

2496-3

Form 12

Permit No. 2496-3

Water Division 3 Big Sioux River Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / JAMES BULL, PRIDE, SOUTH DAKOTA 57001

I have this day made a thorough examination of the water use system constructed by HOWARD
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 SK4ZSSX4A

- 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 SK4ZSSX4A
WELL #3 - 68' DEEP WITH 14" STEEL CASING - 25' JOHNSON SS SCREEN - AMES 8" PUMP POWERED BY 75 HP GE ELECTRIC MOTOR - " SK4ZSSX4A

- 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
1450' - 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 #265 & ONE MODEL #265-C. ALL THREE SYSTEMS ARE EQUIPPED WITH 4 100 END GUNS

The system is in the following condition: GOOD

The point of diversion is located #1 90'S NE CENTER OF SW⁴ SEC 4 #2 - 825' N & 740' W
#3 - 2000' W & 1580' N, BOTTOM FROM THE SE CORNER SEC 5, ALL IN T 112N, R 51W
(1880'S OR 850' GRAY)

The works are capable of diverting and conveying to the place of use 5.64 (PER PILOT.)
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 T 112N, R 51W

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

comprising a total of 396 acres of land.

**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.

1994 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
PLEASE FILL OUT AND RETURN BEFORE DECEMBER 16, 1994

2496-3
 ROGER & JANICE SAATHOFF
 RR #2 BOX 59
 BRUCE, SD 57220

CHANGES TO ADDRESS LABEL, IF ANY:

ROGER SCHWARTZ
 Box 153
 ESTERLINE S.D. 57234

COMPLETE AND RETURN THIS FORM TO THE WATER RIGHTS DIVISION AT 523 E CAPITOL, PIERRE, SD 57501-3181 (605) 773-3352

HAS SYSTEM BEEN CONSTRUCTED? YES X NO

DID YOU IRRIGATE IN 1994? YES X NO IF YES, NUMBER OF ACRES IRRIGATED 130

SOURCE OF WATER WELL

DID YOU CHEMIGATE IN 1994? YES NO X

TYPE OF SYSTEM (CHECK ALL THAT APPLY):

CENTER PIVOTS X TOWNLINES BIG GUN
 FLOOD SPRINKLERS OTHER

COMMENT SECTION:

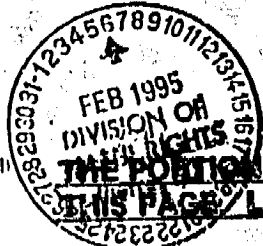
REXFORD SCHWARTZ
 R.R.1 Box 252

BRUCE, S.D. 57220

BOUGHT THE SW 1/4 IN SECT 4

Sold to Roger Schwartz 92

Sect 4 & 5 of 112-51



THE PORTION OF THE FORM FOR REPORTING ACRES IRRIGATED IS ON THE BACK OF THIS PAGE. LISTED BELOW ARE TWO EXAMPLES OF HOW TO COMPLETE THE FORM:

EXAMPLE 1: IN JUNE & JULY, 130 ACRES WERE IRRIGATED USING A CENTER PIVOT SYSTEM (70 ACRES OF CORN & 60 ACRES OF BEANS). THE PUMP RATE OF THE PIVOT IS 800 GALLONS PER MINUTE AND YOU PUMPED 10 DAYS (@ 24 HOURS PER DAY) ON THE CORN AND 20 DAYS ON THE BEANS:

MONTH	CROP	ACRES	PUMP RATE	# DAYS	AVE/HRS DAY
JUNE	CORN	70	800 GPM	10	24
	BEANS	60	800 GPM	10	24
JULY					
	BEANS	60	800 GPM	10	24

EXAMPLE 2: IN JUNE, 40 ACRES OF ALFALFA WERE IRRIGATED (USING GA'ED PIPE @ 3000 GPM) FOR 10 DAYS - 20 HOURS PER DAY; 60 ACRES OF BEANS WERE IRRIGATED (USING BIG GUN @ 500 GPM) FOR 10 DAYS AT 24 HOURS PER DAY:

JUNE	ALFALFA	40	3000 GPM	10	20
	BEANS	60	500 GPM	10	24

NOTE: PLEASE SPECIFY UNDER HOURS PUMPED WHETHER YOU ARE REPORTING IN REGULAR HOURS OR KILOWATT HOURS.

