

1. Considered 1/28 19 81

2. Name of Applicant Donald E. Schmidt

3. Post Office Address Willow Lake 57276

4. Amount of Water Claimed No additional

5. Source of Water Supply 71' deep well, add'l diversion on 2696-3 (2.2)

6. Water to be used for IRR

7. Acres to be irrigated (154) No add'l maximum acre feet

8. Water to be diverted and used in Clark County
about 3S, 1 miles west of Willow Lake

9. PROOF OF PUBLICATION Received Not 2-3-81
Not Received _____
APPLICATION Approved 1/28/81
Subject to W/I 1Q
Not Approved _____
Action deferred _____

Priority _____ Date Received 12/9/80 Application Complete yes _____ no _____ FEE 150.00
Remarks additional diversion on 2696-3

Date information and/or fee or corrected Application received _____
Period of Annual use April through October
Received yes 1/8/81 no _____ APPROVED/CONDITIONAL (Circle one)
WI-1 Description same as application yes xx no _____ Remarks _____

WATER
QUALITY

Disapproved _____

		x			

Returned _____

Diversion Point _____
NW 1/4 NW 1/4 Section 15-T113N-R57W
NE 1/4 NW 1/4 (existing)

Lands to be irrigated _____
NW 1/4, 15-113-57 lands covered under 2696-3

WELL
LOG

Remarks _____

Driller _____ Irrigation Supply _____ Licensed yes xx no _____

Depth 71 feet deep

MAP Map No. 2058-3A Map located in Water Right L Map file _____
Type of Map Aerial Drawn Prepared by John Wiersma, PE

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-28-81

Daryl Wiersma
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

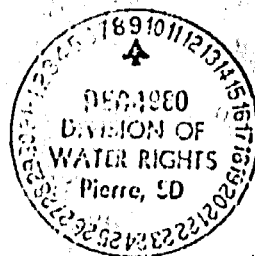
REMARKS Date _____
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date _____
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

2058-34

No. ~~16623~~ 2696-34Map No. ~~3625~~ Water Division No. 3 Big Sioux District

Above for Office Use 10170201



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion ☒

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Donald E Schmidt Phone No. _____
 Post Office Address Willow Lake State South Dakota 57276
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor3. Name of diversion work Donald E Schmidt Irrigation Project #14. Amount of water claimed (cubic feet per second) 2.2 (No ADD'L)5. Source of water supply Additional well

6. Location of point of diversion New well - 420' N 100' E of NW corner Sec 15 - 113-57
The existing well is 1900' N 118° E of NW corner Sec 15 - 113-57

County Clark7. Annual period or periods during which water is to be used April through October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use _____ Total number of acres to be irrigated 15.4 (No ADD'L)

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each

Land Description	No. Acres Irr.
NW 1/4 of NW 1/4 Sec 15 - 113-57	36
NE 1/4 of NW 1/4 Sec 15 - 113-57	39
SW 1/4 of NW 1/4 Sec 15 - 113-57	39
SE 1/4 of NW 1/4 Sec 15 - 113-57	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Clark County Courier

12. Principal Features of the Proposed Water Supply System.

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

Well with deep well turbine

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machineEstimated Total Cost \$ 10,000 additional

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Clark)

I, Donald E Schmidt the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Donald E SchmidtSubscribed and sworn to before me this 2 day of Dec., 1980

John S. ...
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 2696-3A

DONALD E. SCHMIDT

(Applicant)

WILLOW LAKE

(Post Office Address)

SOUTH DAKOTA 57276

(State)

With the following qualifications

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

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

(Additional diversion point on Permit No. 2696-3)

Date of first receipt of application December 9, 19 80
 Date of return to applicant for correction, amendments or changes required December 10, 19 80
 Date of receipt of corrected application WQ January 8, 19 81
 Approved January 28, 19 81, Recorded in Book 21 Page 338

WATER RIGHT PERMIT NO. 2696-3A

The Water Management Board hereby grants and issues this Water Right Permit No. 2696-3A authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is April 14, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before July 28, 19 83
3. The whole of said work is to be completed on or before January 28, 19 86
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is January 28, 19 89
5. The water appropriated shall be used for the purpose of Irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed no additional cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before January 28, 19 89; said water to be used during the following described annual period: April through October

Witness my hand this 18th day of February, 19 81

THE WATER MANAGEMENT BOARD

By

John Hatch
 Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

OWNER Don Behrnt

ADDRESS: Milgram - E. D.

STATE LA DATE 11/27/1970

DATE 4/27/1970

[illegible]

SEND SAMPLES TO JOHNSON

P. O. BOX 3118

ST. PAUL, MINNESOTA 55165

FOR FREE ANALYSIS

STATIC WATER LEVEL

20/11

AQUIFER THICKNESS

30/15

SCREEN LENGTH

SLOT SIZE

FITTING - TOP

FITTING - BOTTOM

discretion Aug 7. 1861

Waterman 818

886-3395
TOTAL DEPTH

TOTAL DEPTH

D. Well Information

- (1) Drill Hole, Diameter 20", Depth _____
- (2) Casing, Type PVC, Diameter 16", Thickness 3/8"
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter 16", Length 15'
- (4) Gravel Pack, Thickness _____, Length of gravel pack entire length

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

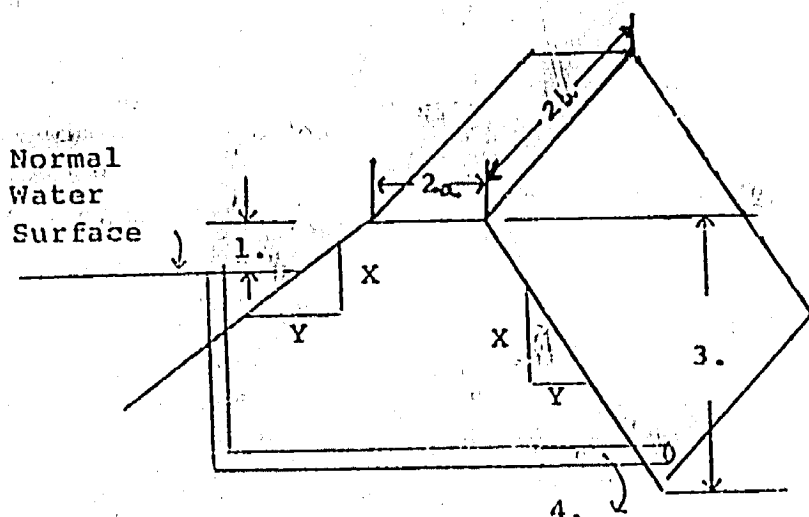
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property the supply rds.

On property owned by others 13.5 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____

2a. Crest width _____ b. length _____

3. Height of Dam _____

4. Outlet dimensions:

Pipe diameter _____

Spillway width _____

X & Y slope:

Upstream _____

Downstream _____

Surface area of impoundment _____

Drainage area above dam _____

Donald J. Christ
Signature of Applicant

Answer 1

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Donald E. Schmidt

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

The Parnell Silty Clay Loam soils on the east edge of the NW-1/4 Sec. 15 T11N-R52 should be left in grass unless drained.

RECOMMENDED MANAGEMENT:



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Donna L. Schmitt OWNERS ADDRESS: 1011 1st St. Pierre, SD 57501

COUNTY LAND LOCATED IN: Deuel PHONE: 735-2222

TENANT'S NAME AND ADDRESS: (If Other Than Owner) None

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

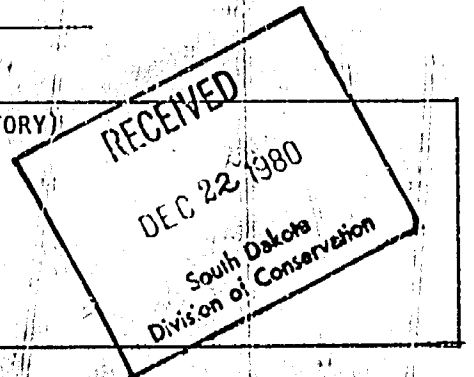
1. WELL LOCATION OR DIVERSION POINT: 1/4 Sec 15-113-52
2. SURFACE WATER SOURCE: None
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
NW 4 of Sec 15-113-52	154		

4. TYPE OF IRRIGATION: GRAVITY: None TOWLINE: None CENTER PIVOT: None GUN: None OTHER: None (Specify)
5. CROPS TO BE IRRIGATED: Corn & alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1976
LEGAL DESCRIPTION: NW 4 of Sec 15-113-52
IN WHAT NAME: Donna L. Schmitt

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 80-1092
8. SALINITY ($\text{EC} \times 10^6$): ROB
9. SODIUM (SAR): 0.10
10. ADJUSTED (SA^+): 0.25 0.18



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 4:00 a.m./p.m., on Dec 2, 1980, at the following location: Wall St + R by Donna L. Schmitt (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
20 DAY OF Dec, 1980.

