

Water Right Number 4414-3

1. Considered MAY 24, 19 79
2. Name of Applicant DONALD E. SCHMIDT
3. Post Office Address WILLOW LAKE SD 4-113-57
4. Amount of water claimed 4.7 (11.4 ADD'L)
5. Source of water supply 70' WELL *(McKean's)*
1524-3
6. Water to be used for IRRIGATION *will cancel old permit*
- Acres to be irrigated 331
7. Water to be diverted and used in CLARK County
about 2W Miles of WILLOW LAKE
8. Proof of Publication Received ~~7-8~~ 6-8-79
- Not received _____
9. Application Approved 5-29-79
- Subject to W-F Cancell 1524-3
- Not approved _____
- Action deferred _____

10. Remarks:

3.3 Priority 1-23-68

1.1 "

Consent to cover 74 acres
after original permit

No. 4414-3Map No. 1109-3Water Division No. 3

James River

District

(blank 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 E. Schmidt
 Postoffice address Willow Lake, State South Dakota 57278
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) ~~2.07~~ 4.7 (1.4 ADDITIONAL CFS)
5. Source of water supply one well
6. Location of point of diversion 50 ft. N and 50 ft. W of the SE corner of Section 4, T113N, R57W
 _____ County Clark
7. Annual period or periods during which water is to be used April thru October
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 331

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.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4-T113N, R57W	4	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4-T113N, R57W	13	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T113N, R57W	39
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T113N, R57W	33
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4-T113N, R57W		SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T113N, R57W	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use none years. (In use)
Clark Courier
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

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

pump and motor

PERMIT COVERS 97 ACRES

NOT ON ORIGINAL PERMIT No. 1524-3.

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

8" and 10" PVC underground pipe

C. Works proposed to apply water to beneficial use.

two center pivots
two lines

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Clark)

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

Signed Donald E. SchmidtSubscribed and sworn to before me this 21 day of March 1979

Alene Thorsen
 Notary Public (or other qualified officer)

MY COMMISSION EXPIRES 6-2-84

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4414-3
DONALD E. SCHMIDT WILLOW LAKE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57278 With the following modifications.
 (State)

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.

The applicable portions of Permit No. 1524-3 have been incorporated into this Permit No. 4414-3 and Permit No. 1524-3 has been placed in a cancelled status.

Date of first receipt of application APRIL 2, 19 79
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application MAY 4, 19 79
 Approved MAY 24, 19 79, Recorded in Book 21 Page 25

WATER RIGHT PERMIT NO. 4414-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4414-3 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 3.3 FROM FEBRUARY 20, 1968
1.0 CES-APRIL 2, 19 79
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, 19 ____
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriate 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 4.7 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 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before THIS DATE; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12th day of JUNE, 19 79

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3', Depth 41'
 Type of casing steel
 (wood, concrete, steel, etc.)
 Size of casing 16", Thickness of casing 1/2"
 Length of casing 26'. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen 1/2" 20 mesh
 Size of perforated screen 16"
 (diameter) (length)
 Thickness of gravel pack 14", length of gravel pack 35'

(c) Water Bearing Materials

Distance to water 6' Character of water bearing materials sand and gravel

 Thickness of water bearing material 15'

(d) Pump and Motor

Type of pump Centrifugal Pump, 10 hp
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Beaumont, size 5" suction
 Kind of motor W 9, 117.5 hp
 (gasoline, electric, diesel, etc.)
 Horsepower 60, Name of Motor _____

(e) Complete well

Capacity 1500 at drawdown of 30 Estimated cost \$1300.00

(f) Owner of land upon which well is located

William L. S. S. S.
 Name
 Address

(g) Distance to nearest existing wells

On same owner's property 40 rods. On property owned by others 40 rods

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 110 Section 15 Township 113 Range 57Well owner Donald Schmidt William Rite S.D.
(Name) (Address)Date well drilling completed Spring 1976 Purpose of well Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Lays, top to top in feet	Description of layer	Depth to top of water producing aquifer
<u>0-2</u>	<u>Top Soil</u>	<u>30' 11"</u> ft.
<u>2-5</u>	<u>Sandy Clay</u>	Depth to static water level <u>18' 9"</u> ft.
<u>5-57 1/4</u>	<u>Sand & Gravel</u>	Name of producing aquifer (if known) <u>Sand & Gravel</u>
<u>57 1/4 - 48</u>	<u>Clay</u>	Total depth of drill hole <u>48</u> ft.
<u>48 -</u>	<u>Clay</u>	Depth to bottom of casing <u>48</u> ft.
		Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
		<u>0-33' 110" O.D. Steel Casing</u>
		Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		<u>33-48' 110" Johnson</u>
		<u>40' 110" Well</u>
		<u>Screen</u>
		If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Empire Irrigation Drilling Co. Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Jack Bank - Model 8" HP 600
Type of pump Turbine Capacity of installed pump 700 G.P.M.
Depth of pump placement 40 ft., Date of pump installation Spring 1976

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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



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

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Donald E. Schmitt OWNERS ADDRESS: Willow Lake, S.D.
COUNTY LAND LOCATED IN: Clay PHONE: 625-5522
TENANT'S NAME AND ADDRESS: (If Other Than Owner)

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

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

1. WELL LOCATION OR DIVERSION POINT: S.E. corner of SE 1/4 of Sec 4-113-57

2. SURFACE WATER SOURCE: well

3. LOCATION OF AREA TO BE IRRIGATED: See S.D. Map

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
None

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY ☐ TOWLINE ☐ CENTER PIVOT ☒ GUN ☐ OTHER (Specify) None

6. CROPS TO BE IRRIGATED: Potatoes & Corn & Alfalfa

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT. YEAR OBTAINED: None

LAND: Two plots in S.E. 1/4 of Sec 4-113-57 in process of receiving water permit to be used here.
IN WHAT NAME: Tracy Schmitt

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

8. SAMPLE NUMBER: 77-505

9. SALINITY (EC X 10⁶) 659

10. SODIUM (SAR) 0.30 ADJUSTED (SAR) 0.75

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 2:30 A.M. / P.M., on April 25, 1979, at the following location: S.E. corner of the S.E. 1/4 of Sec 4-113-57, by Donald E. Schmitt (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

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

SUBSCRIBED AND SWORN BEFORE ME THIS 26 DAY OF April, 1979.

