

Water Right Number 3708-3

1. Considered 3-24, 19 77
2. Name of Applicant DONALD SCHMIDT
3. Post Office Address DELMONT
4. Amount of Water claimed 1.56
5. Source of Water supply 52' WELL
6. Water to be used for IRR
Acres to be irrigated 110.7
7. Water to be diverted and used in DOUGLAS County
about _____ miles 12N, 2E of WAGNER
8. Proof of Publication
Received APR 3-25-77
Not Received _____
9. Application
Referred
3-24-77
Approved 3-28-79
Subject to NI
Not Approved _____
Action Deferred _____

10. Remarks:

No. 3706-3Map No. 2982.3 Water Division No. 3 MISSOURI RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Donald Schmidt
 Postoffice address Delmont, State South Dakota 57330
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Well Driller
3. Name of diversion work Schmidt #2
4. Amount of water claimed (cubic feet per second) 2.2 1.58 MAX. ALLOWABLE
5. Source of water supply Well
6. Location of point of diversion NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, 97-63
- County Douglas
7. Annual period for periods during which water is to be used June - August
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 110.71

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ 2 97-63			
Lot 3-4 SE $\frac{1}{4}$ 2 97-63			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 0 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Delmont Record
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source
Well
- B. Works proposed to transport water to place of use.
- C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ 30,000Attachments: 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 DouglasI Donald 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 constructionSigned Donald Schmidt
 Subscribed and sworn to before me this 4th day of February 1977

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3708-3
DONALD SCHMIDT (Applicant) DELMONT (Post Office Address)
SOUTH DAKOTA 57330 (State) With the following modifications:

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

Date of first receipt of application FEBRUARY 7 19 77
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application _____ 19 ____
 Approved MARCH 28 19 79 Recorded in Book 20 Page 242
 WATER RIGHT PERMIT NO. 3708-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 3708-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is FEBRUARY 7 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 28 19 80
3. The whole of said work is to be completed on or before MARCH 28 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28 19 81
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 1.56 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 the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 28 19 91; said water to be used during the following described annual period: JUNE - AUGUST

Witness my hand this 5th day of APRIL 19 79

WATER RIGHTS COMMISSION

By: John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued May 15 19 80
 Water License Issued May 15 19 80



12 Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 26", Depth 52'
- (2) Casing, Type Concrete Diameter 24 Thickness 2
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type Johnson, Diameter 18", Length 12'
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

- (1) Water Bearing Materials (Please attach a copy to test well log if available.)

Character of Water bearing materials Coarse gravel

Depth to top of water bearing material 2 feet

Depth to bottom of water bearing material 52 feet

Thickness of water bearing material 50 feet

Depth to water (ground surface to water level) 5 feet

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

On same owner's property 40 rds. On property owned by others 180 rds.

G. Water Storage Dams.

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

Donald Schmitt
Signature of Applicant

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SECL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

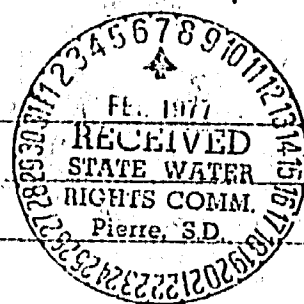
Approved: _____

Disapproved: _____

Donald Schmitt

Bellevue, South Dakota

City: Douglas



LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4, SE 1/4, Section 2 97-63
2. AREA TO BE IRRIGATED: SE 120 acres of Section 2 97-63-63
Douglas County

TYPE OF IRRIGATION

1. GRAVITY SPRINKLER (Indicate Type): CENTER Pivot
2. CROPS TO BE IRRIGATED: CORN, BEETROOT

LAND CAPABILITY FOR IRRIGATION

1. PERCENTAGE OF SLOPE: 0-2%
2. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Silty Fine Sandy
Loam -

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

1. SAMPLE NO.: 77-103
2. SALINITY: EC: 587 (medium)
3. SODIUM: SAR: 6.4 (low)

and by certify that a chemical analysis of the ground water to be
used for irrigation from South Dakota State University and:

and that capability for irrigation information has been acquired from

County Agent

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

James L. Leland

described and sworn before me this

11th day of January 1977.

Donald B. Peters

Bayboro Co Treasr

(Title)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57003

3708-3

Submitted by: Donald Scholte Date Rec'd: January 18, 1977
Address: Dakota, SD 57330 Sample No. 77-103
Identification: Soil
SEC, Sec. 2, T. 97N, R. 63W

WATER ANALYSIS

Calcium (Ca)	81	ppm*	4.05	me/l**
Magnesium (Mg)	19	ppm	1.56	me/l
Sodium (Na)	17	ppm	0.74	me/l
Potassium (K)	8	ppm	0.21	me/l
Sulfate (SO ₄)	126	ppm	2.62	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.15	me/l
Bicarbonate (HCO ₃)	234	ppm	3.84	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	192	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	587	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.44			
Sodium	11.28	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.76			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 6.56 me/l
Total anions 6.61 me/l

By: Shirley Hutton

Service Performed

Amount Due

Irrigation analysis

\$15.00

- 8.00

\$ 7.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-103

Amount Enclosed

Signed

Permit No. 3708-3

Water Diversion No 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Donald Schmidt

_____ the holder _____ of
Permit No. 3708-3, issued upon Application No. 3708-3, bearing date of priority of February 7,
1977 authorizing the diversion of 1.56 cu. ft. per second of the waters of _____
groundwater (one well) County of Douglas, State of South Dakota at _____
a point 700 feet south and 650 feet west of E $\frac{1}{2}$ corner of Section 2, T97N, R63W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.33 cu. ft. per second of water.

