combined, appropriate 13.12 cubic feet of water per second (cfs) of water from the Missouri River to irrigate 957 acres located in the SE 1/4 NE 1/4, NE 1/4 SE 1/4 Section 8; NE 1/4 NW 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4, SW 1/4 NE 1/4, N 1/2 NE 1/4, SE 1/4, Section 9; N 1/2, N 1/2 SW 1/4, SW 1/4 SW 1/4, Section 10; NW 1/4 Section 16; all in T128N-R79W. An inspection of Water Right No. 1281-3 and Permit No. 2219-3 found that two diversion points had been developed and were capable of diverting 10.66 cfs to irrigate 746 acres. The diversion points are located between the E 1/2 Section 8 and the SW 1/4 Section 9; all in T128N-R79W. This permit corrects the location of 22 of the 746 acres being irrigated. The correct location of the 22 acres is the SE 1/4 NE 1/4, S 1/2 SW 1/4 Section 9-T128N-R79W. No increase in the diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is March 3, 1975.
4. The date of approval of Permit No. 2219A-3 is November 6, 1995.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 21 1995

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

2219A-3

Cleo I. Meyer
1006 1st Ave. West
Mobridge, SD 57601

Dear Mrs. Meyer:

Enclosed is Water License No. 2219A-3 and Receipt No. 414723 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2219A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Permit No. 2219-3 and Water Right No. 1281-3 have been incorporated into this Water License No. 2219A-3.

RECEIPT

414610

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 8, 19 95

VED OF S.G. Meyer, 1006 First Avenue West, Mobridge, SD 57601

owing amount in fees for services rendered as provided for by law:

Application for Permit No. _____ to Appropriate Water. to construct to put water to beneficial use _____	50	00
Application for Permit No. _____ to Appropriate Water. for Future _____		
retain Future Use Permit No. _____ after period of seven years.		
Inspecting Constructed Works, confirming beneficial use and issuing Water use No. _____		
Filing Transfer Form _____		
Filing Extension Request _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John Hatch

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

221/90
414723

Pierre, _____ December 26, 19 95

RECEIVED OF S.G. Meyer, 1006 First Ave West, Mobridge, SD 57001

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2219A-5

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

50 00

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch



2219A-3

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

FACSIMILE TRANSMITTAL COVER SHEET

TRANSMITTAL DATE: August 4, 1997

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME: Don Pearson

PHONE:

FAX: (701) 224-1247

MESSAGE:

I am sending along a copy of Water Right No. 2219A-3 and a partially completed transfer form. I thought Cleo had more than one water right, but realized after pulling the files that the water permits had been incorporated into one license.

Please review the transfer form and make any necessary corrections or additions. The new owner(s) will need to sign the form in the presence of a notary. Once completed, please return the form to our office with a required filing fee of \$2.50.

If I can answer any questions for you, please give me a call. Thanks. ☺☺

Genny

FROM: GENNY MCMATH

AGENCY: DENR - WATER RIGHTS PROGRAM

ADDRESS: JOE FOSS BUILDING, 523 E CAPITOL, PIERRE, SD 57501-3181

PHONE: (605) 773-3352

FAX: (605) 773-1068

****THIS TRANSMISSION INCLUDES 4 PAGES INCLUDING THIS PAGE****

IF THERE IS ANY PROBLEM WITH THIS TRANSMITTAL, PLEASE CALL (605) 773-3352.

THANK YOU



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 26, 1997

TO: Warren Schlecht, Farm Credit Services
fax # (701) 663-4278

FROM: Genny McMath, Environmental Scientist *Genny McMath*
Water Rights Program
Department of Environment & Natural Resources

SUBJECT: Transfer of Water Right No. 2219A-3

Water Right No. 2219A-3 is currently listed in the name of Cleo I Meyer, Mobridge, SD. The water right authorizes diversion of 10.66 cubic feet of water per second from the Missouri River to irrigate 746 acres in portions of Sections 8, 9, 10 & 16, T128N, R79W. Following a November, 1995 investigation of the water use system, water license was issued on April 4, 1996.

It is our understanding that the land described in the water right has been or is in the process of being sold. Under SDCL 46-5-30.3, notice of any sale, grant, lease, conveyance or other transfer of a permit or license to appropriate water issued under the provisions of this title shall be filed with the chief engineer within ninety days. This action can be done by filing a "Notice of Transfer of Ownership" with our program.