Smith (Signature)
(NOTARY PUBLIC)

Comm. exp. 3-11-86

Donald E. Schmitt
APPLICANT'S SIGNATURE

Kurt L. Harner
Director, Division of Conservation

X APPROVED

RECEIVED

12/78

d

Approved

Legalizing his pivot system
In 4-113-57

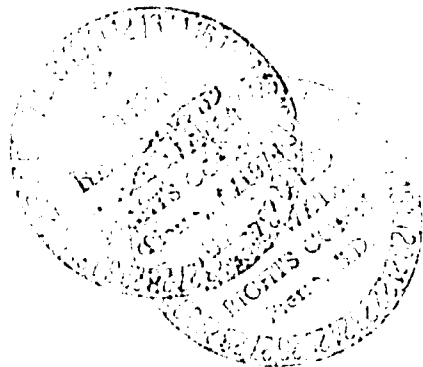
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

4414-3

NAME OF APPLICANT Donald E. Schmidt, Willow Lake, South DakotaSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

None

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than ----- times during the irrigation season.
 2. Each uninterrupted application (one rotation of center pivot) should be of at least ----- inches of water.
 3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
 4. ☐ Yes ☐ No Subsurface drainage suggested on water.
 5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
- COMMENTS:
6. ☐ Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application pivot.
- GENERAL COMMENTS:

Because the application is legalizing a pivot system, You have been using for a period of years, we are not recommending management.

Copy to applicant
Copy to Water Rights
Copy on File

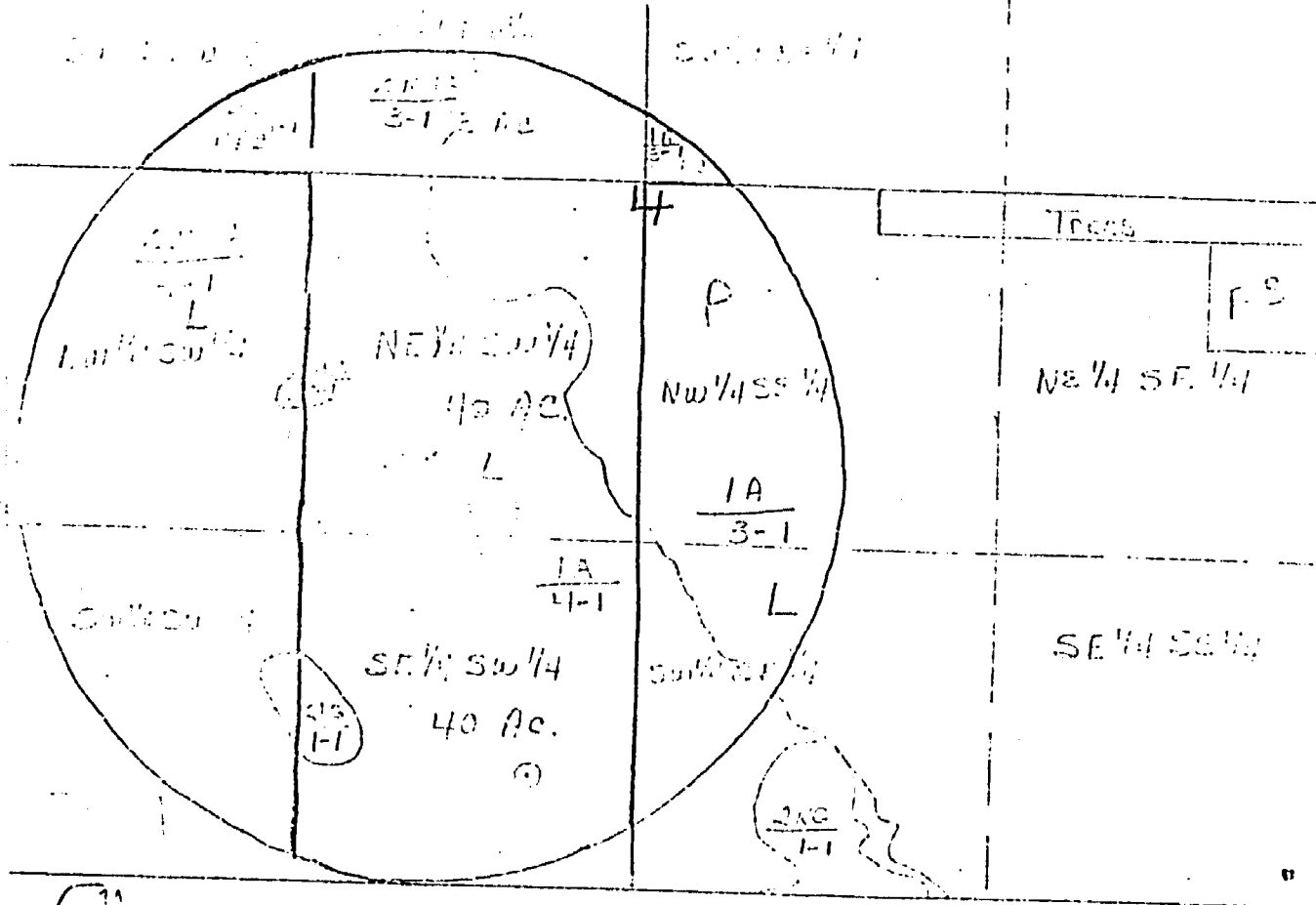
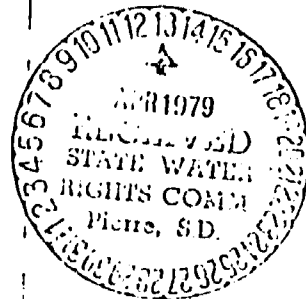
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62-

RECEIVED

APR 17 1979

South Dakota
Division of Conservation



- 1A
- 3-1
- 1A
- 4-1
- 2AC
- 3-1
- 4-1
- 2AC
- 1-1

FORMAN LOAM- Deep, loamy, well drained soils on gently undulating (2 to 6%) slopes. They have a moderate water erosion hazard.

TECHUKA SILT LOAM- Deep, loamy to clayey, poorly drained soils in depressions and on bottom lands. An intermittent water table, commonly nodding, and salinity severely restricts use.

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Donald L. Schmidt Date Rec'd April 25, 1979
 Address Willow Lake, SD 57278 Sample No. 79-202
 Identification Will-70
SE 1/4, Sec. 4, T. 113N, R. 57E

WATER ANALYSIS

Calcium (Ca)	104	ppm*	5.20	me/l**
Magnesium (Mg)	24	ppm	1.97	me/l
Sodium (Na)	13	ppm	0.57	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	87	ppm	1.81	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.24	me/l
Bicarbonate (HCO ₃)	283	ppm	4.64	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)	232	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	659	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.30	Adjusted SAR	0.70	
Sodium	7.30	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.10			
Others:				

*ppm==parts per million

**me/l==millequivalents per liter

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

COMMENTS: Total cations 7.82 me/l
 Total anions 6.69 me/l

By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-202

Amount Enclosed \$

Signed

No. 4414-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Clark County Courier

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

City _____ of Clark

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

May 10, 1979

May 17, 1979

Bert Moritz
(Signature)

Editor
(Title)

May 18, 1979
(Date Signed)



Notice of Hearing on Application
To Appropriate Water

Notice is hereby given that Donald E. Schmidt whose post office address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01.01:01 thru 52:01.01:13, for a permit to appropriate for beneficial use 4.7 (1.4 additional) cubic feet of water per second of time from groundwater (existing) (one well) through the Donald E. Schmidt Irri. Project #1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 4-T113N-R57W.