John Anderson
(NOTARY PUBLIC)

Donna L. Schmitt
APPLICANT'S SIGNATURE

Tom J. Felt
Director, Division of Conservation

- ☒ APPROVED
☐ DISAPPROVED
☐ CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.



RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7827

PIERRE, December 17, 1980

RECEIVED OF Donald E. Schmidt, Willow Lake SD 57278

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

Fee for Application for Permit to Appropriate Water No. 2696-3A (examination, processing, recording and filing)	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (kw)

No. 2696-3A

Publish first publication, on or before January 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 8, 1981

Notice is hereby given that Donald E. Schmidt whose post office

address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater

(two wells--one existing) through the Schmidt Irrigation Project #1 to add an additional XXXXX point(s) of diversion of which is (XXXX) to be located in the SW 1/4 NW 1/4 on an existing permit

of Section 15, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 15-T113N-R57W, this acreage is covered under Permit No. 2696-3.

This Application No. 2696-3A will be considered by the Water Management Board at the Kneip Building, Meeting Room #1, Illinois & Church Street, Pierre, SD 57501 upon the 28th day of January 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DVMNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Donald E. Schmidt
Willow Lake, SD 57276

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79
GROUNDWATER

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss

I, Bert Moritz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Clark County Courier

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

City Clark of _____

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

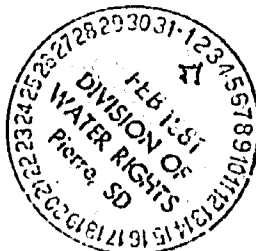
January 15, 1981

January 22, 1981

Bert Moritz
(Signature)

Publisher
(Title)

2/2/81
(Date Signed)



NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

January 8, 1981, Notice is hereby given that Donald E. Schmidt, whose post office address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-24, 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13 for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from groundwater (two wells, one existing) through the Schmidt Irrigational Project No. 11 to add an additional point of diversion on an existing permit of which is to be located in the NW 1/4 NW 1/4 of Section 15, T113N, R57W, S7W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW 1/4 Section 15, T113N-R57W. This acreage is covered under Permit No. 2696-3. This Application No. 2696-3A will be considered by the Water Management Board at the Knep Building, Meeting Room No. 1, Illinois and Church Street, Pierre, SD 57501 upon the 28th day of January 1981 at 10 a.m. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or call at the hearing. This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing. Water Management Board Betty Westlund Water Rights Specialist cc: Donald E. Schmidt Willow Lake, SD 57276

1-15-21

Point of Division:
 1980' N 118° E of NW corner
 Sec 15-113-57

420' N 100° E (New well) 12-2-80

9/10
 16/13

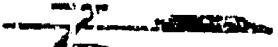
113-57 113-57

36 Acres
 1380' N 118° E
 39 Acres

well

Sec 2 of NW 4
 Sec 15-113-57
 39 Acres

Sec 2 of NE 4
 Sec 15-113-57
 40 Acres



Scale - 8" = 1 M

Map # 205E-3A

App'd.
 2696-3A

John R. L. Lawrence

Brookings S.D.

Willow Lake 57276 S. Dakota
 4-3-76

Donald E. Schmidt

Surveyor's Certificate
 I, John L. Lawrence, do hereby certify that
 this map identifies a reasonably accurate
 record of the land of:

Copy

Acres irrigated - 154
 water claimed - 2.2 cfs

DONALD E. SCHMIDT
 Irrigation Project # 1
 Willow Lake 57276 S. Dakota
 Clark County



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

March 22, 1983

Water Rights Division
605 773-3352

2696-3A
Donald Schmidt
Willow Lake SD 57278

Dear Sir:

Water Permit No. 2696-3A was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

**Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

N O T I C E

2696-3A

Donald Schmidt
Willow Lake SD 57278

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

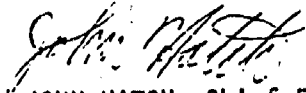
Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 2696-3A. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

 **Department of
Water & Natural Resources**

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

April 15, 1985

Donald Schmidt
SR Box 16
Willow Lake SD 57278

NOTICE

Re: Violation of Water Permit No(s). 4658-3, 2696-3A and 1984 Irrigation Questionnaire Requirements.

Our records indicate that the 1984 Irrigation Questionnaire has not been submitted for Permit No(s). 4658-3, 2696-3A. The request for the questionnaire was dated October 17, 1984. The Water Management Board has directed that owners of water permits who have not submitted 1984 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4658-3, 2696-3A qualification:

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

The hearing will also be to determine if Permit No(s). 4414-3, 2696-3 should be amended with the qualification to require the Questionnaire to be submitted each year.

The hearing(s) will be at 10:30 a.m., May 15, 1985, in the Civil Defense Room, Basement, State Capitol Building, Pierre, South Dakota.

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

Following the hearing(s), the Water Management Board can:

1. Suspend Permit No(s). 4658-3, 2696-3A until either the 1984 Questionnaire is submitted or for the period of up to one year;
2. Amend Permits No(s). 4414-3, 2696-3 also held by Donald Schmidt to require the Irrigation Water Use Questionnaire to be submitted each year;

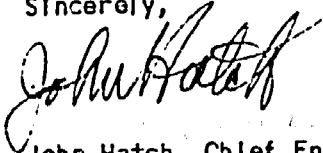
Donald Schmidt
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 775-3352

NOTE: If the questionnaire(s) are received in this office before the May 15th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

A40408KS.wr



Department of Water & Natural Resources

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

May 17, 1985

Notice of One Year Suspension of Water Permit

To: Donald Schmidt
SR Box 16
Willow Lake, SD 57278

FROM: John Hatch, Chief Engineer
Water Rights Division

SUBJECT: One Year Suspension Of Water Permit No(s). 4658-3, 2696-3, If The 1984
Irrigation Questionnaire Is Not Received By June 1, 1985.

Pursuant to the provisions of the notice dated April 15, 1985, and following the
Hearing May 15, 1985 the Water Management Board ordered:

That Water Permit No(s). 4658-3, 2696-3 be suspended until December 31, 1985,
unless the required 1984 Irrigation Water Use Questionnaire is received by
June 1, 1985.

Suspension of a permit means water may not be pumped during the 1985 Irrigation
season. Decisions of the Board may be appealed to the Circuit Court and the
Supreme Court as provided by law.

PS Form 3811, Dec. 1980

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

(CONSULT POSTMASTER FOR FEES)

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

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

2. ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$ _____

3. **ARTICLE ADDRESSED TO:**

Donald Schmidt
 SR BcX 16
 Willow Lake, SD 57278

4. **TYPE OF SERVICE:**

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

ARTICLE NUMBER

P 535 724 515

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Donald Schmidt

5. **DATE OF DELIVERY**

5/18/85

POSTMARK

6. **ADDRESSEE'S ADDRESS** (Only if n. passed)

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

BJP

RETURN TO SENDER, REGISTERED, INSURED AND CERTIFIED MAIL

State of South Dakota

Water License No. 2696-3A

(1) Donald E Schmidt
of SR, Box 16, Willow Lake SD 57278
made Application No. 2696-3A, December 9, 1980 for a water permit to appropriate
no add'l cubic feet per second of water from groundwater (additional diversion point on Permit
No. 2696-3), Clark County, South Dakota for irrigation purposes.
Permit No. 2696-3A, with a priority date of April 14, 1976
was approved January 28, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before January 28, 1986 and for the application to beneficial use of said
water on or before January 28, 1989.

The applicable portions of Water Permit No. 2696-3 have been incorporated
into this Water License No. 2696-3A. An April 14, 1976 priority date is
retained.

and

(2) It is certified that the application 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 1.77 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is are Well #1 - 600 ft S and 1880 ft E;
Well #2 - 60 ft S and 410 ft E; both from the NW corner of Section 15, T113N,
R57W

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T113N, R57W

Section 15 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.3 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.7 acres (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.7 acres (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.7 acres (BD)

Total 134.4 acres

(4) Pursuant to §46-7-30.1 Donald E Schmidt

of SR, Box 16, Willow Lake SD 57278

the holder(s) and or owner(s) of Water Permit No. 2696-3A is issued a license to appropriate water, the right to use 1.77 cubic feet per second of water from groundwater (one well) with a priority date

of April 14, 1976 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. 2696-3A and subject to South Dakota State Law.