Date May 15, 1980


JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 3708-3

(1) WHEREAS, On the 7th day of February A. D. 1977
Donald Schmidt
made Water Right Application No. 3708-3 for a permit to use 1.56 cubic feet per second of the waters of groundwater (one well)
County of Douglas, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 28th day of March A. D. 1977
Permit No. 3708-3, with a date of priority of February 7, 1977
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 28th day of March A. D. 1981 and for the application to beneficial use of said water on or before the 28th day of March A. D. 1981

and:
(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.02 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,
to irrigate the following lands all in Section 2, T97N, R63W

Acres	
NE 1/4 SE 1/4	21
NE 1/4 SE 1/4	31
SW 1/4 SE 1/4	9
SE 1/4 SE 1/4	14
TOTAL	75 ACRES

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Donald Schmidt

_____ of Delmont SD
the holder _____ and owner _____ of said permit No. 3709-3 a water right, dating from February 7, 1977
_____ to use of 1.07 cubic feet per second of the waters
of groundwater (onw well)
in the County of Douglas and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinafter mentioned, to be diverted at a point 700 feet south and 650 feet west of
E $\frac{1}{2}$ corner of Section 2, T97N, R63W

and conducted to and upon portions of land all in Section 2, T97N, R63W, more fully
described on the face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3708-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 15th day of Mar 1980 A.D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer, JOHN HATCH

Publish first publication, on or before March 10, 19 77**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

March 4, 19 77

Notice is hereby given that Donald Schmidt
whose post office address is Belmont, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
1.57 cubic feet of water per second of time from the ground water through the
Schmidt # 2, the point of diversion of which is to be located in the

N1/2, SE1/4
of Section 2, Twp. 97N, Range 63W. Said water to be used for the purpose
of providing irrigation on portions of
the following described land:

N1/2, SE1/4, and Lots 3 & 4, SE1/4, Section 2, T97N, R63W

This application No. 3708-3 will be considered by the Water Rights Commission at their office at
Pierre upon the 24th day of March, 19 77, at 11:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

JAMES WINTERTON
Water Rights Specialist

BFJ/bw

cc: Donald Schmidt, Belmont, SD 57330

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Douglas) ss.

I, Maynard H. Dackering hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Delmont Record

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

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

March 10 & 17th, 1977

Maynard H. Dackering
(Signature)

Owner
(Title)

March 16, 1977
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
March 4, 1977

Notice is hereby given that
Donald Schmidt whose post of-
fice address is Delmont, South
Dakota, has made an applica-
tion in accordance with the pro-
visions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
1.57 cubic feet of water per sec-
ond of time from ground water
through the Schmidt #2, the
point of diversion of which is to
be located in the NE1/4, SE1/4
of Section 2, Twp. 97N, Range
63W. Said water to be used for
the purpose of providing irriga-
tion on portions of the follow-
ing described land:
N1/2 SE1/4 and Lots 3 & 4,
SE1/4, Section 2, T97N, R63W.
This application No. 3708-3
will be considered by the Water
Rights Commission at their of-
fice at Pierre upon the 24th
day of March, 1977, at 11:00
A.M. All interested persons may
appear and be heard.
WATER RIGHTS COMMISSION
By: JAMES WINTERTON
Water Rights Specialist



REPORT ON THE CHARLES MIX - DOUGLAS COUNTY AREAS

March 23, 1978

During the March 1977 Water Rights Commission meeting some of the deferred applications in the Lake Andes - Wagner area were reconsidered. At that time, 6 applications from the Choteau aquifer and 7 from the Delmont aquifer were approved. The Water Rights Commission Staff has not followed up on these applications and it is not known which are developed or how much pumping has been done.

Listing of Deferred Applications

CHARLES MIX COUNTY

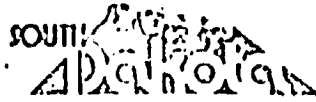
2310-3 Richard Soulek
2323-3 Dale Meyer
3696-3 John D. Orr
3697-3 Dean Weber
3698-3 Rolland B. Vanderpol
3700-3 Holzbauer Bros.
3701-3 Marlin Laska
3704-3 Edward E. Weber
3705-3 Greenwood Colony
3706-3 Holzbauer Bros.
3736-3 Holzbauer Bros.
3750-3 Gary Hrdlicka
4004-3 Arthur and Eugene Slaba
4005-3 Maynard & Vera Vesper
4198-3 Joe Holzbauer

DOUGLAS COUNTY

2283-3 Ted Reinfeld
3699-3 Joe L. Sanders
3702-3 Clarence Ewing
3703-3 Clarence Ewing
3708-3 Donald Schmidt
4059-3 Eltor Brenner

The Water Rights Commission Staff is concerned about the water levels in the Choteau aquifer. At this time the water levels are 8-10 feet below what is considered normal. The Delmont aquifer is 3-4 feet below normal and should recharge this spring with normal snowmelt. The Water Rights Commission Staff is recommending no action on these applications at this time.

JOHN HATCH, Chief Engineer
Water Rights Commission



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

March 23, 1978

TO: Persons with deferred applications in Charles Mix & Douglas Counties.

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of deferred applications in Charles Mix & Douglas Counties.

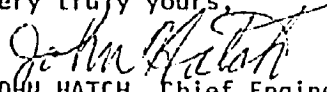
The Water Rights Commission will reconsider Water Right Applications in Charles Mix & Douglas Counties at 10:30 am, March 29, 1978 at the Guest House, 101 North Broadway, Watertown, South Dakota.

This reconsideration hearing will be conducted in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 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, Ground Water 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

The applications were deferred by the Water Rights Commission, pending Staff investigation.