According to SDCL 46-5-33, no permit or right to appropriate water for irrigation purposes may be assigned, or transferred apart from the land to which it is appurtenant, except in the manner provided by law. A transfer of title to land shall carry with it all rights to the use of the water appurtenant to the land for irrigation purposes.

You inquired as to whether or not there were any liens or impediments on Water Right No. 2219A-3. The water permit has been licensed and under South Dakota water law, the license is the final water right document needed for procurement of that right. As long as the water is used continuously for the purpose it was appropriated, the water right holder has a continuing right to the use of water.

I hope I have addressed your concerns. If you have any further questions, please contact me.

NOTICE OF TRANSFER OF OWNERSHIP

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



No. 2219A-3

Date: 8-27-97

I/We request that Water Right No. 2219A-3

formerly owned by: Cleo I Meyer

be transferred to: (name & address) Tom & Marjorie Gundersen
4150 149th N.W. Bemidji, NDak Telephone No. 701-222-2333

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

746 acres - SE 1/4 NE 1/4, NE 1/4 SE 1/4 Sec 8, NE 1/4 NW 1/4, S 1/4 NW 1/4, NE 1/4, S 1/4 Sec 9; N 1/4, N 1/4 SW 1/4, SW 1/4 SW 1/4 Sec 10, NW 1/4 Sec 16, all in T128N, R79W

I/We understand that the validity of Water Right No. 2219A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is attached to cover the filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)

County of Campbell)

I/We Tom Gundersen being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

[Signature]
(Signed)

Subscribed and sworn to before me this 27th day of August, 19 97.

[Signature]
(Notary Public)

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

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

RECEIPT

415457

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 2, 1997

RECEIVED OF Dakota Properties R E, Inc., 1016 E. Central Ave., Bismarck, ND 58501

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>Water Right No. 2219A-3</u>		2 50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch (Signature)



2219A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

No. 2219A-3

Dakota Properties R E, Inc.
1016 E. Central Ave.
Bismarck, ND 58501

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2219A-3.

Our records now show Tom and Marjorie Gunderson as the owner of Water Right No. 2219A-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c Tom and Marjorie Gunderson, 4150 149th NW, Bismarck, ND 58501



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

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

RETURN SERVICE REQUESTED



Dakota Properties R E, Inc.
1016 E. Central Ave.
Bismarck, ND 58501



**NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD**

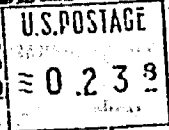
*Called on 10/14/97,
Address has changed
to 2900 E. Broadway Ave.
Bismarck, ND 58501*

221917-3

PRESORTED
FIRST CLASS



METER
6067152





New letter
done to reflect the
correct address- was
returned on 9/17/97
because address
changed.

2219A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 11, 1997

No. 2219A-3

Dakota Properties R E, Inc.
1016 E. Central Ave.
Bismarck, ND 58501

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2219A-3.
Our records now show Tom and Marjorie Gunderson as the owner of Water Right No. 2219A-3.

Sincerely,

Cheryl F Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Tom and Marjorie Gunderson, 4150 149th NW, Bismarck, ND 58501



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 14, 1997

No. 2219A-3

Dakota Properties R E, Inc.
2900 E. Broadway Ave.
Bismarck, ND 58501

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2219A-3.

Our records now show Tom and Marjorie Gunderson as the owner of Water Right No. 2219A-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure

c: Tom and Marjorie Gunderson, 4150 149th NW, Bismarck, ND 58501



2219A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

TO: ALLEN REIERSON, RENTER, PO BOX 424, POLLOCK, SD 57648 0424

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 1341-3, 2219A-3 and 2766-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No. 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit Nos. 1341-3 & 2219A-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in 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 Nos. 1341-3 & 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 2, 2001, 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 (605) 773-3352.

c: TOM & MARJORIE GUNDERSON, 4150 149TH NW, BISMARCK, ND 58501

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 1, 2001

1341-3
2219A-3
2766-3

Allen Reiersen
PO Box 424
Pollock, SD 57618-0424

Dear Mr. Reiersen:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 1341-3, 2219A-3 and 2766-3.