John H. Lath
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

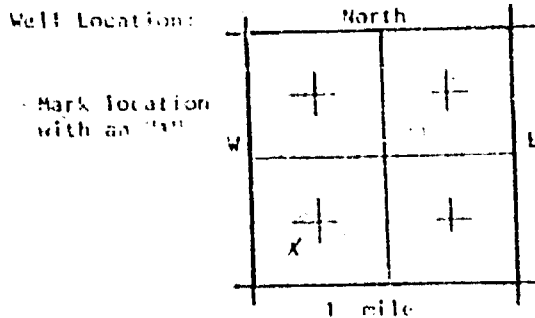
DEC 1 1986

2696-3A
#2

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-18

Well Owner:
Name Don Schmidt
Address W. Ham Lake



County 1 NW Sec. 15 Twp. 113 Rg. 57

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:
☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:
Diameter of Hole 16"
Depth 70'
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open yes
Was a well screen installed yes
Describe Well Screen
Diameter 16" Material tinny bars
Slot size 60-75
Was well gravel packed yes
Was well grouted yes
Was water sample taken yes

Remarks:

Water Level Information
Static water level 44' below land surface
If flowing, closed in pressure PSI
rate of flow gpm
Controlled by:
☐ Valve ☒ Pedestal ☐ Other
If other, specify _____

Well Test Data:
☒ Pumped 3-12-81
☐ Bailed Description _____
☐ Other _____
Pumping Level Below Land Surface
44' ft. After 10 hrs. pumped 100 gpm
53 " " " " 26.1
59 " " " " 66.3

Well Log:

Formation	Depth	
	From	To
Top Soil	0	3
Yellow Clay	3	11
Gravel	11	17
Blue Clay	17	36
Sand - Clay	36	41
Blue Clay	41	57
Gravel	57	69
Blue Clay	69	70

(Use Back if Necessary)

Date Completed: 3-11-81

Driller:
Empire Trenching Drill Co. 251
Driller's or Firm's Name License No.
Frank R. Kurt So. Dak.
Address
Allen K. Kutzner 4-1-81
Signed By Date



2676-3

NOTICE OF WELL CONSTRUCTION

#1

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 NW Section 15 Township 12 Range 5

Well owner: Donald Connell (Name) William Connell (Address)

Date well drilling completed: Spring 1976 Purpose of well: Irrigation (Agriculture, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer
0-2	Top Soil	30' 18" 18' 9"
2-5	Sandy Clay	Depth to static water level
3-4	Sandy Clay	Name of producing aquifer (if known): Sand & Gravel
4-48	Clay	Total depth of drill hole: 48'
48	Clay	Depth to bottom of casing: 48'
Casing information in the space below show kind, size, weight, lengths per diameter, etc. for production casing and surface casing, if used.		0-33' 16" O.D. Steel Casing
Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.		33-48' 16" Johnson
		Irrigation Unit
		Bottom
If a flowing well, flow of completed well		0 P.M.
Attach sheet if more space is needed		Super Irrigation Drilling Co. Inc.
		Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: Jackson-McCord 3" HP 100

Type of pump: Turbine Capacity of installed pump: 700 G.P.M.

Depth of pump placement: 40' Date of pump installation: Spring 1976

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.409 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed: _____ ft., tube diameter: _____

Tube material: _____



Super Irrigation Drilling Co. Inc.
Name of Pump Installation Contractor

2696-3A
LICENSE FOR PERMIT NUMBER 2696-3

1. Legal location of wells: #1 : 600 ft S and 1280 ft E ; #2 : 60 ft S
and 410 ft E ; all from the NW corner of sec 15-T113N-R57W
dams & structures: _____

2. Well Information: Well Drilling Firm Empire Irrigation Drilling Co.

		#1	#2			#1	#2
No. of wells	<u>2</u>			Depth	<u>48 ft</u>	<u>70 ft</u>	
Casing	a) diameter	<u>16 in</u>	<u>16 in</u>	Screen	a) type	<u>Johnson</u>	<u>Fiberglass</u>
	b) length	<u>33 ft</u>	<u>60 ft</u>		b) length	<u>15 ft</u>	<u>10 ft</u>
	c) type	<u>steel</u>	<u>plastic</u>	Static Water Level	<u>18'9"</u>	<u>44 ft</u>	

		#1	#2			#1	#2
Pump	a) make	<u>Fair-banks Morse</u>		Motor	a) make		
<u>#1</u>	b) model			<u>#1</u>	b) model no.		
	c) size				c) horsepower rating	<u>60</u>	
	d) capacity	<u>700</u>	<u>GPM</u>		d) motor efficiency rating		
	e) turbine pump						
	no. of stages						

#2 Information on motor & pump for well #2 was not known. Submersible unit.

3. Distribution lines:

- a) size of lines 8 in.
- b) type PVC
- c) length 2500 ft

4. Dam information:

- a) height to crest _____
- b) height to spillway _____
- c) crest width _____
- d) crest length _____
- e) spillway length _____
- f) spillway width _____
- g) approx. storage _____
- h) Distribution lines or canals:
 - 1) size _____
 - 2) type _____
 - 3) length _____

i) Outlet tubes:

- 1) diameter _____
- 2) type _____
- 3) valued (Y/N) _____
- 4) valve type _____
- 5) location on structure _____

5. System Type: a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

b) towline:

- 1) length _____ feet
- 2) make, model & number of sprinklers _____
- 3) spacing of sprinklers _____
- 4) nozzle size _____

5. System Type: c) center pivot

- 1) make Olsen
- 2) number of towers 10
- 3) distance between towers _____
- 4) overall length 1300
- 5) End gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles
Ron-vick
- 8) PSI reading while system is running 30
- 9) GPM 800

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

✓

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.

✓

2. Special Qualifications to permit being abided by.

✓

3. All Structures, wells and lands on map.

REMARKS:

2696-3A
Permit No. 2696-3

Big Sioux Water District

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

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Donald E.

Schmidt of Willow Lake SD 57278 holder of

Permit No. 2696-3 bearing the priority of April 14 1976 authorizing

the diversion of 2.20 cu. ft. per second of the waters of groundwater (Vermillion East Fork Willow Lake) for irrigation purposes, in Clark County.

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

well # 2 Submersible unit - info on equipment was not available.

A. Works used to divert the water:

well # 1 Fairbanks - Morse
60hp., 700 gpm
submersible

center pivot: make - Olson

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

pipeline: size - 8 in.
type - PVC
length - 2500 ft.

of towers - 10

length - 1300 ft

low pressure - 30 psi

sprinklers - Ron-vick

capacity - 800 gpm

C. Works used to apply water to beneficial use:

The system is in the following condition good

The point of diversion is located well #1: 600 ft S and 1880 ft E; well #2: 60 ft S and 410 ft E;
both from the NW corner of sec 15 - T113N - R57W

The works are capable of diverting and conveying to the place of use 1.77

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:

NW 1/4 NW 1/4 sec 15 - T113N - R57W 33.3 Acres

NE 1/4 NW 1/4 " 33.7

SW 1/4 NW 1/4 " 33.7

SE 1/4 NW 1/4 " 33.7

comprising a total of 134.4 acres of land and the license should be issued for 1.77 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

Date Nov. 2, 1984

* Permit 2696-3 is incorporated into 2696-3A
Both have the same priority date.

Ron Duvall
Signature



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4658-3

4414-3
2696-3A

January 23, 1985

Donald Schmidt
Rural Route
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

The inspection of your water use systems and inspection of the extent of the application of water to beneficial use, as developed under your Water Right Nos. ~~4658-3, 4414-3, and 2696-3A~~ has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee ^{for each permit} for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, for each permit your Water Licenses will be sent to you. Total amount due is \$150.00 for three licenses.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

NOTE: On form of payment, please include the number of the water permit. This insures proper handling of the fee.