After reconsideration of the deferred Applications in Charles Mix & Douglas Counties the Commission can approve, defer, or deny all or parts of the Applications. A copy of the "Report on the Charles Mix - Douglas County Areas" is enclosed for your information.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

enclosure



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/773-3151

March 14, 1979

TO: Holders of Deferred Applications in Charles Mix and Douglas Counties
FROM: John Hatch, Chief Engineer, Water Rights Commission
SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred Water Right Applications in Charles Mix and Douglas Counties at 3:30 p.m., March 28, 1979, at the Community Room of the Pierre City Hall, 222 East Dakota Ave, Pierre, South Dakota.

This reconsideration hearing will be conducted 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; 46-6-5; 46-6-6.1; 46-6-10; 46-6-3.1; 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13.

These applications were previously deferred by the Water Rights Commission, pending Staff investigation.

After reconsideration of the deferred Applications the Commission can approve, conditionally approve, defer, or deny all or part of the Application.

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 Commission may be appealed to the Courts as provided by law.

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Commission

JH:kjw

7700-3 Donald Schmidt

7-21-17. Well 55' deep. Static 5 ft

from Pumping 500 gpm. Exp. 1100+

Exp. 1100+ Model 507

ser # L10465

Motor HS Elec 40 HP 1785 RPM

"TD" R-6229-04-500 R2123886-S

Pump Western Land Roller

ser # C-79351

Head 6 M-5-10C-M

Pump is in line between Head of
barn and C.P. 600 ft from C.P.

6" PVC pipe well to C.P.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7387

Donald Schmidt, Belmont SD 57330 PIERRE, March 12, 1930

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 3708-3	50	00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 3700-2-1		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

Permit No. 3708-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

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

I have this day made a thorough examination of the water use system constructed by Donald Schmidt of Pelmont, South Dakota 57330 holder of Permit No. 3708-3, bearing date of priority of February 7, 1977 authorizing the diversion of 1.56 cu. ft. per second of the waters of One Well for Irrigation purposes, in Douglas County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor: 25 HP. I.P. R 6229-04-500 R 2127556-5
440 H.P. 1765 RPM

Pump: Western Land Roller, Ser # C79301, Head 16M-5-100-M
Pumping 600 gpm

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

600 ft 6" PVC Pipe

C. Works used to apply water to beneficial use.

Zinnatic Center Pivot Model 507, Ser # L10465

The system is in the following condition: Good

The point of diversion is located 700 ft S and 650 ft W of NE 1/4 Cor of
Sec. 2 T97N R63W

The works are capable of diverting and conveying to the place of use 1.33cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 2, T97N R63W

NW 1/4 SE 1/4 - 24 Ac. NE 1/4 SE 1/4 - 31 Ac. SW 1/4 SE 1/4 - 9 Ac.
SE 1/4 SE 1/4 - 14 Ac.

comprising a total of 75 acres of land.

Well data:

Depth 55 ft.Static 55 ftPumping 600 gpmCapacity 1100 gpmDate June 26, 1979

John J. McManis
 (Signature)

3708-3

Wipf & Cotton
Attorneys at Law
107 South Main Street
P.O. Box 370
Wagner, South Dakota 57380

Owen R. Wipf
Kenneth W. Cotton

April 21, 1987

Telephone (605) 384-5471

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water & Natural Resources
523 East Capitol
Pierre, SD 57501-3181

Re: Donald D. Schmidt Estate
c/o Carol J. Schmidt
RR #1, Box 22
Delmont, SD 57330

Water Permits 3708-3 & 4461-3

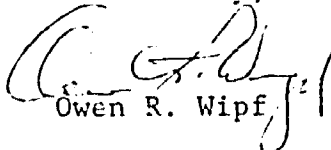
Dear Mr. Hatch:

Our firm has been representing the estate of Donald D. Schmidt. His wife, Carol J. Schmidt, is the Executrix of his estate.

The above numbered permits were issued in the name of the decedent. Mrs. Schmidt will be inheriting all of the land, either through joint tenancy by right of survivorship or under the terms of the Will.

We would like to transfer the permits to her name and we inquire as to whether you have any forms to make the transfer. Would you send us the appropriate forms so that we can make the transfer. I would appreciate you sending them to my office.

Yours truly,


Owen R. Wipf

ORW:gh



SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605)773-3352

3708-3
4461-3

April 27, 1987

Owen R. Wipf
Wipf & Cotton, Attorneys at Law
107 South Main Street
PO Box 370
Wagner, South Dakota 57380

Dear Mr. Wipf:

I am writing in response to your letter dated April 21, 1987 concerning the transfer of Water Right Nos. 3708-3 and 4461-3.

In order to change the name on these water rights from Donald Schmidt to Carol Schmidt, Mrs. Schmidt will need to file a "Notice of Transfer" for each one. I have enclosed partially completed forms. These will need to be signed by her in the presence of a notary. Upon completion of the transfer forms, please return them to our office. A \$2.50 filing fee is required for each transfer, (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

I have enclosed copies of Water Rights Nos. 3708-3 and 4461-3 for your records. If you have any questions, please contact me.

Sincerely,

Gerry McMath
Natural Resources Analyst

GJ:ms
Enc.

Wipf & Cotton
Attorneys at Law
107 South Main Street
P.O. Box 370
Wagner, South Dakota 57580

May 1, 1987

Department of Water &
Natural Resources
Water Rights Division
523 East Capitol
Pierre, SD 57501-3181

Re: Water Right Nos. 3708-3 and 4461-3
Transfer

In accordance with your letter of April 27, 1987, regarding the transfer of water rights from Donald Schmidt to Carol Schmidt, I am herewith enclosing two Notice of Transfer of Water Permits concerning Water Right Permit No. 3708-3 and 4461-3. These have been duly signed by Carol Schmidt and notarized. I am also enclosing Mrs. Schmidt's check in the amount of \$5.00 to cover this transfer.