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: Tom & Marjorie Gunderson



2219A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 4, 2004

1341-3
2219A-3
2766-3

Tom & Marjorie Gunderson
1401 Bayview Ct
Bismarck ND 58504-7087

Dear Mr. & Mrs. Gunderson:

Enclosed is a "Notice" dated October 22, 2004 concerning your 2004 irrigation questionnaires. The notice was originally mailed to 1213 E Coulee Rd, Bismarck, ND. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures

2219A-3

McMath, Genny

From: McMath, Genny
Sent: Friday, December 10, 2004 9:02 AM
To: 'TGunder100@aol.com'
Subject: RE: Water Rights

Mr. & Mrs. Gunderson,

To date, I have not heard back from you as to whether or not you prefer me to mail the transfer forms to Mr. Schwab with copies of the water rights or if you wanted me to mail them to you. I will send them out today to Mr. Schwab. We are still in need of the 2004 irrigation questionnaires. If you need assistance in filling them out, please contact me and we can work through them on the phone. Thank you for your help.

Genny McMath

-----Original Message-----

From: McMath, Genny
Sent: Monday, November 29, 2004 9:15 AM
To: 'TGunder100@aol.com'
Cc: Erbele, Garland
Subject: FW: Water Rights

Mr. & Mrs. Gunderson:

I reviewed our water right files and found only the three that you mentioned below (1341-3, 2219A-3 and 2766-3) listed in your names. Transferring water rights is a fairly simple procedure. The new owner of the land will need to complete a "Notice of Transfer of Ownership" form for each water right being transferred. I can partially complete the forms by including the legal descriptions of the land. Mr. Schwab will need to sign the forms and return them to our program with a required filing fee of \$2.50 each.

I can go ahead and mail him the forms for Nos. 2219A-3 and 2766-3. Did he get copies of the water rights from you or should I include them with the forms? Also, one more question - who farmed the land in 2004? The reason I ask is that I need to get the annual irrigation questionnaires for all three water rights.

Thank you getting in touch with Garland about the ownership changes.

Genny McMath
Water Rights Program
605 773-3352

-----Original Message-----

From: Erbele, Garland
Sent: Monday, November 29, 2004 8:55 AM
To: McMath, Genny
Subject: FW: Water Rights

Genny, would you work with this couple on getting their water rights transferred. Also check on additional water rights.
Thanks.

-----Original Message-----

From: TGunder100@aol.com [mailto:TGunder100@aol.com]

Sent: Wednesday, November 24, 2004 7:23 AM

To: garland.erbele@state.sd.us

Subject: Water Rights

We are in the process of selling some of my properties in Campbell County, SD and wish to transfer some of my water rights to Sherwin Schwab, 13939 376th Av, Mina, SD (605-225-4483). We wish to keep Water Right No. 1341-3 and transfer No. 2766-3 and No. 2219A-3 to Sherwin Schwab. What are the procedures? Do we have any other Water Rights Permits in Campbell County?

Tom and Marjorie Gunderson

1401 Bayview Court

Bismarck, ND 58504

701-250-3202 Work

701-222-2333 Home

701-226-1902 Cell

2219A-3



December 10, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

2219A-3
2766-3

Sherwin Schwab
13939 376th Ave
Mina SD 57451

Dear Mr. Schwab:

I am contacting you in regard to ownership of land described in Water Right Nos. 2219A-3 and 2766-3. They are currently listed in the name of Tom and Marjorie Gunderson. The Gunderson's have notified our office that they wish to transfer these water rights to you. I am enclosing a copy of the water rights for your review.

Also enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions concerning the water rights or filing of the ownership changes, please contact me.

Sincerely,

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

enclosures



January 4, 2005

2219A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

1341-3
2219A-3
2766-3

Tom & Marjorie Gunderson
1401 Bayview Ct
Bismarck ND 58504-7087

Dear Mr. & Mrs. Gunderson:

I am writing in regard to your water rights and to the 2004 irrigation questionnaires. On November 24th, you emailed Garland Erbele, the Chief Engineer of the Water Rights Program and indicated you were in the process of selling your land. I responded to your email and asked whether or not you wished to have me send the transfer of ownership forms to you or to the new owner. My email also included a question on where the 2004 irrigation questionnaires should be directed. To date, we have not received a response from you.

I did go ahead and take the liberty of mailing two "Notice of Transfer of Ownership" forms to Sherwin Schwab for Water Right Nos. 2219A-3 and 2766-3. We have not received anything back from him yet.

The irrigation questionnaires were due in our office on December 3rd. The notices to irrigators concerning delinquent irrigation questionnaires will be mailed from our office in less than two weeks. The notices will contain a time and date of a hearing to be held by the Water Management Board to consider violations for non-returned irrigation questionnaires. Please get in touch with us prior to that time as to whether or not the land was irrigated and if so, how we can help you get the forms filled out if you have questions on them.