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

414545

Pence, July 10, 1995

RECEIVED OF Rex Schwartz, RR 2 box 252, Bruce, SD 57220

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. 2496B-3"	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John W. Hatch
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 2496B-3

Date: 7-7-95

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

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

be transferred to: (name & address) Rexford R. Schwartz

RR #2, Box 252, Bruce, SD 57220 (Telephone No) 605-873-2415

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

132 acres in the SW 1/4 Section 4, T112N, R51W

I/We understand that the validity of Water Right No. 2496B-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 BANKS)

I/We Rexford R. 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.

Rex Schwartz
(Signed)

Subscribed and sworn to before me this 7th day of JULY, 19 95.

[Signature]
(Notary Public)

MY COMMISSION EXPIRES 9-6-2001

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.

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 2496B-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 R. 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:

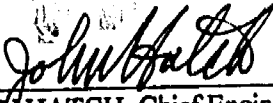
- No. 2496A-3, Roger & Pamela Schwartz - diversion of 3.76 cfs from two wells located in the SE 1/4 Section 5 to irrigate 264 acres located in the S 1/2 Section 5, T112N, R51W.
- No. 2496B-3, Rexford R. Schwartz - diversion of 1.88 cfs from one well located in the approximate center of the SW 1/4 Section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

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is: 90'S of the center of the SW 1/4 Section 4, T112N, R51W.

(3) The water right holder 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 4, T112N, R51W SW 1/4 132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rexford R. Schwartz of RR #2 Box 252, Bruce, SD 57220 the holder and/or owner of Water Right No. 2496B-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) 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 2496B-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



2496B-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 6 1995

Rexford Schwartz
RR 2 Box 252
Bruce, SD 57220

Dear Mr. Schwartz:

Enclosed is Reissued Water License No. 2496B-3. Water Right No. 2496-3 has been divided and reissued to reflect separate ownership. Also enclosed is Receipt No. 414545 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

NOT TO SCALE

2496-3

Trans. To
Hamlin

26R

Trans.
To Hamlin

4

5.0

133.0

4.4

121.7

2.8

⊙
#1

112-51

4.5

4.0

74.5

0.8

32.3

31.8

2496B-3

26R

2496-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

June 3, 2019

2496B-3

Rexford Schwartz
19565 463rd Ave
Bruce SD 57220

Dear Mr. Schwartz:

I am contacting you in regard to your Water Right No. 2496B-3 (copy enclosed).

Irrigators in South Dakota are required to submit an annual irrigation questionnaire reporting how much water was pumped during the irrigation season. Our records show the land authorized for irrigation under Water Right No. 2496B-3 has been in the Conservation Reserve Program through 2018.

The purpose of my letter is to find out the status of irrigation on your property. Please take a few minutes and answer the questions on the attached sheet and return it in the envelope provided. **If you have made a decision not to maintain the water right, let me know that as well.**

Thank you in advance for your help in updating the water right.

Sincerely,

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

enclosures

RECEIVED

JUN 20 2019

WATER RIGHTS
PROGRAM

**Water Right No. 2496B-3
Rexford Schwartz**

Water Right No. 2496B-3 authorizes diversion of ground water for irrigation of 132 acres located in the SW ¼ Section 4, T112N, R51W.

Do you still own the land described above?

Yes ☒

No ☐ (If no, please list the name and mailing address of the new owner)

Has the land been re-enrolled in CRP:

Yes ☒ through calendar year 2029

No ☐

If the land has **not** been re-enrolled in CRP, we will begin mailing irrigation questionnaires to you for annual reporting. Questionnaires are mailed to irrigators in October each year and are due back in December.

For informational purposes:

46-5-37.2. Exceptions to forfeiture for nonuse. The provisions of § 46-5-37 notwithstanding, no water right or permit may be forfeited for nonuse if land authorized for irrigation by a permit or right is placed under an acreage reserve or production quota program or otherwise withdrawn from use as required for participation in any federal program, if:

- the water source is not fully appropriated
- if the withdrawal from use does not prevent approval of new permits from the same source, and
- if the appropriated water has been applied to beneficial irrigation use prior to participation in a federal program.