This Application No. 4414-3 will be considered by the Water Rights Commission at Howard Johnson's Motel, 2211 Lacrosse, Rapid City, SD 57701 upon the 24th day of May, 1979 at 10 a.m. The commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Water Rights Commission
Betty Westlund,
Water Rights Specialist
5-10-2t

No. 4414-3

Publish first publication, on or before May 10, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given that Donald E. Schmidt whose post office address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules AKSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.7 cubic feet of water per second of time from groundwater (one well) ^(1.4 additional) through the Donald E. Schmidt Irr. Project #1 the point(x) of diversion of which is (xxx) to be located in the SE 1/4 SE 1/4

of Section 4, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/4 NW 1/4; SW 1/4 NE 1/4; SW 1/4 and SE 1/4, Section 4-T113N-R57W.

This Application No. 4414-3 will be considered by the Water Rights Commission at Howard Johnson's Motel,
2211 Lucrosse, Rapid City, SD 57701 upon the 24th day of May, 1979

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

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WATER RIGHTS COMMISSION

BW:pjh

Betty Westlund,
Water Rights Specialist

cc: Donald E. Schmidt, Willow Lake, SD 57278

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6880

PIERRE, April 4, 1979

RECEIVED OF Donald E. Schmidt, Willow Lake SD 57278

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

Fee for Application for Permit to Appropriate Water No. 4415-3 (examination, processing, recording and filing)	225	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for 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	225	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw

1574-3 Small Redstart

8-24-78 Well Dep. 75 ft. Bl. 1/2" dia.

Pump 1200 gpm, 1200

C.P. Open on SE 1/4 120 ac

BJ Crop Wheel - 1500

length - 30 ft. 120 ac

Pro. low flow lines to Cor. Corner

from original system

Water 215 lbs. 170 H.P. 1770 RPM

Trd # C7884-00-247 C1005444

Pump Lagne Bowler Wichita

30 Ft. Ser # 2127777

BJ to Hydraulic down

Crop Wheel ser # 6 F1150/13A

Cover all 240 ac on 1/2" dia. low flow lines

old system May add corner system to SE 1/4

September 12, 1978

Donald E. Schmidt
Willow Lake, SD 57278

Dear Mr. Schmidt:

On August 8, 1978 I made the final inspection of your irrigation permit No. 1524-3. The inspection indicated that you were irrigating additional land not approved under permit No. 1524-3. Therefore, it will be necessary for you to submit an application for the additional land you are presently irrigating in order to comply with the South Dakota water laws.

Enclosed you will find a completed application form for all of the land you now have under irrigation. Will you please check over the completed form and make the necessary corrections and return it to this office with a check for \$225.00 to cover the cost of the application. The fee is based on the 97 acres that are not covered under Permit No. 1524-3.

In order to simplify your permits, we will cancel permit No. 1524-3 and include it under the new application. However, you will retain your priority date of February 20, 1968 for that portion of Permit No. 1524-3 that is included in the new application. It will not be necessary for each land owner to submit a permit, this new application is all that will be necessary. In the event the land changes hands, the permit stays with the land.

You will note that the new application calls for 2.6' cfs which is the capacity of the pump. Enclosed is an overlay map of an aerial map that shows what you are actually irrigating. It will not be necessary for you to submit a new map.

If you have any further questions, please feel free to contact this office.

Sincerely,

LeROY J. MERNAUGH
Water Resources Engineer

LJM/gy

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

April 4, 1979

Donald E. Schmidt
Willow Lake SD 57278

Dear Mr. Schmidt:

Your application dated March 21, 1979, for a permit to appropriate water from groundwater through the Donald Schmidt Irrigation project was received April 4, 1979.

We have not, as of this date received Soil/Water Compatibility (WI #1) approval for the additional lands to be irrigated from the State Conservation Commission.

When this information is received further processing of your application will proceed.

TO MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or to have the above information submitted to this office.

Your Receipt No. 4 6380 in the amount of \$ 225.00 is on file with your application.

Sincerely,

Karen Wernsmann
Secretary III

kjw

*4-18-79
needs to send
to water rights div.
to permit to file
have WA approval
in the field.
see to notify*



Department of Water & Natural Resources

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

April 15, 1985

Donald Schmidt
SR Box 16
Willow Lake SD 57278

NOTICE

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

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

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

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

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

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

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

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

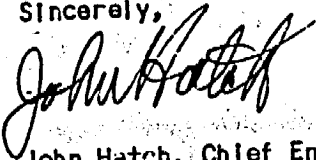
Donald Schmidt
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

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

A40408KS.wr



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

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

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 2696-3, & 4414-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2696-3, & 4414-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2696-3, & 4414-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2696-3, & 4414-3 to add the following qualification:

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

State of South Dakota
Water License No. 4414-3

(1) Donald E Schmidt
of SR, Box 6, Willow Lake SD 57278
made Application No. 4414-3, April 2, 1979 for a water permit to appropriate
4.7 cubic feet per second of water from groundwater (one well),
Clark County, South Dakota for irrigation purposes.
Permit No. 4414-3, with a priority date of *February 20, 1968 & April 2, 1979
was approved May 21, 1979 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ _____ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed _____.

*Water Permit No. 1524-3 with a priority date of February 20, 1968 was incorporated
into Water Permit No. 4414-3 at the time No. 4414-3 was approved. The lands that
retain the February 20, 1968 priority date are described in #3 of this License.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.44 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 50 feet N and 50 feet W of the SE
Corner of Section 4, T113N, R57W (DD)

and

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

Section 4 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.2 acres (BC)	*NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.1 acres (DB)
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.7 " (BD)	*NE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 " (DA)
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.7 " (AC)	*SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 " (DC)
*NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.5 " (CB)	*SE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 " (DD)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 " (CA)	TOTAL 284.8 acres
*SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.6 " (CC)	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 " (CD)	

* W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4 - priority: February 20, 1968

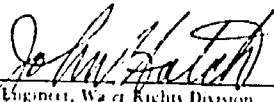
remaining acreage - priority: April 2, 1979

(4) Pursuant to §46-5-30.1 Donald E Schmidt

of SR, Box 16, Willow Lake SD 57278

the holder(s) and/or owner(s) of Water Permit No. 4414-3 is issued a license to appropriate water, the right to use 2.44 cubic feet per second of water from groundwater (one well) with a priority date of February 20, 1968 & April 2, 1979 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water permit No. 4414-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 1 1986

LICENSE FOR PERMIT NUMBER 4414-3

1. Legal location of wells: 50 ft N and 50 ft W of the SE corner
of sec. 4 - T113N - R57W

dams & structures: _____

2. Well Information: Well Drilling Firm Empire Irrig. Drilling Co. Inc.

No. of wells 1 Depth 71 ft

Casing a) diameter 16 in.