Yours truly,

Owen R. Wipf

ORW: gh

NO. 3708-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-30-87

This is to notify you that the title to the lands described as follows:

75 Acres - SE $\frac{1}{4}$ Section 2, T97N-R63W

formerly owned by Donald D. Schmidt

has been transferred to Carol J. Schmidt - Rt 1-Box 22 - Delmont, S.D. 57330
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3708-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Douglas) ss.

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

Carol J. Schmidt
(Signed)

Subscribed and sworn to before me this 30 Day of April, 1987.

Ray W. Wight
(Notary Public)



RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

410886

Pierre, May 4, 19 87

RECEIVED OF Carol J. Schmidt, Route 1, Box 22, Delmont, SD 57330
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. _____		
Fee for Filing Transfer Form 3703-3 _____	2	50
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	2	50

By John Hatch
Chief Engineer JOHN HATCH (ms)

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

3708-3
4461-3

May 20, 1987

Owen R. Wipf
Wipf & Cotton, Attorneys at Law
107 South Main Street
PO Box 370
Wagner, South Dakota 57380

Dear Mr. Wipf:

Enclosed are receipt Nos. 410866 and 410867 in the amount of \$2.50 each which you submitted for Carol J. Schmidt to pay for transfer of Water Right Nos. 3708-3 and 4461-3.

Our records now show Carol J. Schmidt as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

Enc.

**South Dakota Department of
Water & Natural Resources**

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

March 23, 1987

DONALD SCHMIDT
RR #1 BOX 22
DELMONT, SD 57330

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

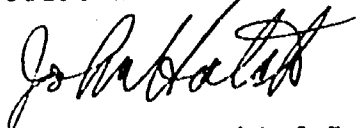
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3708-3, 4461-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 3708-3, 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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



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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

April 15, 1987

3708-3
4461-3

Jim Schmidt
RR #1 Box 22A
Delmont, SD 57330

Dear Mr. Schmidt:

This will acknowledge receipt of and thank you for the return of the 1986 Irrigation Questionnaires for Permits listed in the name of Donald Schmidt. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit Nos. 3708-3 and 4461-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

 **Department of
Water & Natural Resources**
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

October 4, 1988

Leonard Nelson
416 E. 14th
Mitchell, SD 57301

Dear Mr. Nelson:

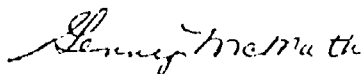
Enclosed are two "Notice of Transfer" forms use in filing ownership changes. I was unable to find any water permits on file in the name of Walter Schmidt, Mrs. Walter Schmidt or Jeanette Schmidt. Please complete the forms with the legal description of the land involved and I can then review the files and find the permits from the description.

The forms will need to be signed in the presence of a notary public by the new owner. Upon completion of the forms, return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



**SOUTH Dakota Department of
Water & Natural Resources**

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

October 17, 1988

4461-3
3708-3

Leonard Nelson
PO Box 37
Mitchell, SD 57301

Dear Mr. Nelson:

As you requested, enclosed are copies of the "Notice of Transfer" forms filed by Carol J Schmidt to transfer ownership of Water Right Nos. 4461-3 and 3708-3. I have also enclosed a copy of these water rights for your review.

If you have any questions, please contact me.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst

enclosure





**Department of
Water & Natural Resources**

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

October 26, 1988

3708-2
4461-3

Paul Musick
Musick & Associates
PO Box 37
Mitchell SD 57301

Dear Mr. Musick:

Enclosed are copies of the transfer notices filed by Carol J Schmidt for Water Right Nos. 3708-2 and 4461-3. Also enclosed is a certification by John Hatch, Chief Engineer with the Division of Water Rights.

If you have any questions, please contact us.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

I hereby certify that the attached are full, true and complete copies of the Notice of Transfer for Water Right Nos. 3708-3 and 4461-3 as filed with this office.



JOHN HATCH, Chief Engineer
Water Rights Division
October 26, 1988

NOTICE OF TRANSFER OF CHARTER PERMIT

Date: 10-13-88

75 ACRES - SE 1/4 SECTION 2 - T97N - R-43W

Doug As Cty. S. J.

formerly owned by Carol T. Schmidt

has been transferred to WALTER E. + JEANETTE A. STAGNER RR1-Box 141
Packston, S.D. 57366
 (please include complete mailing address)
 together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 3708-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of *Dodge*) ss.

1, CAROL J. Schmidt being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Carol M. Schmidt
(Signed)

Subscribed and sworn to before me this 13th Day of October, 1988.

(Notary Public)

Му С.м.м Эксп 10-18-92

CHEN RAY
NOTARY
PUBLIC

WNR-820-9/83

Notice of Transfer of Water Permit

STATE OF SOUTH DAKOTA
DOUGLAS COUNTY
Filed for Record this 2nd day of
..... A. D. 19.....
at..... o'clock..... M.
June Altenburg, Register of Deeds
13..... 20 - 12.....
377-

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

441/01

Pierre, November 10, 1956

RECEIVED OF Walter E & Jeanette A. Stoebner, RR 1, Box 141, Parkston, SD 57766
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. _____		
Fee for Filing Transfer Form <u>Permit No. 3708-3</u>	2	50
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	2	50

By John Hatch
Chief Engineer **JOHN HATCH**



3708-3
4461-3

Department of Water & Natural Resources

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

November 15, 1988

Walter E. & Jeanette A. Stoebner
Rural Route 1, Box 141
Parkston, South Dakota 57366

Dear Mr. & Mrs. Stoebner:

Enclosed are receipt Nos. 411481 and 411482 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 3708-3 and 4461-3.