Sincerely,

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



2219A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 20, 2005

NOTICE

TO: TOM & MARJORIE GUNDERSON, 1401 BAYVIEW CT, BISMARCK, ND 58504 7087
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 1341-3 & 2219A-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 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) 1341-3 & 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 February 25, 2005, 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 (605) 773-3352.

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.

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2219A-3

RECEIVED

JAN 20 2005

Date: _____ WATER RIGHTS
PROGRAM

I/We request that Water Right No. 2219A-3

formerly owned by: Tom & Marjorie Gunderson

be transferred to: (name & address) Sherwin & Judith Schwab

291 So. Sunset Dr.

Mina S.D. 57451

Telephone No. 605 225 4483

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

746 acres; SE ¼ NE ¼, NE ¼ SE ¼ Section 8, E ½ NW ¼, SW ¼ NW ¼, E ½, SW ¼ Section 9;

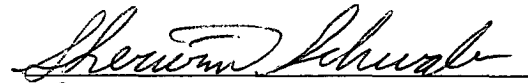
N ½, N ½ SW ¼, SW ¼ SW ¼ Section 10 & NW ¼ Section 16, all in T128N, R79W

I/We understand that the validity of Water Right No. 2219A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Sherwin & Judith Schwab, the new owner, certify that the above information is true and correct.


(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.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 20, 20 05

RECEIVED OF Sherwin Schwab, 291 S Sunset Dr, Mira SD 57462

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	2	50	
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>2219A--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. _____	2	50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____			
(Any Other Work Provided by Law)	TOTAL		
	2.50		

No.

000000

By

Darland Erbe
Chief Engineer *gsm*

2219A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 28, 2005

2219A-3
2766-3

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

Thank you for following up on the ownership change for Water Right Nos. 2219A-3 and 2766-3. The transfers have been completed. The water rights formerly listed in the name of Tom & Marjorie Gunderson are now listed in your name.

Enclosed are your Receipt Nos. 001659 and 001660 in the amount of \$2.50 each. If I can answer any questions for you, please contact me.

Mr. Gunderson indicated you leased the land during the 2004 irrigation season and would have the questionnaires for the above water rights. In the event you do not have them, I am enclosing another set. These need to be completed as soon as possible and returned to us before February 25, 2005.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

[illegible]

78K





2219A-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2006

NOTICE

TO: SHERWIN & JUDITH SCHWAB, 291 S SUNSET DR, MINA, SD 57451

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaires

Our records indicate that the 2005 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2219A-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 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) 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 **February 24, 2006**, 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 (605) 773-3352.

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.



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 3933

Your item was delivered at 1:29 pm on February 01, 2006 in IPSWICH, SD 57451. The item was signed for by S SCHWAB.

[Shipment Details >](#)

Notification Options

► **Track & Confirm by email** [What is this?](#) [Go >](#)

► **Request Proof of Delivery** [What is this?](#) [Go >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 3933

SHERWIN & JUDITH SCHWAB
291 S SUNSET DR
MINA SD 57451

nailling.

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access internet web site at
www.usps.com®
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail™ Service
☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 2, 2006

2219A-3
2766-3

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. I completed questionnaires for you based on our February 1st telephone conversation. The forms reflect that no irrigation took place in 2005 due to low water levels on the Missouri River.

You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 2219A-3 and 2766-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: SHERWIN & JUDITH SCHWAB, 291 S SUNSET DR, MINA, SD 57451

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaires

Our records indicate that the 2012 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2219A-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 4, 2013**, 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:

<http://denr.sd.gov/iq.aspx>

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.

2219A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2013

2766-3 & 2219A-3

SHERWIN & JUDITH SCHWAB
291 S SUNSET DR
MINA, SD 57451

Dear Sherwin & Judith:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit Nos. 2766-3 & 2219A-3. The information was received in our office prior to the Water Management Board meeting and your name was deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

OCT 26 2011

2219A-3

Sherwin & Judith Schwab
291 Sunset Dr.
Mina SD 57451

Dear Mr. & Mrs. Schwab:

Enclosed is Reissued Water License No. 2219A-3. Due to updates and reconfigurations of the irrigation systems, the license is being reissued to reflect the acreage currently being irrigated. Also, included with your license is an ArcMap prepared by the staff engineer.