b) length 31 ft

c) type Fiberglass

Pump a) make Verti-line

b) ~~SN~~ 212 777

c) size _____

d) capacity _____ GPM

e) turbine pump
no. of stages _____

Screen a) type Fiberglass

b) length 40 ft

Static Water Level 14 ft

Motor a) make U.S. Electrical

b) ~~Serial~~ 2288 4-00-269
C1005449

c) horsepower rating 100

d) motor efficiency rating _____

3. Distribution lines:

a) size of lines 8 in. 10 in.

b) type PVC PVC

c) length 2050 ft 1750 ft.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

- i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sizeroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

- b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinkler: _____

4) nozzle size _____

operate one system at a time

5. System Type: c) center pivot

Olson 1) make BJM crop wheel
7 2) number of towers 15
3) distance between towers _____
1300 ft 4) overall length 1590 ft
5) End gun (Y/N) _____
high 6) high or low pressure high
7) make & size of nozzles Rainbird
Rainbird 8) PSI reading while system is
running 85
90 psi 9) GPM 1100

g) Gun

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

d) Gate Pipe

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

e) Siphons

1) number _____
2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

/ _____

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

/ _____

2. Special Qualifications to permit being abided by.

/ _____

3. All Structures, wells and lands on map.

REMARKS:

NOTICE OF WELL CONSTRUCTION

WELL CONSTRUCTION

Location of well: 1/4 SE 1/4 Section 4 Township 113 Range 57

Well owner Don Schmidt Willow Lake
(Name) (Address)

Date well drilling completed 5-10-77 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

Layers, top to top is foot	Description of layer
0-2	Topsoil
2-4	gravel & sand
4-17	yellow gravel
17-69	coarse gravel
69-71	blue clay

Casing information in the space below shall include, size, weight, length per diameter, etc., for production casing and surface casing, if used.

Screen information in the space below show length of screen column bottom of casing, diameter and kind of screen or casing perforations.

If flowing well, flow of completed well _____ B.P.M.

Attach sheet if more space is needed

PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____', Date of pump installation _____

On some wells on air-tight water surface measuring tube is required: See Section 46.408 of Chapter 48.4, MINNESOTA WELL CONSTRUCTION STANDARDS.

Figure 17. Aerial map of the study area.



Big Sioux Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Donald E.Schmidt of Willow Lake, SD 57278 holder ofPermit No. 4414-3 bearing the priority of * February 20 1968the diversion of 3.3 cu. ft. per second of the waters of groundwater (Vermillion East Fork Willow Lake) for irrigation purposes, in Clark County.

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

A. Works used to divert the water:
 motor: U.S. Electrical pump: Vertiline
 S.N. C2884-00-269 S.N. 212777
 C1005449
 100hp.

B. Works used to transport water to place of use:
 pipeline: size - 8in 10in
 type - PVC PVC.
 length - 2050ft 1750ft

C. Works used to apply water to beneficial use:

center pivots (2): make - Olson BTM crop wheel

of towers - 7 15
 length - 1300ft 1590ft
 pressure - high high
 nozzles - Rainbird Rainbird
 PSI - 70 85
 GPM - 1100

Operate only 1 pivot at a time

The system is in the following condition goodThe point of diversion is located well: 50ft N and 50ft W of the SE corner of
sec. 4 - T113N - R57W (S 1/4 SE 1/4)The works are capable of diverting and conveying to the place of use 2.44
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

Acres		Acres		Acres	
SW 1/4 NW 1/4	sec 4 - T113N - R57W 4.2	NE 1/4 SW 1/4	sec 4 - T113N - R57W 40.0	NE 1/4 SE 1/4	sec 4 - T113N - R57W 29.0
SE 1/4 NW 1/4	16.1	SW 1/4 SW 1/4	22.6	SW 1/4 SE 1/4	35.0
SW 1/4 NE 1/4	2.7	SE 1/4 SW 1/4	38.0	SE 1/4 SE 1/4	29.0
NW 1/4 SW 1/4	29.5	NW 1/4 SE 1/4	38.1		

comprising a total of 284.8 acres of land and the license should be issued for 2.44 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Nov. 2, 1984

* W 1/2 SW 1/4, SE 1/4, sec 4. (183.2 ac) → Priority Feb 20, 1968

Remaining acreage (101.6 ac) → Priority Apr. 2, 1977

Ron Duvall
(signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4658-3
4414-3
2696-3A

January 23, 1985

Donald Schmidt
Rural Route
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

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

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

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

Sincerely,

Maxine Stirling
Staff Assistant

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

SECOND NOTICE

July 8, 1985

Permits No. 2696-3A, 4414-3 and 4658-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Donald Schmidt
RR
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

January 23, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 2696-3A, 4414-3 and 4658-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-15(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

\$500.00

A705171S.wr

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440875

Pierre, March 24, 1986, 19

RECEIVED OF Donald L. Schudt, SR, Box 16, Willow Lake, SD 57278

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4414-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatchaps
Chief Engineer JOHN HATCHAPS

SOUTH Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 4414-3

DEC 1 1986

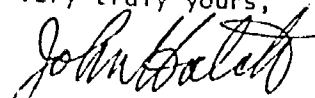
Donald E Schmidt
SR Box 16
Willow Lake SD 57276

Dear Mr. Schmidt:

Enclosed herewith is, Water License No. 4414-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

WNR-817 3/83
Transmittal of Water License



Department of Water & Natural Resources

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

January 29, 1988

DONALD SCHMIDT
SR BOX 16
WILLOW LAKE, SD 57278

NOTICE

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

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

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

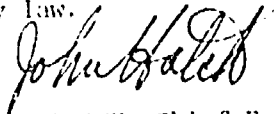
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

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

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


JOHN HATCH, Chief Engineer
Water Rights Division
605 773 3352

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



Department of Water & Natural Resources

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

February 9, 1988

4658-3
4414-3
2696-3A

Donald Schmidt
SR Box 16
Willow Lake SD 57278

Dear Mr. Schmidt:

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

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

Very truly yours,

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

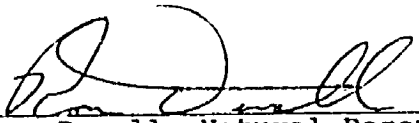
Name: Anonymous

Date: August 2, 1991

Subj: Alleged contamination of Vermillion East For: Willow Lake
aquifer.

The individual calling was concerned that an irrigation pump may have shut down (double 220 voltage) due to a lightning strike while the chemical pump (110 voltage) remained running resulting in contamination of the aquifer. The type of chemical being applied is not known, but the individual suspects the chemical may have been Lorsban. This occurred approximately two weeks ago.

The individual has requested that the Water Rights Division inspect the equipment used by Harland Haug and Donald E Schmidt to ensure the proper chemigation equipment is in place. This person also indicated that garbage is being dumped into a gravel pit located 5 miles south and 1/4 mile west of Willow Lake. The gravel pit may be in direct connection with the aquifer.