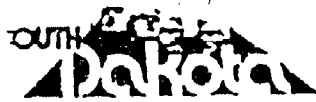
Our records now show you as the owners of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2





Department of Water & Natural Resources

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

43704-3
#4461-3

February 17, 1989

Carol J. Schmidt
Rt. 1, Box 22A
Delmont, SD 57330

Dear Ms. 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;

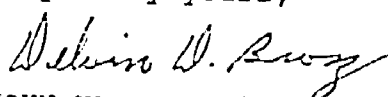


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,


for JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

June 8, 1989

3708-3
4461-3

Walter & Jeanette Stoebner
RR #1 Bcx 141
Parkston, SD 57366

Dear Mr. & Mrs. Stoebner:

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.

The 1988 irrigation questionnaires returned by Carol Schmidt for Water Right Nos. 3708-3 and 4461-3 indicated chemicals would be applied 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.

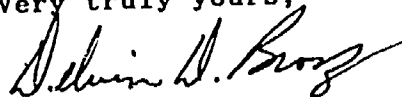
Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution



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,



DELVIN D BROSZ, P.E.

Hydrologist

for

JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

February 9, 1990

WALTER E/JEANETTE A STOEBNER
RR #1 BOX 141
PARKSTON, SD 57366

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the 1989 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3, 4461-3. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

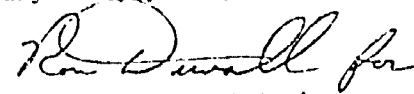
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 3708-3, 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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



Department of Water & Natural Resources

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

February 28, 1990

3708-3
4461-3

Walter E Jeanette A Stoebner
RR 1, Box 141
Parkston SD 57366

Dear Mr. & Mrs. Stoebner:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit Nos. 3708-3 and 4461-3. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

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

Sincerely,

Bon Duvall /ks

BON DUVALL
Natural Resources Engineer
Water Rights Division



3708-3

DEPARTMENT OF WATER & NATURAL RESOURCES

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

WALTER/JEANETTE STOECHNER
RR# BOX 22
DELMONT SD 57330

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s). 3708-3; 4461-3

Our records indicate that the 1990 chemigation report(s) has not been received for Permits No(s) 3708-3; 4461-3. The request for the chemigation report(s) was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 chemigation report(s) be given notice of 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 South Dakota general rule 74:02:09:02(3) requiring chemigation users to report the dates and hours of chemical application.

The hearing(s) will be held at 9:15 am, on February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing(s) 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 procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 3708-3; 4461-3 until either the 1990 chemigation report(s) 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.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is received in this office before the February 27th 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.

South Dakota

State of South Dakota

Department of Water & Natural Resources

GREAT FACES. GREAT PLACES.

February 1, 1991

WALTER E/JEANETTE A STOECHNER
RR #1 BOX 22
Delmont SD 57330

DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

3708-3

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) (3708-3, 4461-3). The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:15 am, February 2, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre S.D.

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

1. Amend Permit No(s) 3708-3, 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) *Not Paid*

2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
 Walter & Jeanette Stoenner
 RR 1 Box 22
 Delmont, SD 57330

4. Article Number
 P 430 906 201

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature — Addressee
 X

6. Signature — Agent
 X *Jenna Juera*

7. Date of Delivery
2-6-91

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

PS Form 3811, Apr. 1989

• U.S.G.P.O. 1989-238-815

DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES

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

3708-3

February 20, 1991

3708-3
4461-3

Walter & Jeanette Stoebner
RR #1 Box 22
Delmont, SD 57330

Dear Mr. Stoebner:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires and chemical application data for Water Right Nos. 3708-3 and 4461-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire and the Notice of failure to report chemical use. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



3708-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

WALTER E/JEANETTE A STOEERNER
RR 1 BOX 22
DELMONT SD 57330

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



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

WALTER/JEANETTE STOEHRER
RR1 BOX 22
DELMONT SD 57330

NOTICE

Re: Failure to Report Chemical Use under Water Permit No(s) 3708-3; 4461-3

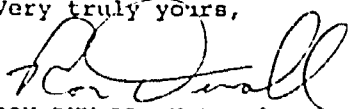
The first notice to file chemigation report(s) for Permit No(s) 3708-3; 4461-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 3708-3; 4461-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 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 hearings will be held at 9:15 am, on March 4, 1992, 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). 3708-3; 4461-3 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.

Very truly yours,


RON DUVALL, Natural Resources Engineer
for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

NOTE: If the chemigation report(s) is(are) received by this office prior to the March 4, 1992 hearing, you will no longer be in violation and your name will be deleted from the Board agenda.



3708-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 1992

WALTER/JEANETTE STOEGBNER
RR1 BOX 22
DELMONT SD 57330

Dear Mr. STOEGBNER:

I am writing to acknowledge receipt of your 1991 chemigation report for Water Right No (s) 3708-3 and 4461-3. You may disregard the January 27, 1992 Notice of Failure to Report Chemical Use for 1991. With receipt of the chemigation report(s), your name has been deleted from the March 4, 1992 Water Management Board meeting agenda.