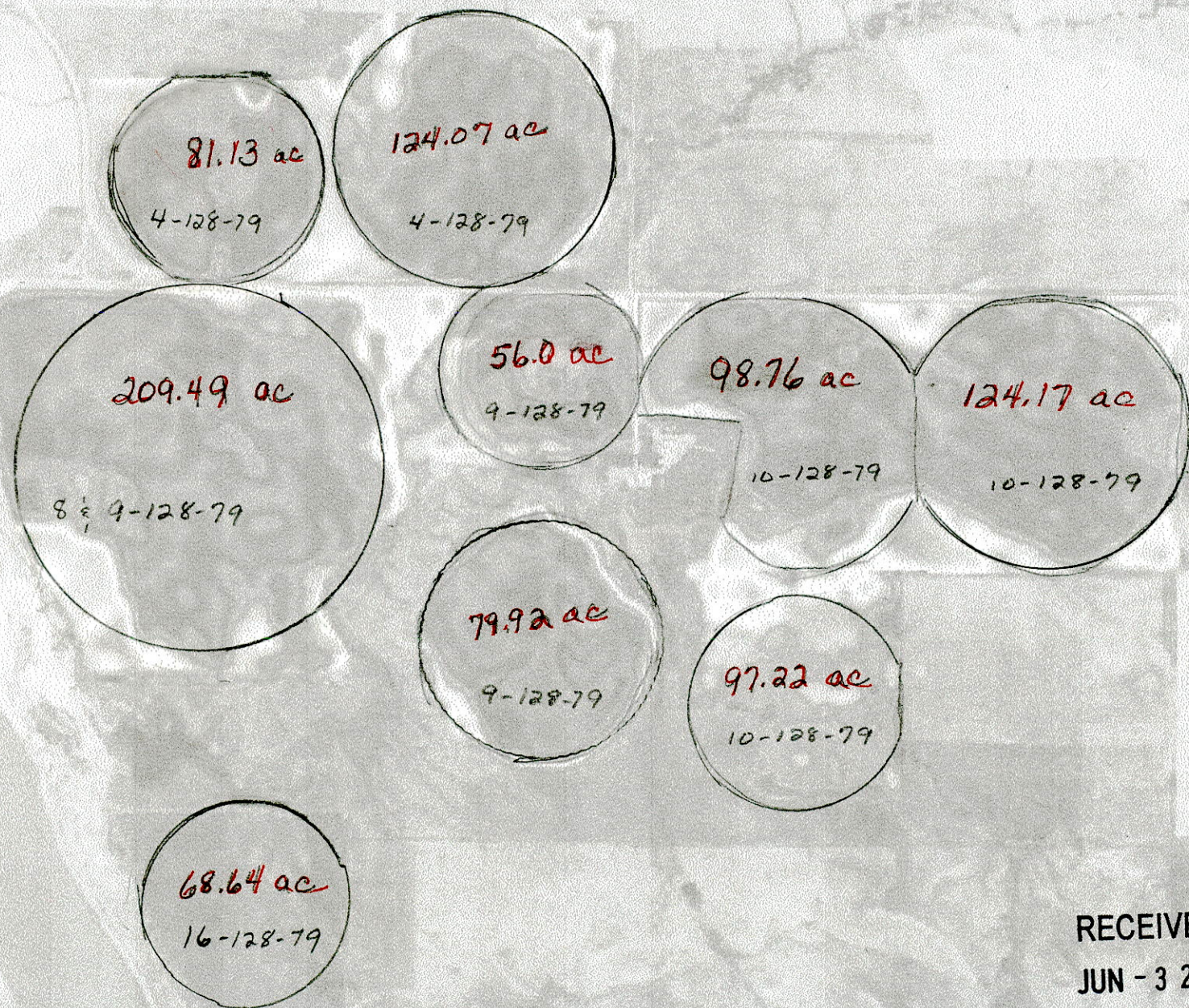
As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