Ron Duvall, Natural Resources Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Don Schmidt'sADDRESS: Willow Lake SD COUNTY ClarkDATE: 8/5/1991 TELEPHONE _____RE: Complaint inspection

COMMENTS:

Inspected Mr. Don Schmidt's irrigation systems on Section 4 and 15 - 113-59 (Permit 4414-3 + 2696-3A).

Section 17-114-58 (Permit 4658-3) he said he doesn't use chemicals on and its not set up for it. It hasn't been used this year - no crop in the field. I did not look at this one.

Section 4 + 15 contain the chemigation equipment. Had him run his pumps + pivots and then shut the system ~~down~~ down with the pivot. Everything stopped at the same time.

He wanted to know who was complaining and I told him Kingsbury Rural Water System was worried about their aquifer being contaminated ~~the~~ by chemicals. Mr. Schmidt said he hadn't used chemicals only fertilizers.

Told him to put a hose 20' long on the drain away from the well.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Norma C. Bob



January 29, 1993

4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

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

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

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

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

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

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

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

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

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



4414-3

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

February 4, 1997

NOTICE

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

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

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

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 1997

2696-3A

4414-3

4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

January 9, 1998

NOTICE

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1998

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



January 22, 1999

4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



44/4-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1999

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2000

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2001

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
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: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2003

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3

**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 14, 2004

NOTICE

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

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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

4414-3



Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9616

Your item was delivered at 9:23 am on January 15, 2004 in WILLOW LAKE, SD 57278. The item was signed for by D SCHMIDT.

[Shipment Details >](#)

Notification Options

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DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278 9515

Waiver of Signature ☐ YES ☐ NO

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PS Form 153, July 2001

(See Reverse)

2/2/2004



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

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

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

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

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

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

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

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

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

3451-3 Martin Bertrand 48342 W Authier Rd Jefferson SD 57038	2366-3 Wayne W Brown 48113 SD 48 Akron IA 51001	2463-3 Jack & Gale Coleman 41247 SD Hwy 37 Springfield SD 57062-6324
3332-3 John W Collins RFD 148 Aurora SD 57002	6165-3 Alex and Ann Falk 1301 N 4 th St Aberdeen SD 57401	3198A-3 J V Kenneally PO Box 50 Raymond SD 57258-0050
2480A-3 Dennis H & Jackie McDowell 227 W Lakeshore Dr Carrollton GA 30117	1723-2 Tim Palmer HC 2 Box 19A Martin SD 57551	921-1 Wendelyn Richter RR 2 Box 198 Whitewood SD 57793
1080-2 Larry Schell Schell Ranch 22955 Jensen Rd Wall SD 57790	2696-3A, 4414-3, 4658-3 Donald Schmidt HCR 3 Box 16 Willow Lake SD 57278-9515	6073-3 Dirk Byers Six Mile Creek Golf Course PO Box 93 White SD 57267-0093
470A-1 & 1554-1 Stanley Wood 18950 137 th Ave Newell SD 57750	4528-3, 4535-3 Dwight Brenner 28-53 397 th Ave Armour SD 57313	4528-3, 4535-3 Elsie Sanders 3366 Midway Ave Grant Pass OR 97527
4528-3, 4535-3 Jerry Peacock 2032 Central Blvd Rapid City SD 57702	932-2 Wayne Sanderson PO Box 306 Murdo SD 57559-0306	2464-3 John R Talsma 41125 Bottom Rd Springfield SD 57062
5353-3 Michael A Koslowski 13329 443 rd Ave Waubay SD 57273	5552-3 Robert V Kellen Kellen & Streit Inc. 30662 SW Jim River Rd Yankton SD 57078-6018	1362-2, 1363-2 & 1365-2 Oakley Eide RR 2 Box 26 Burke SD 57523

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 2004

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

Dear Mr. Schmidt:

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

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

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

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

Sincerely,

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

File No. 2696-3A

4414-3 ✓

4658-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

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

DATE: March 29, 2004

TELEPHONE:

RE: Suspended water rights

COMMENTS:

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

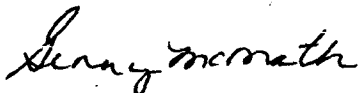
I explained they would need to be scheduled for hearing and the Board would need to consider reinstating them by rescinding the suspensions. He requested that we go ahead and schedule them for hearing because he needs to be able to irrigate.

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

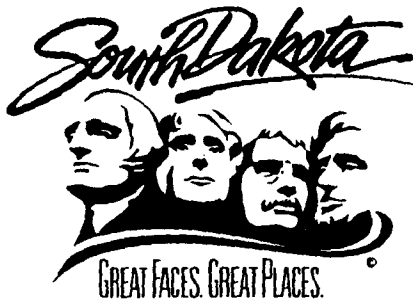
I told him I would go ahead and schedule the hearing and send him notification of the time, date and place.

RECOMMENDED ACTION:

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



Genny McMath
Environmental Scientist



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2004

NOTICE

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

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

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

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

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water rights, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

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

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

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

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

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

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

Diane Best, Assistant Attorney General, Capitol Building



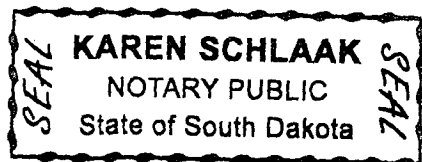
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



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

BRIEF DESCRIPTION:

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

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

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

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

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

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

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

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

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



Genny McMath
Water Rights Program
March 31 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 2004

NOTICE

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

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

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

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

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

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

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

c: Diane Best, Assistant Attorney General

CERTIFICATION

4414-3

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

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

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

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

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

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

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

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

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

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

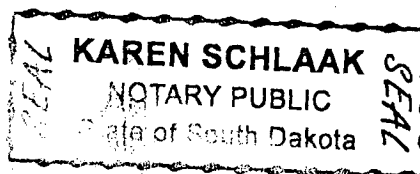
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

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

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Water Right Nos. 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, Water Rights Staff will be recommending to the Board that your water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4414-3
**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 31, 2005

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

13.8

10.3

140.5

3.6

29.1

20.3

19.1

4

4.0

233.7

66.5

8" in
PVC

379-219L

10" in
PVC

113-57

72.2

Ron Duvall
Water Resources Eng

11/2/84

82.5

24.7

w/r 4414-3

Donald E Schmidt
Section 4, T113N R57W
Clark County

N
4

Map by J. J. Mearns
overlay of 8" Aerial map

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 Ac

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 13 Ac.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 2 Ac.

Trees out

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac.

FS
out

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 39 A.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac

C.P.

8" PVC Pipe

C.P.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac.