SECOND NOTICE

July 8, 1985

Permits No. (2696-3A), 4414-3 and 4650-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Donald Schmidt
RR
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

January 23, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 2696-3A, 4414-3 and 4650-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-13(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-2-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-5352

SSOE:MR

A70517KS.vr

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410374

Pierre, March 24, 1936, 19

RECEIVED OF Donald E. Schmidt, SR, Box 16, Willow Lake, SD 57278

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works 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. <u>2690-3A</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By

John Hatch
Chief Engineer JOHN HATCH (ms)



No. 2696-3A

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

DEC 1 1966

Donald E Schmidt
SR Box 16
Willow Lake SD 57278

Dear Mr. Schmidt:

Enclosed herewith is, Water License No. 2696-3A. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

NOTE: The applicable portions of Water Permit No. 2696-3 have been incorporated into this Water License No. 2696-3A. An April 14, 1976 priority date is retained.

WNR-817 3/83
Transmittal of Water License

 **Department of
Water & Natural Resources**

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

January 29, 1988

DONALD SCHMIDT
SR BOX 16
WILLOW LAKE, SD 57278

NOTICE

Re: Violation of Water Permit No(s). 4414-3, 4658-3, 2696-3A

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4414-3, 4658-3, 2696-3A. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4414-3, 4658-3, 2696-3A qualification:

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

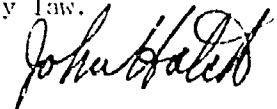
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-3, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4414-3, 4658-3, 2696-3A until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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


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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

 **Department of
Water & Natural Resources**

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

February 9, 1988

4658-3
4414-3
2696-3A

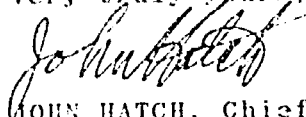
Donald Schmidt
SR Box 16
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2696-3A, 4658-3 & 4414-3 and the hearing date before the Water Management Board.

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

Very truly yours,



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

42696-3A
#4658-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

Donald Schmidt
SR Box 16
Willow Lake, SD 57276

Dear Mr. Schmidt:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

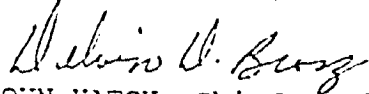


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



2696-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278

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

RE: Violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 9:30 am, March 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. 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) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, you will no longer be in violation of your permit and your name will be deleted from the Board agenda.



2696-3A

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

January 29, 1993

NOTICE

TO: DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE, SD 57278

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2696-3A; & 4658-3

The first notice to file chemigation report(s) for Permit No(s) 2696-3A; & 4658-3 was dated October 16, 1992. Our records indicate that we have not received the 1992 chemigation report for Permits No(s) 2696-3A; & 4658-3. The Water Management Board has directed that owners of water permits who have not submitted the 1992 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearing will be held at 9:30 A.M. on March 3, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2696-3A; & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 22, 1993, contact the Water Rights Division, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 3, 1993 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



2696-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Sir:

I am writing to acknowledge receipt of your phone call concerning the 1992 chemigation questionnaire. You may disregard the January 29, 1993 notice of "Failure To Submit Chemigation Questionnaire." I have filled out the questionnaire with the information you provided over the phone and your name is deleted from the Water Management Board agenda.

If you have any questions, please contact me at 605-773-3352.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Barry A. McLaury', is written over the typed name.

Barry A. McLaury
Natural Resources Analyst
Water Rights Division



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

March 4, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

Genny McMath

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

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



February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278

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

SUBJECT: Violation of Water Permit No(s). 2696-3A, 4414-3 & 4658-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 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 at (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.

2696-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 1997

NOTICE

TO: DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2696-3A & 4658-3

The first notice to file chemigation report(s) for Permit No(s) 2696-3A & 4658-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for Permits No(s) 2696-3A & 4658-3. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to 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 or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2696-3A & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

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

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

February 19, 1997

2696-3A

4414-3

4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notice of Violation of Water Permit Nos. 2696-3A, 4414-3 & 4658-3 and the Notice of Failure to Report Chemical Use under Water Permit Nos. 2696-3A and 4658-3.

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



2696-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE SD 57278

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

RE: Requirement to Report 1997 Chemical Use

The first notice to file chemigation report(s) for Permit No(s) 2696-3A & 4658-3 was dated October 17, 1997. Our records indicate that we have not received your 1997 chemigation report(s). The Water Management Board has directed that owners of water permits who have not submitted the 1997 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application

The hearing will be held at 9:45 am, February 25, 1998, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 2696-3A & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law. Prior to February 20, 1998, contact the Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the chemigation report(s) is(are) received by this office prior to February 20, 1998 you will no longer be in violation and your name will be deleted from the Board agenda.

2696-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1998

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires and chemical reporting forms. You may disregard the January 9, 1998, "Notices" concerning reporting requirements for Water Permit Nos. 2696-3A, 4414-3 and 4658-3.

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 cursive script that reads "Genny McMath".

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



2696-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57778
FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 1999, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

2696-3A

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. ☐ Addressee's Address 2. ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: DONALD SCHMIDT HCR 3 BOX 16 WILLOW LAKE SD 57278		4a. Article Number 2119 141 606	
		4b. Service Type ☐ Registered ☐ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
		7. Date of Delivery 1-23-99	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X <i>Donald Schmidt</i>			

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.



2696-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1999

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

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



2696-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE**TO:** DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515**FROM:** Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program**SUBJECT:** Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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.

2696-3A

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.		A. Received by (Please Print Clearly) <u>DON SCHMIDT</u> B. Date of Delivery <u>01-15-00</u>	
1. Article Addressed to: DONALD SCHMIDT HCR 3 BOX 16 WILLOW LAKE SD 57278 9515		C. Signature <u>X Don Schmidt</u> ☐ Agent ☐ Addressee	
		D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
		3. Service Type ☒ Certified Mail ☐ Express Mail ☐ Registered ☐ Return Receipt for Merchandise ☐ Insured Mail ☐ C.O.D.	
		4. Restricted Delivery? (Extra Fee) ☐ Yes	
2. Article Number (Copy from service label) <u>Z 227 670 220</u>			



2696-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2000

2696-3A

4414-3

4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 1999 irrigation questionnaires. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit Nos. 2696-3A, 4414-3 and 4658-3.

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



2696-3A
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: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 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 at (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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2001

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. The questionnaires were returned by Danny Schmidt on January 25th. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

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



2696-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 5, 2003 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) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



2696-3A

Track & Confirm**Delivery Status**

You entered 2301 0370 0000 7541 4135

Your item was delivered at 9:15 am on January 18, 2003 in WILLOW LAKE, SD 57278. The item was signed for by D SCHMHDT.

[Request Delivery Record >](#)**Track & Confirm**

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U.S. Postal Service Signature Confirmation Receipt	
SIGNATURE CONFIRMATION NUMBER: 2301 0370 0000 7541 4135	DONALD SCHMIDT HCR 3 BOX 16 WILLOW LAKE SD 57278 9515
	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 ☐ Package Services
PS Form 153, February 2001 (See Reverse)	



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2003

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

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



**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 14, 2004

NOTICE

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 3, 2004 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) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 27, 2004**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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**

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Donald Schmidt, HCR 3 Box 16, Willow Lake SD 57278-9515

FROM: Garland Erbele Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: One Year Suspension of Water Right Nos. 2696-3A, 4414-3 and 4658-3

On March 3, 2004, the Water Management Board ordered:

Water Right Nos. 2696-3A, 4414-3 and 4658-3 be suspended until December 31, 2004, for failure to submit the 2003 irrigation questionnaires.

Suspension of a water permit or right means water may not be pumped during the 2004 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspensions, you will need to submit the 2003 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 12, 2004 in Pierre, SD. The letter should include your reasons for not completing the 2003 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.