Irrigated Acres



RECEIVED
JUN - 3 2011
WATER RIGHTS
PROGRAM

Water Right No. 2219A-3, Sherwin and Judith Schwab

Approximate breakdown of acreage - all in T128N, R79W

Benefit in rounding was provided to the Water Right holder

Conducted using ArcMap

Section 8	Acres	Section 10	Acres
NE 1/4 NE 1/4	5	NW 1/4 NW 1/4	27
SE 1/4 NE 1/4	14	NE 1/4 NW 1/4	31
Total	19	SW 1/4 NW 1/4	10
		SE 1/4 NW 1/4	30
Section 9		NW 1/4 NE 1/4	27
NW 1/4 NW 1/4	33	NE 1/4 NE 1/4	30
NE 1/4 NW 1/4	29	SW 1/4 NE 1/4	34
SW 1/4 NW 1/4	40	SE 1/4 NE 1/4	35
SE 1/4 NW 1/4	40	NW 1/4 SW 1/4	32
NW 1/4 NE 1/4	8	NE 1/4 SW 1/4	36
NE 1/4 NE 1/4	37	SW 1/4 SW 1/4	14
SW 1/4 NE 1/4	8	SE 1/4 SW 1/4	21
SE 1/4 NE 1/4	19	Total	327
NW 1/4 SW 1/4	23		
NE 1/4 SW 1/4	19	Section 16	Acres
SW 1/4 SW 1/4	1	NW 1/4 NW 1/4	12
SE 1/4 SW 1/4	6	NE 1/4 NW 1/4	40
NW 1/4 SE 1/4	14	SW 1/4 NW 1/4	1
NE 1/4 SE 1/4	40	SE 1/4 NW 1/4	8
SW 1/4 SE 1/4	1	NW 1/4 NE 1/4	2
SE 1/4 SE 1/4	11	Total	63
Total	329		

Totals of Sections 8, 9, 10 and 17 = 738 acres*

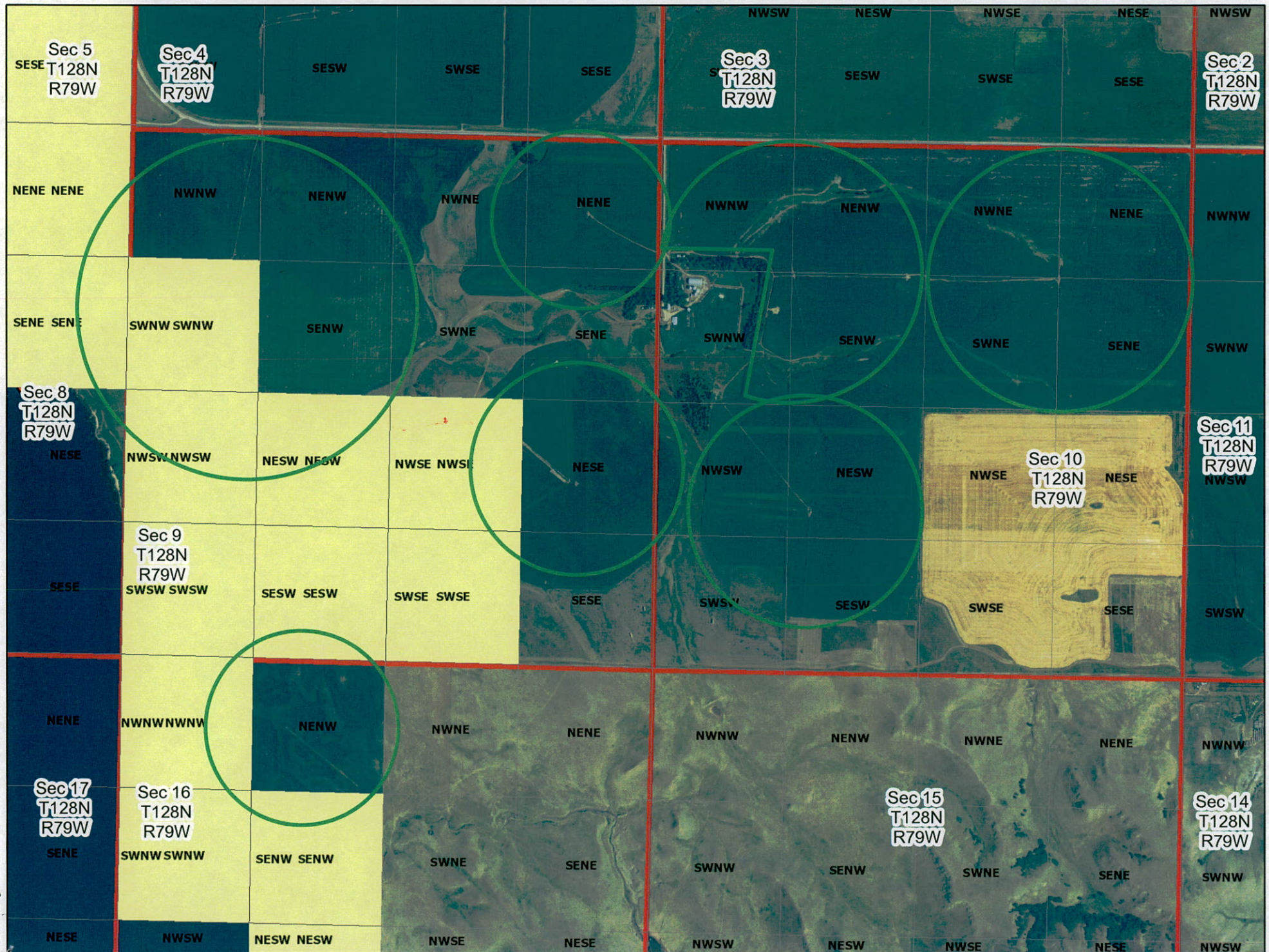
Permit holders estimate is 734.2 acres - benefit of rounding accounts to the difference and is to the benefit of WR holder

