

2496A-3

Permit No. 2496-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSB BLDG., PITCHER, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by HENRIED
HAYWOOD of ESTHERVILLE, IOWA holder
of Permit No. 2496-3, hearing date of priority of DECEMBER 15, 1975
authorizing the diversion of 6.6 cu. ft. per second of the waters of GROUND WATER
for IRRIGATION purposes, in BROOKINGS County.

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

The Water Use System consists of,

WELL #1 - 62' DEEP WITH 14" DIA STEEL CASING - 25' JOHNSON
SS SCREEN AMES 8" PUMP, POWERED BY 75 HP
GE ELECTRIC MOTOR - MODEL SK6258X114A

A. Works used to divert the water.

WELL #2 - 70' DEEP WITH 14" STEEL CASING - 25' JOHNSON SS SCREEN. AMES 8" PUMP
POWERED BY 75 HP GE ELECTRIC MOTOR - MODEL SK425BK14A
WELL #3 - 60' DEEP WITH 14" STEEL CASING - 25' JOHNSON SS SCREEN - AMES 8" PUMP
POWERED BY 75 HP GE ELECTRIC MOTOR - " SK6258X114A

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

90' - 8" ALUMINUM MAINLINE TO E PILOT POINT
100' - 8" BURIED PVC LINE TO CENTER PILOT
1150' - 8" BURIED PVC LINE TO W PILOT

C. Works used to apply water to beneficial use.

3 - 8 TOWER ELECTROGATOR IRRIGATION CENTER PILOT SYSTEMS
2 MODEL #2665 & ONE MODEL #2665-C. ALL THREE SYSTEMS ARE
EQUIPPED WITH #100 END GUNS

The system is in the following condition: GOOD

The point of diversion is located ^{#1} 90' S OF CENTER OF SW ⁴ SEC 4, ^{#2} 2-25' W & 740' N;

^{#3} 3-200' W & 1580' N. BOTH FROM THE SE CORNER SEC 5, ALL IN T112N, R51W

The works are capable of diverting and conveying to the place of use 5.64 (138 CFS OR 850 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: ALL IN T112N, R51W

SEC 5	SW ⁴	132 ACRES
	SE ⁴	132 "
SEC 4	SW ⁴	132 "

comprising a total of 396 acres of land.

RECEIPT

Division of Water Rights

414393

South Dakota Department of Environment and Natural Resources

Pierre, February 6, 1995

RECEIVED OF Roger & Pamela Schwartz, P.O. Box 153, Estelline, SD 57234

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 _____ Water Right No. 2496-3

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2.50
~~5.00~~

2.50
~~5.00~~

By John Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

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



No 2496-3

Date: 1-27-95

I/We request that Water Right No. 2496-3

formerly owned by: Roger & Janice Saa'hoff, RR #2 Box 59, Bruce, SD 57220

be transferred to: (name & address) ROGER & PAMELA SCHWARTZ, Box 153
ESTELLINE S.D. 57234 (Telephone No) 605-873-2392

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

0.25 acres in the S 1/2 Section 5 Township 11N, Range 1E, T112N, R51W

I/We understand that the validity of Water Right No. 2496-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Hamlin)

I/We Roger Schwartz 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.

Roger Schwartz
(Signed)

Subscribed and sworn to before me this 3rd day of February, 19 95.

Walter F. Kvisti
(Notary Public)

My Commission Expires 11-11-97

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.

**DIVISION OF WATER RIGHT NO. 2496-3
INTO NOS. 2496A-3 AND 2496B-3**

Water Right No. 2496-3 authorizes diversion of 5.64 cubic feet of water per second (cfs) from three wells to irrigate 396 acres in the S 1/2 of Section 5 and the SW 1/4 Section 4, T112N, R51W.

On February 6, 1995, Roger and Pamela Schwartz filed a "Notice of Transfer of Ownership" for the S 1/2 of Section 5, T112N, R51W. On July 10, 1995, Rexford R Schwartz filed an ownership change on the remaining land in the SW 1/4 Section 4, T112N, R51W.

Water Right No. 2496-3 is being divided and reissued as follows.