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division

REDUCTION RATIO

ROLL NUMBER

DATE MICROFILMED

LANDING OPERATION SIGNATURE



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1992

3708-3
4461-3

Walter & Jeanette Stoebner
RR #1 Box 22
Delmont, SD 57330

Dear Mr & Mrs Stoebner:

I am writing to acknowledge receipt of your 1991 irrigation questionnaire for Water Right Nos. 3708-3 and 4461-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaire was received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMath
Natural Resources Analyst
Water Rights Division

SENDER: • Complete items 1 and/or 2 for additional services. • Complete items 3, and 4a & b. • 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 Fee will provide you the signature of the person delivered to and the date of delivery.		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: WALTER E/JEANETTE A STOEENR RR 1 BOX 22 DELMONT, SD 57330		4a. Article Number P 906 557 721	
		4b. Service Type ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise	
		7. Date of Delivery 1-21-92	
5. Signature (Addressee)		6. Addressee's Address (Only if requested and fee is paid)	
6. Signature (Agent) <i>John A. Ferguson</i>			

PS Form 3811, November 1990 U.S. GPO: 1991-257-066

DOMESTIC RETURN RECEIPT

3708-3



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

February 7, 1995

WALTER E/JEANETTE A STOEERNER
RR #1 BOX 22
DELMONT SD 57330

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit Nos. 3708-3 & 4461-3. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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. Following the hearing, the Water Management Board can:

1. Amend Permit Nos. 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ron Duvall", is written over a horizontal line.

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

Is your RETURN
leted on the reverse side?

SENDER:

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

3708-3

WALTER E JEANETTE A STOEENR
RR #1 BOX 22
DELMONT, SD 57330

4a. Article Number:

P 757 526 344

4b. Service Type

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

7. Date of Delivery

2-8-95

5. Signature (Addressee)

6. Signature (Agent)

Donna Fuerst

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

PS Form 3811, December 1991

U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

3708-3



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

February 14, 1995

3708-3
4461-3

Walter E & Jeanette A Stoebner
RR #1 Box 22
Delmont, SD 57330

Dear Mr. & Mrs. Stoebner:

I am writing to acknowledge receipt of your 1994 irrigation questionnaires. You may disregard the February 7, 1995, **Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.**

The questionnaires were received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



January 9, 1998

3708-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: WALTER E/JEANETTE A STOEBNER, RR 1 BOX 22, DELMONT, SD 57330

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 has not been submitted for Permit No(s) 3708-3 & 4461-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

SENDER:

- Complete items 1 and 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):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to: **3708-3**

WALTER E/JEANETTE A STOE BNER
RR 1 BOX 22
DELMONT SD 57330

4a. Article Number: **2119 141 162**

4b. Service Type

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

7. Date of Delivery: **1-10-78**

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

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X Walter E. Stoebner

is your RETURN?

PS Form 3811, December 1984

1025-95-07-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.



3708-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 1998

3708-3
4461-3

Walter E & Jeanette A Stoebner
RR 1 Box 22
Delmont, SD 57330

Dear Mr. & Mrs. Stoebner:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 3708-3 and 4461-3.

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



January 22, 1999

3708-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

TO: WALTER E/JEANETTE A STOEBNER, RR 1 BOX 22, DELMONT, SD 57330

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 has not been submitted for Permit No(s) 3708-3 & 4461-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

3708-3

SENDER: - Complete items 1 and/or 2 for additional services. - Complete items 3, 4a, and 4b. - Print your name and address on the reverse of this form so that we can return this card to you. - Attach this form to the front of the mailpiece, 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): ☐ Addressee's Address ☐ Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: WALTER E/JEANETTE A STOEGBNER RR 1 BOX 22 DELMONT SD 57330		4a. Article Number P373080697	
5. Received By: (Print Name)		4b. Service Type ☐ Registered ☒ Certified ☐ Express Mail ☐ Insured ☐ Return Receipt for Merchandise ☐ COD	
6. Signature: (Addressee or Agent) <i>Walter E. StoeGBner</i>		7. Date of Delivery 1-23-99	
8. Addressee's Address (Only if requested and fee is paid)		Thank you for using Return Receipt Service.	
PS Form 3811, December 1994		102505 08-B-0229 Domestic Return Receipt	



3708-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1999

3708-3
4461-3

Walter & Jeanette Stoebner
40106 US Hwy 18
Delmont, SD 57330

Dear Mr. & Mrs. Stoebner:

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. 3708-3 and 4461-3.

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

If you have any questions, please contact me.

Sincerely,

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



February 6, 2001

3708-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3708-3
4461-3

Walter E & Jeanette A Stoebner
40106 US Hwy 18
Delmont, SD 57330

Dear Mr. & Mrs. Stoebner:

I am writing to obtain additional information from you concerning last year's irrigation questionnaires.

Enclosed are the irrigation questionnaires you submitted for Water Right Nos. 3708-3 & 4461-3. In order for us to calculate how much water was used from your particular water source, the last three columns on the back side of each of the questionnaires need to be completed. Please fill in the areas for "pump rate in gallons per minute", "days per month water was applied" and the "average hours per day."

Please complete and return the forms by February 28th. I am enclosing a postage paid envelope for your convenience in returning the forms. If you have any questions, please contact me.

Sincerely,

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

enclosures



3708-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5997

Your item was delivered at 7:09 am on January 21, 2003 in TRIPP, SD 57376. The item was signed for by T KONRAD.