2696-3A

3451-3 Martin Bertrand 48342 W Authier Rd Jefferson SD 57038	2363-3 Wayne W Brown 48113 SD 48 Akron IA 51001	2453-3 Jack & Gale Coleman 41247 SD Hwy 37 Springfield SD 57062-6324
3332-3 John W Collins RFD 148 Aurora SD 57002	6165-3 Alex and Ann Falk 1301 N 4 th St Aberdeen SD 57401	3198A-3 J V Kenneally PO Box 50 Raymond SD 57258-0050
2480A-3 Dennis H & Jackie McDowell 227 W Lakeshore Dr Carrollton GA 30117	1723-2 Tim Palmer HC 2 Box 19A Martin SD 57551	921-1 Wendelyn Richter RR 2 Box 198 Whitewood SD 57793
1080-2 Larry Schell Schell Ranch 22955 Jensen Rd Wall SD 57790	2696-3A, 4414-3, 4658-3 Donald Schmidt HCR 3 Box 16 Willow Lake SD 57278-9515	6073-3 Dirk Byers Six Mile Creek Golf Course PO Box 93 White SD 57267-0093
470A-1 & 1554-1 Stanley Wood 18950 137 th Ave Newell SD 57750	4528-3, 4535-3 Dwight Brenner 28-53 397 th Ave Armour SD 57313	4528-3, 4535-3 Elsie Sanders 3366 Midway Ave Grant Pass OR 97527
4528-3, 4535-3 Jerry Peacock 2032 Central Blvd Rapid City SD 57702	932-2 Wayne Sanderson PO Box 306 Murdo SD 57559-0306	2464-3 John R Talsma 41125 Bottom Rd Springfield SD 57062
5353-3 Michael A Koslowski 13329 443 rd Ave Waubay SD 57273	5552-3 Robert V Kellen Kellen & Streit Inc. 30662 SW Jim River Rd Yankton SD 57078-6018	1362-2, 1363-2 & 1365-2 Oakley Eide RR 2 Box 26 Burke SD 57523

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota

2696-3A



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

March 16, 2004

Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 2003 irrigation questionnaires for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

On March 3rd, the Water Management Board suspended the water rights for the 2004 irrigation season. This was a formal Board action that is not simply lifted by your recent submission of the questionnaires.

If you would like the Board to reconsider their action to suspend Water Right Nos. 2696-3A, 4414-3 and 4658-3, we need to have a letter from you requesting time on the May 12th agenda to appear before the Board. The letter can be informal but should include your reasons for not returning the questionnaires in a timely manner. Once we receive your letter, we will place the matter on the agenda for the Board's May 12th meeting and you will be provided with the time and place of the hearing.

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

Sincerely,

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

File No. 2696-3A ✓
4414-3
4658-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Donald Schmidt, HCR 3 Box 16, Willow Lake SD 57278-9515

DATE: March 29, 2004

TELEPHONE:

RE: Suspended water rights

COMMENTS:

Mr. Schmidt called to ask what he had to do to be able to irrigate this year. He mailed in his questionnaires after the hearing.

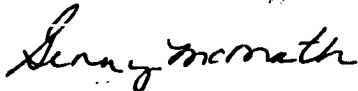
I explained they would need to be scheduled for hearing and the Board would need to consider reinstating them by rescinding the suspensions. He requested that we go ahead and schedule them for hearing because he needs to be able to irrigate.

He said he thought the forms would reach us in time because he had them ready to mail; however they got laid aside and not mailed until too late.

I told him I would go ahead and schedule the hearing and send him notification of the time, date and place.

RECOMMENDED ACTION:

I took his telephone request in lieu of a letter since he had already submitted the questionnaires.



Genny McMath
Environmental Scientist



2696-3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

March 29, 2004

NOTICE

TO: Donald Schmidt, HCR 3 Box 16, Willow Lake SD 57278-9515

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Notice of Hearing to Consider Request to Rescind Suspension of Water Right Nos. 2696-3A, 4414-3 and 4658-3

On March 10th we received your 2003 irrigation questionnaires. Your telephone request of March 29th to have the suspension of Water Right Nos. 2696-3A, 4414-3 and 4658-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 12, 2004, in the **Community Room, Chamber of Commerce, 800 W Dakota Ave., Pierre, SD.**

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water rights, defer action or take no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

You are strongly encouraged to attend the hearing. Your request will be presented to the Board for their consideration. However, they may have questions concerning your irrigation questionnaires or your water rights that the staff may not be able to answer.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

Note: Prior to April 27, 2001, please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

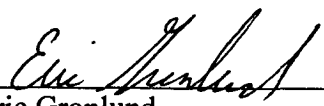
CERTIFICATION

I hereby certify that on March 29, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 29, 2004 regarding Notice of Hearing to Consider Request to Rescinding Suspension of Water Right Nos. 2696-3A, 4414-3, 4658-3 addressed as stated below:

Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

A copy of the above described Notice was sent Inter-office to:

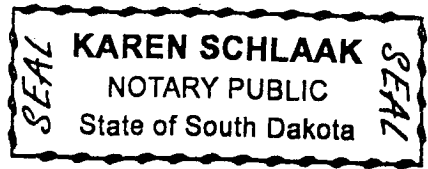
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 30th day of March, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007



**WATER RIGHT NOS. 2696-3A, 4414-3 & 4658-3
DONALD SCHMIDT**

BRIEF DESCRIPTION:

Water Right No. 2696-3A: Approved with irrigation questionnaire qualification. The water right authorizes diversion of 1.77 cfs from ground water (VEF:SL aquifer) to irrigate 134.4 acres in the NW ¼ Section 15, T113N, R57W, Clark County.

Water Right No. 4414-3: Amended in 1985 to include mandatory qualification for failure to return 1984 questionnaire. The water right authorizes diversion of 2.44 cfs from ground water (VEF:WL aquifer) to irrigate 284.8 acres in portions of Section 4, T113N, R57W, Clark County.

Water Right No. 4658-3: Approved with irrigation questionnaire qualification. The water right authorizes diversion of 1.77 cfs from ground water (Altamont aquifer) to irrigate 125.4 acres in the NW ¼ Section 7, T114N, R58W, Clark County.

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

DATE MAILED	DATE DUE IN OFFICE	DATE RECEIVED	BOARD ACTION
October 1999	December 1, 1999	January 26, 2000	none
October 2000	December 1, 2000	January 25, 2001	none
October 2001	December 1, 2001	November 20, 2001	none
October, 2002	December 2, 2002	February 10, 2003	none
October, 2003	December 1, 2003	March 10, 2004	March 3, 2004

January 14, 2004: A notice was sent (with signature confirmation) to Donald Schmidt requesting the 2003 irrigation questionnaire be returned prior to the March 3, 2004, hearing date. The notice outlined what action the Board could take concerning the past due questionnaire. The signature confirmation card indicated the mail was signed for by D Schmidt on January 15th.

March 3, 2004: The Board suspended Water Right Nos. 2696-3A, 4414-3 and 4658-3 for one year for failure to submit the 2003 irrigation questionnaires.

March 16, 2004: A letter was sent to Mr. Schmidt indicating we had received his questionnaires but submission of the forms did not change the Board action to suspend the water rights. If he wanted to have the Board reconsider their action, he would have to let us know so the issue could be placed on the next agenda.

March 29 2004: Mr. Schmidt called and indicated he would like to be able to irrigate this summer. He requested we schedule the matter for hearing.

Genny McMath

Genny McMath
Water Rights Program
March 31 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 2004

NOTICE

TO: Donald Schmidt, HCR 3 Box 16, Willow Lake SD 57278-9515

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Reinstatement of Water Right Nos. 2696-3A, 4414-3 and 4658-3

On May 12, 2004, the Water Management Board passed a motion to reinstate Water Right Nos. 2696-3A, 4414-3 and 4658-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaires were now on file with the Water Rights Program and that this was your first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

CERTIFICATION

2696-3A

I hereby certify that on May 14, 2004, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated May 14, 2004 regarding Notice of reinstatement of Water Right No. 6165-3, 6073-3, 2696-3A, 4414-3, 4658-3, 2366-3, & 4535-3 addressed as stated below:

6165-3
Alex & Ann Falk
1301 N 4th St
Aberdeen SD 57401

6165-3
Brent Wilbur
May Adam Gerdes & Thompson LLP
PO Box 160
Pierre SD 57501-0160

6073-3
Lew Weeks President
Six Mile Creek Golf Course
PO Box 66
White SD 57267-0066

6073-3
Curt Mortenson
Mortenson Law Office
32 E Main Ave
Ft Pierre SD 57532

2696-3A, 4414-3, 4658-3
Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

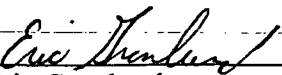
2366-3
Wayne W Brown
48113 SD Hwy 48
Akron IA 51001

4535-3
Dwight Brenner
28053 397th Ave
Armour SD 57313

4535-3
Elsie Sanders
3366 Midway Ave
Grants Pass OR 97527

A copy of the above described Notice was sent Inter-office to:

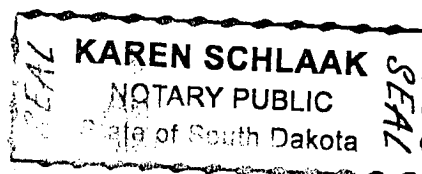
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 17th day of May, 2004.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





2696-3A

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: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 Water Right Nos. 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, Water Rights Staff will be recommending to the Board that your water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 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 at (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.