Acreage breakdown determined based on map prepared by Mr. Swab and using ArcMap and the 2010 FSA aerial show pivot coverage.



Eric Gronlund

Water Rights Program, DENR



STATE OF SOUTH DAKOTA
REISSUED
WATER LICENSE NO. 2219A-3

(1) Cleo I Meyer, Mobridge SD was issued Water License No. 2219A-3, April 4, 1996 for a water right to divert 10.66 cubic feet of water per second from the Missouri River, Campbell County, South Dakota for irrigation purposes. Water License No. 2219A-3, with priority dates of June 6, 1966 and March 3, 1975 was issued to the permit holder for diversion of water with construction of the described water supply system and the application to beneficial use of water completed.

On January 20, 2005, Water License No. 2219A-3 was transferred to Sherwin & Judith Schwab, 291 S Sunset Dr, Mina SD 57451.

The original license authorized irrigation of 746 acres. Due to updates and reconfigurations of the irrigation systems, the license is being reissued to reflect the acreage currently being irrigated.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 2219A-3 is reissued a license, bearing priority dates of June 6, 1966 and March 3, 1975 to appropriate 10.54 cubic feet of water per second from the Missouri River to irrigate 738 acres.

The diversion point is located: between two points in the E ½ Section 8 and the SW ¼ Section 9; all in T128N-R79W. The acres authorized for irrigation are as follows:

Section 8	Acres	Section 10	Acres
*NE 1/4 NE 1/4	5	NW 1/4 NW 1/4	27
*SE 1/4 NE 1/4	14	NE 1/4 NW 1/4	31
Total	19	SW 1/4 NW 1/4	10
		SE 1/4 NW 1/4	30
Section 9		NW 1/4 NE 1/4	27
NW 1/4 NW 1/4	33	NE 1/4 NE 1/4	30
NE 1/4 NW 1/4	29	SW 1/4 NE 1/4	34
*SW 1/4 NW 1/4	40	SE 1/4 NE 1/4	35
*SE 1/4 NW 1/4	40	NW 1/4 SW 1/4	32
NW 1/4 NE 1/4	8	NE 1/4 SW 1/4	36
NE 1/4 NE 1/4	37	SW 1/4 SW 1/4	14
*SW 1/4 NE 1/4	8	SE 1/4 SW 1/4	21
SE 1/4 NE 1/4	19	Total	327
*NW 1/4 SW 1/4	23		
*NE 1/4 SW 1/4	19	Section 16	Acres
SW 1/4 SW 1/4	1	NW 1/4 NW 1/4	12
SE 1/4 SW 1/4	6	NE 1/4 NW 1/4	40
NW 1/4 SE 1/4	14	*SW 1/4 NW 1/4	1
NE 1/4 SE 1/4	40	*SE 1/4 NW 1/4	8
SW 1/4 SE 1/4	1	NW 1/4 NE 1/4	2
SE 1/4 SE 1/4	11	Total	63
Total	329		

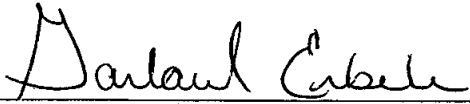
Totals of Sections 8, 9, 10 and 17; all in T128N-R79W

738 acres

* land retains a priority date of June 6, 1966 (established by Water Right No. 1281-3)
remaining land retains a priority date of March 3, 1975 (established by Water Permit Nos. 2219-3 and 2219A-3)

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 2219A-3 including the following now applicable qualification:

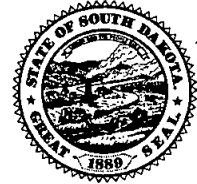
This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 26 2011

date





2219A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: SHERWIN & JUDITH SCHWAB, 291 S SUNSET DR, MINA, SD 57451
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2219A-3 qualification:

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

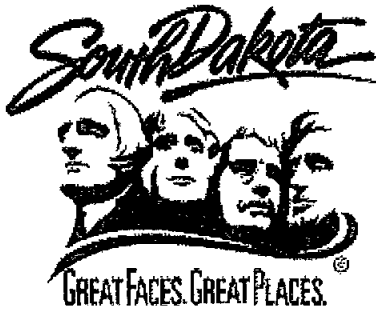
The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 4, 2015** 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: <http://denr.sd.gov/iq.aspx>

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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 22, 2015

2219A-3
2766-3

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 2219A-3 and 2766-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

I wanted to take this opportunity to remind you about the permitting still required for irrigation taking place in the SW ¼ Section 4, T128N, R79W. Back in 2011 we forwarded you a partially completed application form and a map outlining the area needing permitted. Enclosed is an additional copy of the 2011 correspondence, application and map.

If the application and map do not accurately reflect acreage being irrigated, please make the changes as needed. Please complete the application and submit it to us with the required fee by **February 27, 2015**. Keep in mind you do not have authorization to irrigate the land in the SW ¼ of Section 4 without obtaining a water permit.

If you have any questions concerning the application process, please contact Eric Gronlund with our program at 605 773-3352.

Sincerely,

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

enclosures



2219A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: SHERWIN & JUDITH SCHWAB, 291 S SUNSET DR, MINA, SD 57451

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

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2219A-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 3, 2016** 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: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 9, 2015

2219A-3
2766-3

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

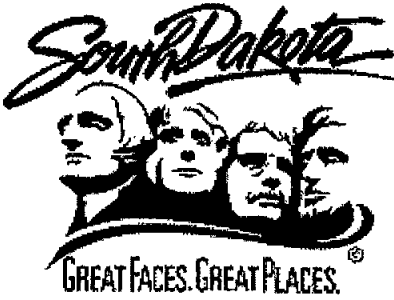
I am writing to acknowledge receipt of your 2015 irrigation questionnaires.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 2219A-3 and 2766-3. 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
email: genny.mcmath@state.sd.us



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: SHERWIN & JUDITH SCHWAB, 291 S SUNSET DR, MINA, SD 57451

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaires

Our records indicate your 2016 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2219A-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 1, 2017 at 11:00 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) 2219A-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <http://denr.sd.gov/iq.aspx>

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.



2219A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 25, 2017

2219A-3
2766-3

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 2219A-3 and 2766-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

File No. 2219A-3
2766-3
8319-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sherwin & Judith Schwab

DATE: February 20, 2019

RE: address for water permits/rights

The annual irrigation questionnaires for Nos. 2219A-3, 2766-3 and 8319-3 were being directed to 291 S Sunset Drive, Mina SD. The 2018 forms were returned by the Post office marked "temporarily away".

I got in touch with Sheldon Schwab via an email on file to find out where to send the forms. He requested I send them to his address of 116 Park Ave, Mina SD. The address on Sunset Drive is his parents address and they typically leave in October each year for a warmer climate. Sheldon indicated he was the one who filled out the forms anyway.

For purposes of the annual irrigation questionnaire, they will be directed to:

Sheldon Schwab, Mgr
116 Park Ave
Mina SD 57451



Genny McMath
Water Rights Program



2219A-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: SHELDON SCHWAB, MGR, 116 PARK AVE, MINA, SD 57451

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 2766-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2219A-3 & 8319-3 qualification:

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

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

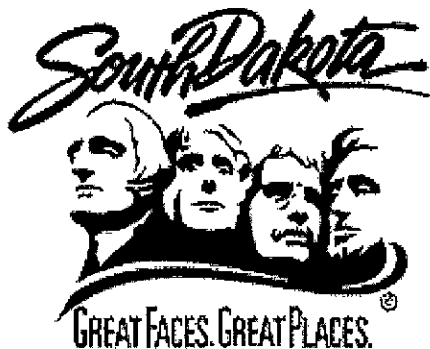
1. Suspend or cancel Permit No(s) 2219A-3 & 8319-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

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.

2219A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

2219A-3
2766-3
8319-3

Sheldon Schwab
116 Park Ave
Mina SD 57451

Dear Mr. Schwab:

I am writing to acknowledge receipt of the information for your 2019 irrigation questionnaires. Thank you for calling. I completed forms for you indicating no water was pumped in 2019.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 2219A-3 & 2766-3 and Water Permit No. 8319-3. 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,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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