[Request Delivery Record >](#)

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SIGNATURE CONFIRMATION NUMBER:

2301 0370 0000 7540 5997

THOMAS KONRAD, RENTER
28535 418TH AVE
TRIPP SD 57376

Postmark
Here

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www.usps.com
or call 1-800-222-1811

CHECK ONE (POSTAL USE ONLY)

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PS Form 153, February 2001

(See Reverse)



3708-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6000

Your item was delivered at 9:43 am on January 18, 2003 in DELMONT, SD 57330. The item was signed for by J STOEBNER.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
0000 0540 0000 7540 6000

WALTER & JEANETTE STOEBNER
40106 US HWY 18
DELMONT SD 57330

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)

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PS Form 103, February 2001

(See Reverse)



3708-3
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: THOMAS KONRAD, RENTER, 28535 418TH AVE, TRIPP, SD 57376

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaires

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

CC: WALTER & JEANETTE STOEBNER, 40106 US HWY 18, DELMONT, SD 57330

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 24, 2003

3708-3
4461-3

Thomas Konrad
28535 418th Ave
Tripp SD 57376

Dear Mr. Konrad:

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. 3708-3 and 4461-3.

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

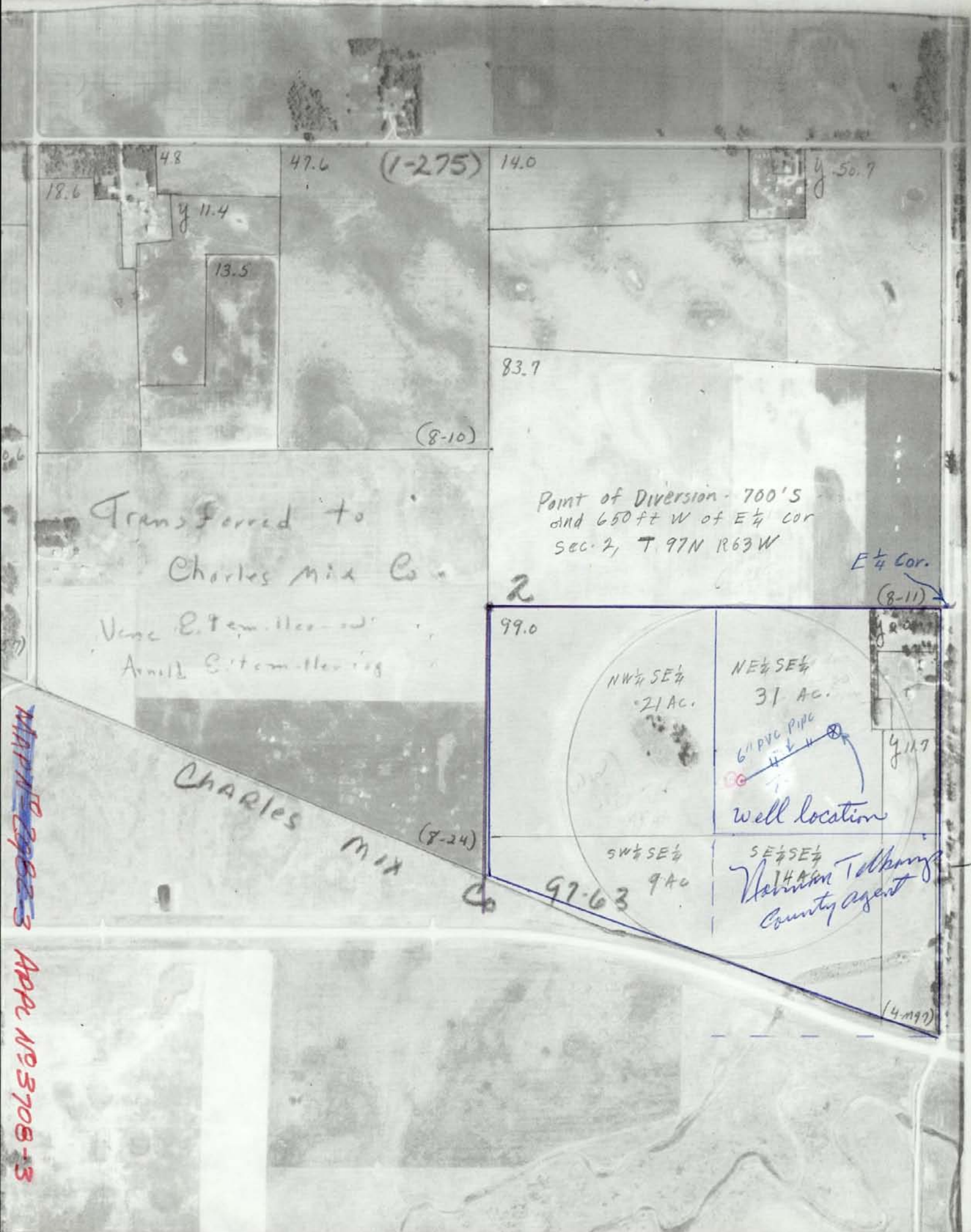
If you have any questions, please contact me.

Sincerely,

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

c: Walter & Jeanette Stoebner

1974 4-M113 Donald Schmidt swap



MAP 15 29623 APP. NO. 3708-3



3708-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

TO: THOMAS KONRAD, RENTER, 28535 418TH AVE, TRIPP, SD 57376

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 2, 2006, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 24, 2006**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

c: WALTER & JEANETTE STOEBCNER, 40106 US HWY 18, DELMONT, SD 57330

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



Track & Confirm

Current Status

You entered 2303 2160 0000 0799 5739

Your item was delivered at 9:46 am on January 25, 2006 in DELMONT, SD 57330. The item was signed for by W STOEBNER.