26 96 -3A

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 31, 2005

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

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.

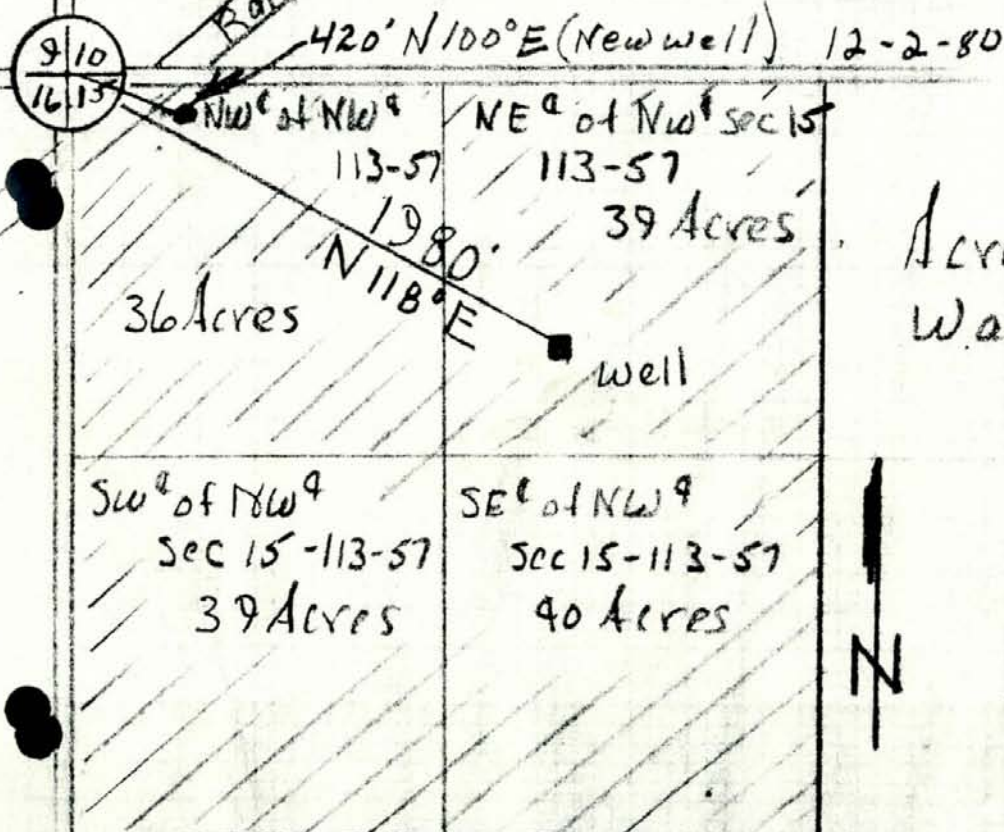
Sincerely,

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

Point of Diversion:
1980' N 118° E of NW corner
Sec 15-113-57

DONALD E. SCHMIDT

Irrigation Project #1
Willow Lake 57276 S. Dakota
Clark County



Acres Irrigated - 154
Water Claimed - 2.2 cfs

Scale - 8" = 1 Mile

Surveyor's Certificate
I, John L. Wiersma, do hereby certify that
this map identifies a reasonably accurate
record of the land of:

Donald E. Schmidt
Willow Lake 57276 S. Dakota
4-3-76

Drawn by SLW
P.E. #1916
Brookings S.D.

Map # 2058-3A

Appl
2696-3A

John L. Wiersma

NOT TO SCALE

60ft. S
410ft. S
Well #2
2696-3
152.2
1880 ft.
600ft
Well #1
2696-3

well loc
shown are correct

779-207R

39.40
39.40

152.3

15

50.1

79.9

Ron Duwall
Water Resources Eng.
11/2/84

33.00

33.00

113-57

15.20

24.22

12.7

108.2

21.8

33.0

2696-3A

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2696-3A

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

January 26, 2007

NOTICE

TO: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 7, 2007 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) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will be recommending to the Board that the above water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 1, 2007**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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.

2696-3A

[Home](#) | [Help](#)**Track & Confirm**

Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0799 6248

Status: **Delivered**

Your item was delivered at 9:31 AM on January 27, 2007 in WILLOW LAKE, SD 57278. The item was signed for by H SCHMIDT.

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.

[Go >](#)

Proof of Delivery

Verify who signed for your item by email, fax, or mail.

[Go >](#)**POSTAL INSPECTORS**
Preserving the Trust[site map](#)[contact us](#)[government services](#)[jobs](#)[National & Premier Accounts](#)Copyright © 1999-2004 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

U.S. Postal Service® Signature Confirmation™ Receipt	
SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 6248	DONALD SCHMIDT HCR 3 BOX 16 WILLOW LAKE SD 57278 9515
	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
	☐ 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 5, 2007

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake SD 57278-9515

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

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



2696-3A
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, 2009

NOTICE

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 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 11, 2009** 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) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that the water right be suspended for three years;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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
www.state.sd.us/denr

March 10, 2009

2696-3A
4414-3
4658-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278-6205

Dear Mr. Schmidt:

I am writing to acknowledge receipt of the information for your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A and 4414-3. I completed questionnaires for you based on our phone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

I will get in touch with Jack Schmidt concerning the ownership change needed for Water Right No. 4658-3 and the irrigation questionnaire data for 2008. No. 4658-3 authorizes irrigation of the NW ¼ Section 7, T114N, R58W.

If you have any questions, please contact me.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

January 22, 2010

NOTICE

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 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 10, 2010** 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) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights staff will recommend that Nos. 2696-3A & 4414-3 be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 5, 2010**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <https://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.



March 11, 2010

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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denr.sd.gov

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHTS

TO: Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278-6205

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Three Year Suspension of Water Right Nos. 2696-3A & 4414-3

On March 10, 2010, the Water Management Board ordered:

Effective April 10, 2010, Water Right Nos. 2696-3A & 4414-3 are suspended for the 2010, 2011 and 2012 irrigation seasons for failure to submit the 2009 irrigation questionnaires.

If the 2009 irrigation questionnaires are received prior to April 10, 2010, the suspension will not take effect.

Suspension means water may not be pumped during the 2010, 2011 and 2012 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaires are submitted by April 10th.

After April 10th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2009 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 5, 2010, in Pierre, SD. The letter should include your reasons for not completing the irrigation questionnaires in a timely manner. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

CERTIFICATION

2696-3A

I hereby certify that on March 11, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 11, 2010 regarding failure to submit irrigation questionnaires addressed as stated below:

One Year Suspension:

1828-1	Danny Adams, 2010 Avalon Pkwy Ste 400, McDonough GA 30253-3011
1769-1	Lee Ahrlin, 531 Fox Run Dr, Rapid City SD 57701
3224-3	Steven Ching, 46577 188 th St, Castlewood SD 57223-5705
5524-3	Wade & Todd Druin, 30906 Bluff Rd, Volin SD 57072
1055-1	Emily P Stadheim Revocable Trust, 504 11 th Ave N, Hettinger ND 58639
1350-3 6042-3	Raymond D Jensen, 24348 478 th Ave, Dell Rapids SD 57022
5339-3	Douglas Swenson, 23358 396 th Ave, Woonsocket SD 57385

Three Year Suspension:

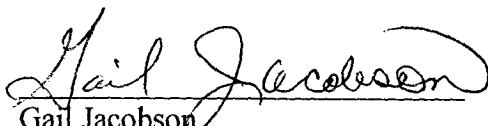
1755-1	John Bachman, Mayor, City of Eagle Butte, PO Box 150, Eagle Butte SD 57645-0150
2696-3A 4414-3	Donald Schmidt, 19053 427 th Ave, Willow Lake SD 57278-6205

Cancellation:

1275-2	Donald, Herbert & Rebecca Kaiser, 15745 SD Hwy 40, Hermosa SD 57744
2480A-3	Dennis H & Jackie McDowell, 227 W Lakeshore Dr, Carrollton GA 30117-1937

Amendment:

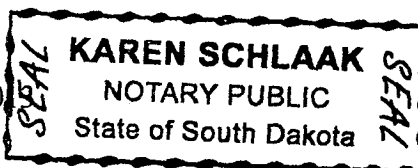
3805-3	Richard Horton, 45446 285 th St, Hurley SD 57036
3293-3	Michael L Schmidt, 47640 242 nd St, Dell Rapids SD 57022


Gail Jacobson
Secretary
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 11th day of March, 20 10.