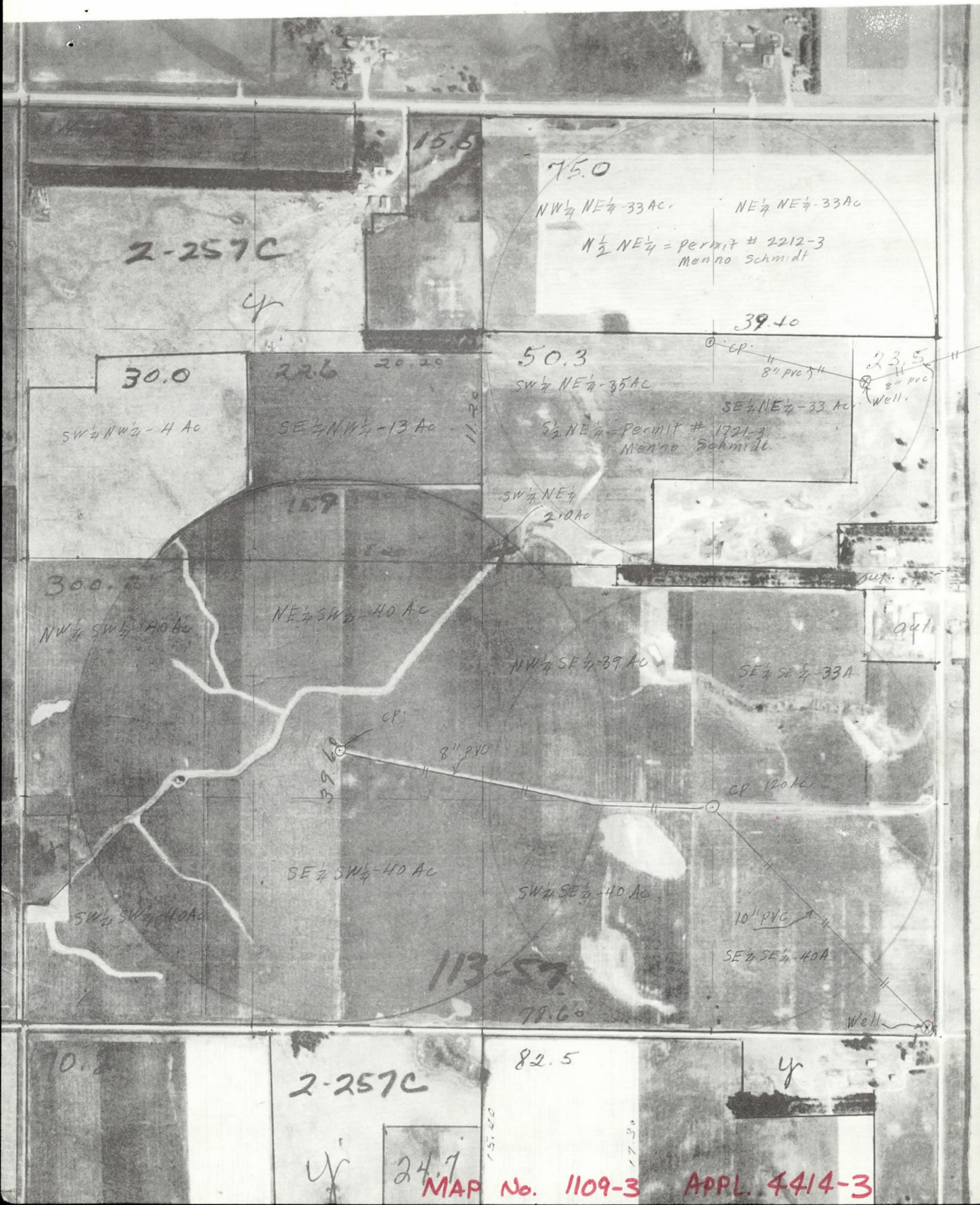
10" PVC Pipe

Well

Well location = 50' N & 50' W of SE corner
of Section 4, T113N R57W

MAP No. 1109-3 (APPL. 4414-3)

Don Schmidt Appl. # 1524-3





4414-3
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: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will be recommending to the Board that the above water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2007

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

Water Right Number 4414-3

1. Considered MAY 24, 19 79
2. Name of Applicant DONALD E. SCHMIDT
3. Post Office Address WILLOW LAKE SD 4-113-57
4. Amount of water claimed 4.7 (11.4 ADD'L)
5. Source of water supply 70' WELL *(McKean's)*
1524-3
will cancel old permit
6. Water to be used for IRRIGATION
- Acres to be irrigated 331
7. Water to be diverted and used in CLARK County
about 2W Miles of WILLOW LAKE
8. Proof of Publication Received ~~7/1~~ 6-8-79
Not received _____
9. Application Approved 5-29-79
Subject to W-F Cancell 1524-3
Not approved _____
Action deferred _____

10. Remarks:

3.3 Priority 1-23-68

1.4 "

Permit to cover 74 acres
after original permit

No. 4414-3Map No. 1109-3Water Division No. 3

James River

District

(blank 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 E. Schmidt
 Postoffice address Willow Lake, State South Dakota 57278
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) _____
3. Name of diversion work _____
4. Amount of water claimed (cubic feet per second) ~~2.07~~ 4.7 (1.4 ADDITIONAL CFS)
5. Source of water supply one well
6. Location of point of diversion 50 ft. N and 50 ft. W of the SE corner of Section 4, T113N, R57W
 _____ County Clark
7. Annual period or periods during which water is to be used April thru October
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 331

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.
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4-T113N, R57W	4	NW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 4-T113N, R57W	13	SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T113N, R57W	39
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 4-T113N, R57W	40	NE $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T113N, R57W	33
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 4-T113N, R57W		SW $\frac{1}{4}$ SE $\frac{1}{4}$ 4-T113N, R57W	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system completed years. Additional time required to complete application of water to the proposed beneficial use none years. (In use)
Clark Courier
11. Choice of newspaper for Notice of Intent to Appropriate Water publication _____
12. Principal Features of the Proposed Water Supply System.

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

pump and motor

PERMIT COVERS 97 ACRES

NOT ON ORIGINAL PERMIT No. 1524-3.

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

8" and 10" PVC underground pipe

C. Works proposed to apply water to beneficial use.

two center pivots
two lines

Estimated Total Cost \$ _____

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

STATE OF SOUTH DAKOTA)

County of Clark)

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

Signed Donald E. SchmidtSubscribed and sworn to before me this 21 day of March 1979

Alene Thorsen
 Notary Public (or other qualified officer)

MY COMMISSION EXPIRES 6-2-84

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4414-3
DONALD E. SCHMIDT WILLOW LAKE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57278 With the following modifications.
 (State)

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.

The applicable portions of Permit No. 1524-3 have been incorporated into this Permit No. 4414-3 and Permit No. 1524-3 has been placed in a cancelled status.