[Shipment Details >](#)

Notification Options

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Track & Confirm

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U.S. Postal Service™ Signature Confirmation™ Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0799 5739

WALTER & JEANETTE STOEBNER
40106 US HWY 18
DELMONT SD 57330

Waiver of Signature ☐ YES ☐ NO

Postmark
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POSTAL CUSTOMER:

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

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☐ First-Class Mail® parcel
☐ Package Services parcel

PS Form 153, May 2002

(See Reverse)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2006

3708-3
4461-3

Thomas Konrad
28535 418th Ave
Tripp SD 57376

Dear Mr. Konrad:

I am writing to acknowledge receipt of your 2005 irrigation questionnaires. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right Nos. 3708-3 and 4461-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Walter & Jeanette Stoeber



3708-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

TO: THOMAS KONRAD, RENTER, 28535 418TH AVE, TRIPP, SD 57376

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 has not been submitted for Permit No(s) 3708-3 & 4461-3. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
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>

c: WALTER & JEANETTE STOEBCNER, 40106 US HWY 18, DELMONT, SD 57330

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.

3708-3



January 29, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3708-3
4461-3

Robert Deboer
1327 E Havens
Mitchell SD 57301

Dear Mr. Deboer:

I am contacting you in regard to Water Right Nos. 3708-3 and 4461-3 currently listed in the name of Walter and Jeanette Stoebner.

Each year we mail out irrigation questionnaires to irrigators to gather information on the amount of water used during that specific crop year. Jeanette Stoebner has notified us that you rent the land from them and would have the information needed to complete the forms.

Enclosed are the irrigation questionnaires for 2006 for both water rights. The legal description of the land they pertain to is listed towards the bottom of each form. Please complete both forms and return them to our office by **February 28th**.

I have included a copy of the water rights to give you an idea of what is authorized for irrigation and I have also included a copy of a past irrigation questionnaire to give you an idea of how to complete the forms. The only two documents you will need to return are the yellow irrigation questionnaires. If you prefer, you can complete the questionnaires at the following web link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

Thank you in advance for your help and if I can answer any questions, please give me a call.

Sincerely,

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

enclosures

c: Jeanette Stoebner, 40106 US Hwy 18, Delmont SD 57330

3708-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 1, 2021

3708-3
4461-3

Loren Gregerson
39828 248th St
Mt Vernon SD 57363-5020

Dear Mr. Gregerson:

I am writing regarding Water Right Nos. 3708-3 and 4461-3 (copies enclosed). The water rights are listed in the name of Walter and Jeanette Stoebner.

Annual irrigation questionnaires have been going to Robert Deboer. He notified us last year that he would not be farming the land in 2021. The Douglas County Director of Equalization indicated the land is held under Stoebner Land LLC but directed us to your address.

If you are now the owner of the property, the water rights need to be transferred to reflect current ownership. Enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes. Please review and complete as needed. Upon completion, please sign and return the forms to our office with a required filing fee of \$50 each. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not own the land and I need to be contacting someone else, please let me know. You can give me a call and to discuss the water rights if you have questions. Thank you in advance.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

PAID
OCT 25 2021
Ck# 1351

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

RECEIVED
OCT 25 2021
WATER RIGHTS
PROGRAM

No. 3708-3

Date: 10-20-2021

I/We request that Water Right/Permit No. 3708-3

formerly owned by: Walter / Jeanette Stoebner

be transferred to: (name & address)

Stoebner LHP
39828 248th Street MT Vernon SD
57363 Telephone No. 770-6972

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

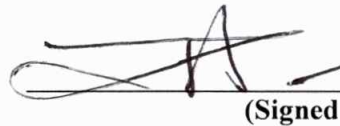
75 acres - SE 1/4 Section 2-T97N-R63W

I/We understand that the validity of Water Right/Permit No. 3708-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner. Please make checks payable to Water Rights Program.

I/We _____, the new owner, certify that the above information is true and correct.


(Signed by new owner)

Loren Gregerson, General Ptv.

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.

3708-3

RECEIPT

WATER RIGHTS PROGRAM
 South Dakota Department of Agriculture and Natural Resources

Date October 25, 2021RECEIVED OF Stoebner Lnad LLP 39828 248th Street Mt. Vernon SD 57363

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$_____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$_____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$_____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$_____
Fee for Filing Transfer Form <u>3708-3</u>	<u>\$50.00</u>
Fee for _____	\$_____
Fee for Issuing New Well Driller's License No. _____	\$_____
Fee for Renewal of Well Driller's License No. _____	\$_____
Fee for Issuing Well Pump Installer's License No. _____	\$_____
Fee for Renewal of Well Pump Installer's License No. _____	\$_____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
 Chief Engineer

vmFor: Stoebner LLP



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 1, 2021

3708-3
4461-3

Loren Gregerson
Stoebner LLP
39828 248th St
Mt Vernon SD 57363-5020

Dear Mr. Gregerson:

Thank you for sending in the transfer forms and filing fees for Water Right Nos. 3708-3 and 4461-3. The ownership changes have been completed. The water rights formerly held by Walter and Jeanette Stoebner are now listed under Stoebner LLP.

Enclosed are the 2021 irrigation questionnaires for the land described in the water rights. The land covered under each water right is listed towards the bottom of each form. Unfortunately, they cannot be submitted online since they were not transferred prior to the mailing. Please complete and return them to us by December 3rd. A postage paid envelope is enclosed for your convenience.

Also enclosed are your receipts for the filing fees you paid. If you have any questions, please give me a call.

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

TO: STOEGBNER LLP, LOREN GREGERSON, GENERAL PTR, 39828 248TH ST, MT VERNON,
SD 57363

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3708-3 & 4461-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

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

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

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



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

January 31, 2023

3708-3
4461-3

Loren Gregerson
Stoebner LLP
39828 248th St
Mt Vernon SD 57363

Dear Mr. Gregerson:

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

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 3708-3 and 4461-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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