No. 2496A-3 - Roger & Pamela Schwartz: diversion of 3.76 cfs from two wells located in the SE 1/4 Section 5 to irrigate 264 acres located in the S 1/2 Section 5, T112N, R51W.

No. 2496B-3 - Rexford R Schwartz: diversion of 1.88 cfs from one well located in the approximate center of the SW 1/4 Section 4 to irrigate 132 acres located in the SW 1/4 Section 4, T112N, R51W.

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2496A-3
DIVISION OF NO. 2496-3 INTO NO. 2496A-3 AND 2496B-3

(1) Howard Haywood of Esterville, IA was issued Water License No. 2496-3, September 23, 1981 for a water right to appropriate 5.64 cubic feet of water per second from groundwater (three wells), Brookings County, South Dakota for irrigation purposes. Water Right No. 2496-3, with a priority date of December 15, 1975 was 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. The water right was later transferred to Roger and Janice Saathoff.

Land irrigated under Water Right No. 2496-3 has been transferred to two new owners. On February 6, 1995, Roger and Pamela Schwartz filed an ownership change on the S 1/2 Section 5, T112N, R51W. On July 10, 1995, Rexford Schwartz filed an ownership change for the SW 1/4 Section 4, T112N, R51W. To reflect separate ownership, the water license is being divided and reissued as follows:

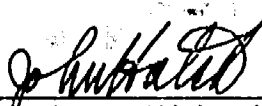
- No. 2496A-3, Roger & Pamela Schwartz - diversion of 3.76 cfs from two wells located in the SE 1/4 Section 5 to irrigate 264 acres located in the S 1/2 Section 5, T112N, R51W.
- No. 2496B-3, Rexford R Schwartz - diversion of 1.88 cfs from one well located in the approximate center of the SW 1/4 Section 4 to irrigate 132 acres located in the SW 1/4 Section 4, T112N, R51W.

(2) It is certified that the water right holders have 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 3.76 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #2 - 825'W & 740'N of the SE corner (SE 1/4 SE 1/4); Well #3 - 2000'W & 1580'N of the SE corner (NW 1/4 SE 1/4), both in Section 5, T112N, R51W.

(3) The water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following 264 acres of land:

<u>Section 5, T112N, R51W</u>	SW 1/4	132 acres
	SE 1/4	132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger & Pamela Schwartz of Box 153, Estelline, SD 57234 the holders and/or owners of Water Right No. 2496A-3 are issued a license to appropriate water, the right to use 3.76 cubic feet of water per second from groundwater (two wells) with a priority date of December 15, 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 Water Permit No. 2496-3 and 2496A-3 and subject to South Dakota State Law.


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

SEP 6 1995

date

2496A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

Roger & Pamela Schwartz
Box 153
Estelline, SD 57234

Dear Mr. & Mrs. Schwartz:

Enclosed is Reissued Water License No. 2496A-3. Water Right No. 2496-3 has been divided and reissued to reflect separate ownership. Also enclosed is Receipt No. 414393 in the amount of \$2.50 which you paid for filing an ownership change on Water Right No. 2496-3.

As long as you use the water for the purpose it was appropriated, South Dakota Water Laws provide that you have a continuing right to the use of the water. If you have any questions concerning the enclosed license, please contact Genny McMath at (605) 773-3352.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Program

enclosures: license & receipt

2496A-3



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

TO: ROGER SCHWARTZ, BOX 153, ESTELLINE, SD 57234

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

SUBJECT: Violation of Water Permit No(s) 5419-3, 2496A-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 5419-3, 2496A-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2496A-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) 5419-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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 No(s) 5419-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2496A-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 28, 1997, 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.

2496A-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 18, 1997

2496A-3
5419-3

Roger Schwartz
Box 153
Estelline, SD 57234

Dear Mr. Schwartz:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires. You may disregard the February 4, 1997, Notice of Violation.

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.