Date of first receipt of application APRIL 2, 19 79
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application MAY 4, 19 79
 Approved MAY 24, 19 79, Recorded in Book 21 Page 25

WATER RIGHT PERMIT NO. 4414-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4414-3 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 3.3 FROM FEBRUARY 20, 1968
I.E. CES-APRIL 2, 19 79
2. The equivalent of at least one-fifth of the work above specified is ~~to be~~ completed ~~on or before~~ _____, 19 ____
3. The whole of said work is ~~to be~~ completed ~~on or before~~ _____, 19 ____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED
5. The water appropriate 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 4.7 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 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before THIS DATE; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 12th day of JUNE, 19 79

WATER RIGHTS COMMISSION

By:

John H. H. H.
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 3', Depth 41'
 Type of casing steel
 (wood, concrete, steel, etc.)
 Size of casing 16", Thickness of casing 1/2"
 Length of casing 26'. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen 1/2" mesh
 Size of perforated screen 16"
 (diameter) (length)
 Thickness of gravel pack 14", length of gravel pack 35'

(c) Water Bearing Materials

Distance to water 6' Character of water bearing materials sand and gravel
sand and gravel
 Thickness of water bearing material 15'

(d) Pump and Motor

Type of pump Centrifugal Pump, 10 HP
 (centrifugal, propeller, mixed flow, etc.)
 Name of pump Beaumont, size 5" suction
 Kind of motor W 9, 117.5 HP
 (gasoline, electric, diesel, etc.)
 Horsepower 60, Name of Motor _____

(e) Complete well

Capacity 1500 at drawdown of 30 Estimated cost \$1300.00

(f) Owner of land upon which well is located

Name William L. S. S. S.
 Address _____

(g) Distance to nearest existing wells

On same owner's property 40 rods. On property owned by others 40 rods

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of wall: _____ 1/4 _____ 1/4 011 Section 15 Township 113 Range 57

Well owner Donald Schmidt Williamette, OR
(Name) (Address)

Date well drilling completed 4/15/76 Purpose of well Domestic
(domestic, irrigation, municipal, industrial, other)

WELL LOG

[illegible]

Attach sheet if more space is needed

Empire Drilling & Drilling Co. Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Jack Bank - Model 2" HP 600
Type of pump Jack Bank Capacity of installed pump 700 G.P.M.
Depth of pump placement 40 ft., Date of pump installation Spring 1976

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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



Empire Drilling
Name of Pump Installation Contractor

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Donald E. Schmitt OWNERS ADDRESS: Willow Lake, S.D.
COUNTY LAND LOCATED IN: Clay PHONE: 625-5527
TENANT'S NAME AND ADDRESS: (If Other Than Owner)

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

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

1. WELL LOCATION OR DIVERSION POINT: S.E. corner of SE 1/4 of Sec 4-113-57

2. SURFACE WATER SOURCE: well

3. LOCATION OF AREA TO BE IRRIGATED: See S.D. Map

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
None. Above acreage was not included in original application in 1966.

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY ☐ TOWLINE ☐ CENTER PIVOT ☒ GUN ☒ OTHER (Specify) None

6. CROPS TO BE IRRIGATED: Potatoes & Corn & Alfalfa

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT. YEAR OBTAINED: None

LAND: Two plots in S.E. 1/4 of Sec 4-113-57 in process of receiving water permit to be used here.
IN WHAT NAME: Tracy Schmitt

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

8. SAMPLE NUMBER: 77-505

9. SALINITY (EC X 10⁶) 659

10. SODIUM (SAR) 0.30

ADJUSTED (SAR) 0.75

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 2:30 A.M. / P.M., on April 25, 1979, at the following location: S.E. corner of the S.E. 1/4 of Sec 4-113-57, by Donald E. Schmitt (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

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

SUBSCRIBED AND SWORN BEFORE ME THIS 26 DAY OF April, 1979.

Smith (Signature)
(NOTARY PUBLIC)

Comm. exp. 3-11-86

Donald E. Schmitt
APPLICANT'S SIGNATURE

Kurt L. Harner
Director, Division of Conservation

X APPROVED

DISAPPROVED

REC-MGMT/FORM
12/78
d

Approved
Legalizing his pivot system
In 4-113-57

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

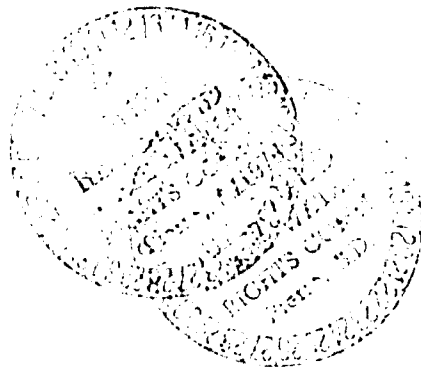
4414-3

NAME OF APPLICANT Donald E. Schmidt, Willow Lake, South Dakota

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

None



RECOMMENDED MANAGEMENT:

1. Water should not be applied more than ----- times during the irrigation season.
 2. Each uninterrupted application (one rotation of center pivot) should be of at least ----- inches of water.
 3. ☒ Yes ☐ No Surface drainage suggested on any area that tends to pond
 4. ☐ Yes ☐ No Subsurface drainage suggested on water.
 5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils.
- COMMENTS:
6. ☐ Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application pivot.

GENERAL COMMENTS:

Because the application is legalizing a pivot system, You have been using for a period of years, we are not recommending management.