Karen Schlaak
Notary Public
My Commission expires April 1, 20





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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www.state.sd.us/denr

April 9, 2010

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278-6205

Dear Mr. Schmidt:

On March 10th, the Water Management Board ordered Water Right Nos. 2696-3A and 4414-3 to be suspended if the 2009 irrigation questionnaires were not received prior to April 10, 2010. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violation has occurred and the suspensions will not take place. You may irrigate during the 2010 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



2696-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 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 9, 2011** 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) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on past violations, the staff will be recommending to the Board that both water rights be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, 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.

2696-3A

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 0591

Service(s): Signature Confirmation™

Status: Delivered

Your item was delivered at 9:22 am on January 27, 2011 in WILLOW LAKE, SD 57278. The item was signed for by H SCHMIDT.

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Detailed Results:

- Delivered, January 27, 2011, 9:22 am, WILLOW LAKE, SD 57278
- Notice Left, January 22, 2011, 9:09 am, WILLOW LAKE, SD 57278
- Out for Delivery, January 22, 2011, 7:59 am, WILLOW LAKE, SD 57278
- Sorting Complete, January 22, 2011, 7:49 am, WILLOW LAKE, SD 57278
- Arrival at Post Office, January 22, 2011, 7:08 am, WILLOW LAKE, SD 57278

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No FEAR Act EEO Data

FOIA

First-Class Mail®
Registered Mail™Priority Mail®
Signature Confirmation™

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 0591	DONALD SCHMIDT 19053 427th AVE WILLOW LAKE SD 57278 6205	
	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	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel		



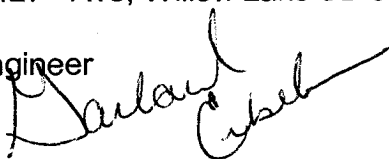
2696-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2011

NOTICE OF THREE YEAR SUSPENSION

TO: Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278-6205

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Three Year Suspension of Water Right Nos. 2696-3A and 4414-3

On March 9, 2011, the Water Management Board ordered:

Effective April 9, 2011, Water Right Nos. 2696-3A and 4414-3 are suspended for the 2011, 2012 and 2013 irrigation seasons for failure to submit the 2010 irrigation questionnaires.

If the 2010 irrigation questionnaires are received prior to April 9, 2011, the suspensions will not take effect.

Suspension means water may not be pumped during the 2011, 2012 and 2013 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaires are submitted by April 9th.

After April 9th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2010 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May, 2011, in Pierre, SD. The letter should include your reasons for not completing the irrigation questionnaires in a timely manner. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath at (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 10, 2010, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 10, 2011 regarding cancellations and suspensions addressed as stated below:

One year suspension:

No. 592-1

Zearl Drum, PO Box 203, Faith SD 57626

Nos. 5222-3 and 6874-3

Clayton Kern, Supt, McCook Country Club, PO Box 129, Salem SD 57058

No. 3937-3

Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231

No. 5257-3

Wayne L Bertrand, Scotland Golf Club Inc, Box 488, Scotland SD 57059

Nos. 6426-3 & 6507-3

Terrill Wheeler, 16645 416th Ave, Raymond SD 57258

Three Year Suspension

No. 1080-2

Larry Schell, Schell Ranch, 22955 Jensen Rd, Wall SD 57790

Nos. 2696-3A & 4414-3

Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278-6205

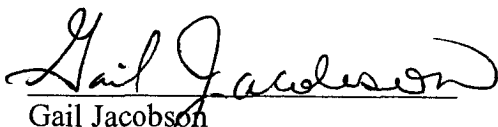
Cancellation

Nos. 1473-2 & 1502-2

Randy Bachelor, 25409 266th Ave, White River SD 57579

No. 5124-3

Victor L Wiczorek, 39507 266th St, Mt Vernon SD 57363



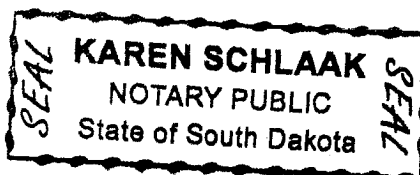
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 10th day of March, 2011.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 21, 2011

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278 6205

Dear Mr. Schmidt:

On March 9th, the Water Management Board ordered Water Right Nos. 2696-3A and 4414-3 to be suspended if the 2010 irrigation questionnaires were not received prior to April 9, 2011. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred and the suspensions will not take place. You may irrigate during the 2011 irrigation season.

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



2696-3A
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2012

NOTICE

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 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, 2012** 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) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will be recommending that both water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, 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.



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February 27, 2012

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278 6205

Dear Mr. Schmidt:

I am writing to acknowledge receipt of your 2011 irrigation questionnaires.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A and 4414-3. 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 that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



2696-3A

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2013

NOTICE

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 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) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12; **based on a past violation, Water Rights Staff will be recommending to the Board that Water Right Nos. 2696-3A & 4414-3 be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 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.



2696-3A

DEPARTMENT of ENVIRONMENT
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denr.sd.gov

March 8, 2013

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHTS

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Three Year Suspension of Water Right Nos. 2696-3A & 4414-3

On March 7, 2013, the Water Management Board ordered:

Effective April 7, 2013, Water Right Nos. 2696-3A & 4414-3 are suspended for the 2013, 2014 and 2015 irrigation seasons for failure to submit the 2012 irrigation questionnaires.

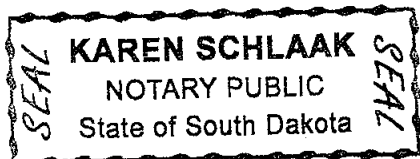
If the 2012 irrigation questionnaires are received prior to April 7, 2013, the suspensions will not take effect.

Suspension means water may not be pumped during the 2013, 2014 and 2015 irrigation seasons. Consistent with the Board's order, you are not permitted to irrigate for three years unless the irrigation questionnaires are submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2012 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 1 and 2, 2013, in Pierre, SD. The letter should include your reasons for not completing the irrigation questionnaires in a timely manner. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath at (605) 773-3352, if you have any questions.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE SOUTH DAKOTA 57501-3182
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March 27, 2013

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278 6205

Dear Mr. Schmidt:

On March 7th, the Water Management Board ordered a three year suspension of Water Right Nos. 2696-3A and 4414-3 if the 2012 irrigation questionnaires were not received prior to April 7, 2013. The irrigation questionnaires for both of your water rights have been received.

Since the irrigation questionnaires are on file, no violations have occurred and no suspensions will take place. You may irrigate during the 2013 irrigation season.

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

Sincerely,

A handwritten signature in black ink, which appears to read "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 9, 2014

2696-3A
4414-3

Helen Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Mrs. Schmidt:

I am writing in follow up to our phone conversation concerning Water Right Nos. 2696-3A and 4414-3. Enclosed as we discussed are the irrigation questionnaires for 2013. Please complete and return them right away to avoid having them scheduled for hearing.

You mentioned during our phone conversation that you may be selling the land. Enclosed are partially completed Notice of Transfer of Ownership forms for filing ownership changes. The new owner(s) will need to complete and return them to us. There is a \$50 fee required for filing each form. The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights in the event you did not have them. You do not have to return those. Thank you in advance for getting the questionnaires back to us right away, 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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 10 2014

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 2696-3A WATER RIGHTS PROGRAMDate: January 23, 2014I/We request that Water Right/Permit No. 2696-3A formerly owned by:Donald Schmidt be transferred to:New Owner Name: Helen M. SchmidtAddress: 19053 427th Ave.City, State, Zip Willow Lake SD 57278 Telephone No. 605-201-9230

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

134.4 acres in NW Quarter of 15

☒ I understand that the validity of Water Right/Permit No. 2696-3A has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

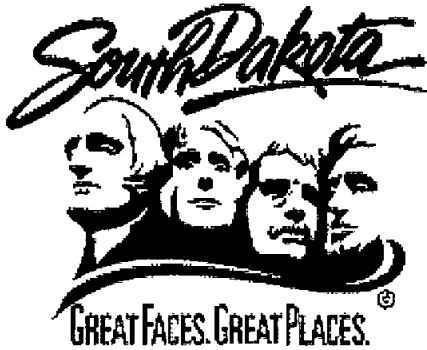
A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

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

Helen M. Schmidt
(signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2014

2696-3A
4414-3

Helen M Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Ms. Schmidt:

I am writing to acknowledge receipt of the transfer of ownership forms you filed for Water Right Nos. 2696-3A and 4414-3.