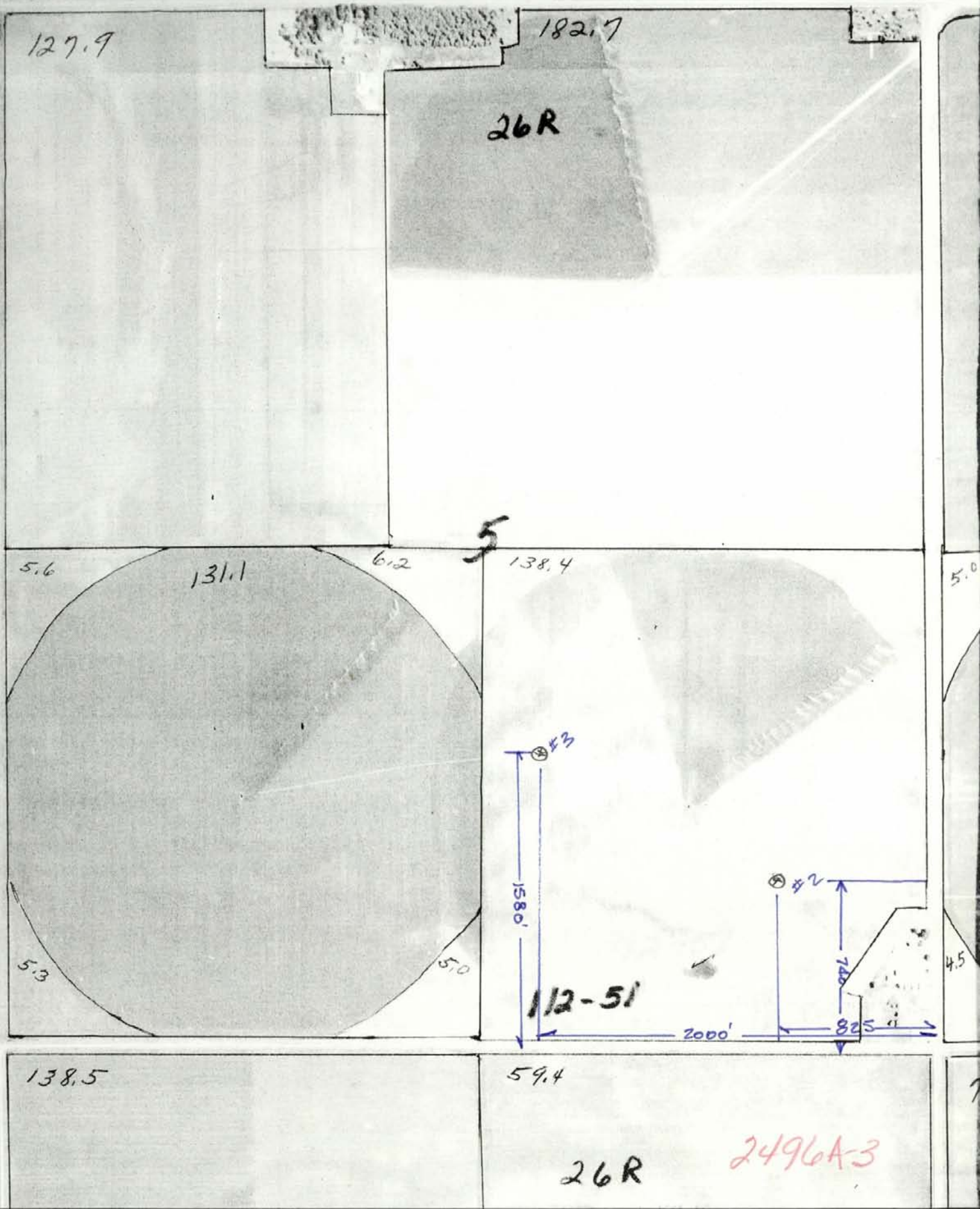
Sincerely,

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

NOT TO SCALE

2123-3

2496-3





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 04 2008

6328-3

Roger & Pamela Schwartz
PO Box 153
Estelline SD 57234

Dear Mr. & Mrs. Schwartz:

Enclosed is Water License No. 6328-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6328-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Note: The applicable portions of No. 2496A-3 are incorporated into Water License No. 6328-3.

enclosures