The forms were completed properly however can not be processed without the \$50.00 filing fee for each one as required by statute. Please remit a total of \$100 for the ownership changes. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please give me a call. Thank you in advance for your help in updating the water rights.

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**

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

April 17, 2014

2696-3A
4414-3

Helen M Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Ms. Schmidt:

I am writing in regard to the transfer of ownership forms you filed on February 10th for Water Right Nos. 2696-3A and 4414-3. On February 18th I wrote to you about the filing fees needed prior to being able to process the ownership changes. To date, we have not heard back from you.

Please remit a total of \$100 for the ownership changes. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please give me a call. Thank you in advance for your help in updating the water rights.

Sincerely,

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

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

CADWELL SANFORD DEIBERT & GARRY LLP
LAWYERS

Joe W. Cadwell
Steven W. Sanford
Douglas M. Deibert
William C. Garry
Scott Perrenoud*
Stephen C. Landon
Brett A. Lovrien*†
James S. Simko
Shawn M. Nichols
Kristi M. Laber
Melissa R. Jelen
Alex M. Hagen

River Centre
200 East 10th Street, Suite 200
Sioux Falls, South Dakota 57104

Mailing Address:
P.O. Box 2498
Sioux Falls, South Dakota 57101

RECEIVED

MAY 27 2014

WATER RIGHTS
PROGRAM
Telephone
(605) 336-0828

Telecopier
(605) 336-6036

Writer's E-Mail Address
klaber@cadlaw.com

* Also admitted in Iowa
† Also admitted in Minnesota

May 22, 2014

Water Rights Program
Joe Foss Building
PMB 2020
523 East Capitol
Pierre, SD 57501-3182

Re: Permits 2696-3A and 4414-3.

Dear Genny:

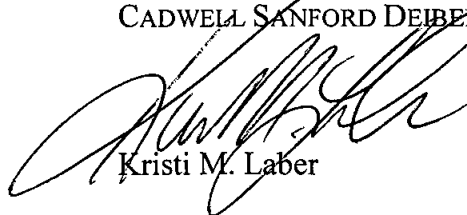
Enclosed is our firm's check in the amount of \$100.00 for the transfer fee as follows:

- 1) Permit 2696-3A to Helen Schmidt; and
- 2) Permit 4414-3 to Mary J. Schmit.

It is our understanding that you have all the paperwork necessary and the payment of these fees will complete the transfer. Please include me in your correspondence confirming that the transfer has been completed.

Thank you for your assistance.

Very truly yours,
CADWELL SANFORD DEIBERT & GARRY, LLP



Kristi M. Laber

KML/sjt

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/27, 20 14

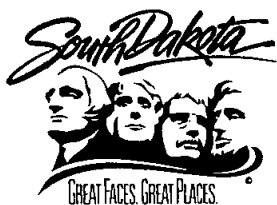
RECEIVED OF Cadwell Sanford Deibert & Garry LLP PO Box 2498 Sioux Falls SD 57101

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2696-3A (Helen Schmidt)</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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06861**

By Jearne J. J. J. J.
Chief Engineer



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 27, 2014

2696-3A
4414-3

Helen M Schmidt
19053 427th Ave
Willow Lake SD 57278

RE: Water Right Nos. 2696-3A and 4414-3

Dear Ms. Schmidt:

I am writing to confirm transfer of ownership of Water Right Nos. 2696-3A and 4414-3.

The water rights, formerly held by Donald Schmidt have been transferred as follows:

- Water Right No. 2696-3A – Helen M Schmidt
(land in Section 15, T113N, R57W)
- Water Right No. 4414-3 – Mary J Schmidt
(land in Section 4, T113N, R57W)

The receipts for the filing fees are being sent under separate cover to Cadwell, Sanford, Deibert & Garry, LLP in Sioux Falls. If I can answer any questions, please give me a call.

Sincerely,

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

c: Kristi M Laber with Cadwell, Sanford, Deibert & Garry, PO Box 2498, Sioux Falls SD 57101



2696-3A
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: DANNY SCHMIDT, OPERATOR, 18684 421ST AVE, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A 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) 2696-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 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 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>

c: HELEN M SCHMIDT, 19053 427TH AVE, WILLOW LAKE SD 57278

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 10, 2017

2696-3A

Danny Schmidt
18684 421st Ave
Willow Lake SD 57278

Dear Mr. Schmidt:

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

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right No. 2696-3A. 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

c: Helen M Schmidt, 19053 427th Ave, Willow Lake SD 57278



2696-3A
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 26, 2018

NOTICE

TO: DANNY SCHMIDT, OPERATOR, 18684 421ST AVE, WILLOW LAKE, SD 57278
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 2696-3A in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** 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>

c: HELEN M SCHMIDT, 19053 427TH AVE, WILLOW LAKE SD 57278

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.

USPS Tracking®

FAQs > (<http://faq.usps.com/?articleId=220900>)

Track Another Package +

Tracking Number: 70171000000032517268

Remove X

Your item was delivered to an individual at the address at 9:23 am on January 27, 2018 in WILLOW LAKE, SD 57278.

 **Delivered**

January 27, 2018 at 9:23 am
Delivered, Left with Individual
WILLOW LAKE, SD 57278

Get Updates ✓

9922 152E 0000 3251 7268

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☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

HELEN M SCHMIDT
19053 427TH AVE
WILLOW LAKE SD 57278

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

1-27-18

Postmark Here

Tracking Number: 70171000000032516773

Remove X

Your item was delivered to an individual at the address at 12:22 pm on January 27, 2018 in WILLOW LAKE, SD 57278.

 **Delivered**

January 27, 2018 at 12:22 pm
Delivered, Left with Individual
WILLOW LAKE, SD 57278

Get Updates ✓

E229 152E 0000 3251 6773

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☐ Return Receipt (electronic)	\$
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☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

DANNY SCHMIDT, OPERATOR
18684 421ST AVE
WILLOW LAKE SD 57278

City, State, ZIP+4®

1-27-18

Postmark Here



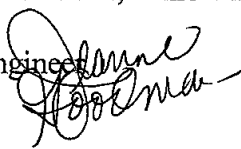
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHT

TO: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278
Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Right No. 2696-3A

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Right No. 2696-3A be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

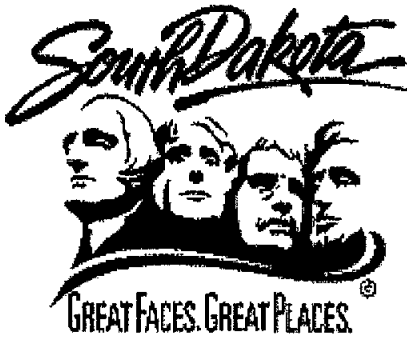
After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

2696-3A

KAREN SCHLAACK
NOTARY PUBLIC
State of South Dakota



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 6, 2018

2696-3A

Danny Schmidt
18684 421st Ave
Willow Lake SD 57278

Dear Mr. Schmidt:

On March 7th the Water Management Board ordered Water Right No. 2696-3A suspended if the 2017 irrigation questionnaire was not received prior to April 7, 2018. The questionnaire information for your water right was received March 29th.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2018 irrigation season.

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

Sincerely,

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

Ron Duvall, Water Rights Permitting Administrator
for Jeanne Goodman, Chief Engineer
Water Rights Program

c: Helen Schmidt

2696-3A



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2019

2696-3A
4414-3

Bob Schmidt
BSS Farms
19036 427th Ave
Willow Lake SD 57278

Dear Mr. Schmidt:

Thank you for contacting me concerning the irrigation questionnaires for Water Right Nos. 2696-3A and 4414-3. I have enclosed the 2018 irrigation questionnaire for both water rights.

With respect to Water Right No. 4414-3, listed in the name of Mary J Schmidt, I am including a copy of the water right along with a partially completed Notice of Transfer of Ownership form. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of **\$50.00**. The check or money order for the fee can be made payable to the Water Rights Program.

With respect to Water Right No. 2696-3A, listed in the name of Helen Schmidt, it is my understanding that you now operate the irrigation system. I will edit our files accordingly to ensure future questionnaires will be sent directly to you.

For informational purposes, all water rights are online and viewable through our website along with a link to all of the forms (transfers, irrigation questionnaires etc). The link is found at: <https://denr.sd.gov/des/wr/wr.aspx> If you want to give me a call sometime when you are on the website, I can help guide you through the various links if you need assistance.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath".

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

enclosures