Copy to applicant
Copy to Water Rights
Copy on File

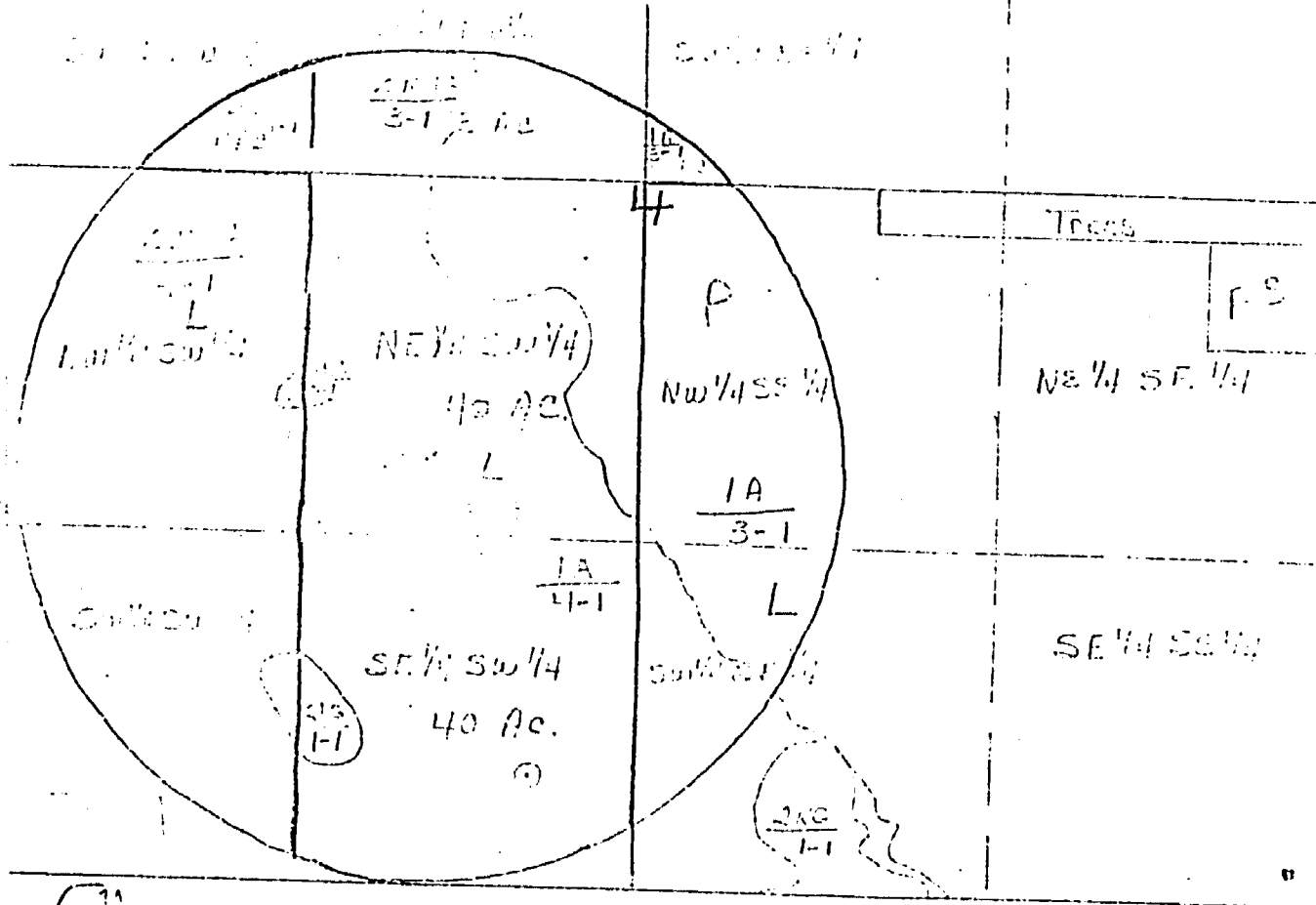
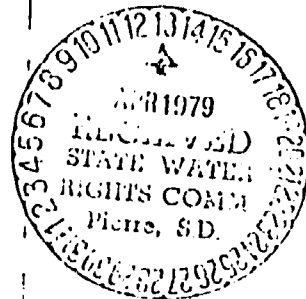
127

62-

RECEIVED

APR 17 1979

South Dakota
Division of Conservation



- 1A
- 3-1
- 1A
- 4-1
- 2AC
- 3-1
- 4-1
- 2AC
- 1-1

FORMAN LOAM- Deep, loamy, well drained soils on gently undulating (2 to 6%) slopes. They have a moderate water erosion hazard.

TECHUKA SILT LOAM- Deep, loamy to clayey, poorly drained soils in depressions and on bottom lands. An intermittent water table, commonly nodding, and salinity severely restricts use.

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by: Donald L. Schmidt Date Rec'd April 25, 1979
 Address Willow Lake, SD 57278 Sample No. 79-202
 Identification Will-70
SE 1/4, Sec. 4, T. 113N, R. 57E

WATER ANALYSIS

Calcium (Ca)	104	ppm*	5.20	me/l**
Magnesium (Mg)	24	ppm	1.97	me/l
Sodium (Na)	13	ppm	0.57	me/l
Potassium (K)	3	ppm	0.08	me/l
Sulfate (SO ₄)	87	ppm	1.81	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.24	me/l
Bicarbonate (HCO ₃)	283	ppm	4.64	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)	232	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	659	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.30	Adjusted SAR	0.70	
Sodium	7.30	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.10			
Others:				

*ppm==parts per million

**me/l==millequivalents per liter

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

COMMENTS: Total cations 7.82 me/l
 Total anions 6.69 me/l

By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-202

Amount Enclosed \$

Signed

No. 4414-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Clark County Courier

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

City _____ of Clark

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

May 10, 1979

May 17, 1979

Bert Moritz
(Signature)

Editor
(Title)

May 18, 1979
(Date Signed)



Notice of Hearing on Application
To Appropriate Water

Notice is hereby given that Donald E. Schmidt whose post office address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01.01:01 thru 52:01.01:13, for a permit to appropriate for beneficial use 4.7 (1.4 additional) cubic feet of water per second of time from groundwater (existing) (one well) through the Donald E. Schmidt Irr. Project #1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land: S $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NE $\frac{1}{4}$; SW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 4-T113N-R57W.

This Application No. 4414-3 will be considered by the Water Rights Commission at Howard Johnson's Motel, 2211 Lacrosse, Rapid City, SD 57701 upon the 24th day of May, 1979 at 10 a.m. The commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

Water Rights Commission
Betty Westlund,
Water Rights Specialist
5-10-2t

No. 4414-3

Publish first publication, on or before May 10, 1979

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 4, 1979

Notice is hereby given that Donald E. Schmidt whose post office address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules AKSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 4.7 cubic feet of water per second of time from groundwater (one well) (1.4 additional) through the Donald E. Schmidt Irr. Project #1 the point(x) of diversion of which is (xxx) to be located in the SE 1/4 SE 1/4

of Section 4, Twp. 113N, Range 57W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

S 1/4 NW 1/4; SW 1/4 NE 1/4; SW 1/4 and SE 1/4, Section 4-T113N-R57W.

This Application No. 4414-3 will be considered by the Water Rights Commission at Howard Johnson's Motel, upon the 24th day of May, 1979
2211 Lucrosse, Rapid City, SD 57701

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

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the Courts as provided by law.

WATER RIGHTS COMMISSION

BW:pjh

Betty Westlund,
Water Rights Specialist

cc: Donald E. Schmidt, Willow Lake, SD 57278

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 6880

PIERRE, April 4, 1979

RECEIVED OF Donald E. Schmidt, Willow Lake SD 57278

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

Fee for Application for Permit to Appropriate Water No. 4415-3 (examination, processing, recording and filing)	225	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for 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	225	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kjw

1574-3 Small Redstart

8-24-78 Well Dep. 75 ft. Bl. 1/2" diam.

Pump 1200 gpm, 1200

C.P. Open on 515 120 ac

BJ Crop Wheel - 1500

length - 30 ft. 120 ac

Pro. low flow lines to Cor. Corner

from original system

Water 215 lbs. 170 H.P. 1770 RPM

TD# C7884-00-247 C1005444

Pump Lagne Bowler Wichita

30 Ft. Ser # 2127777

BJ is Hydraulic down

Crop Wheel ser # 6 F1150/13A

Cover all 240 ac on 1/2" low flow line from

old system May add corner system to 515 ft

September 12, 1978

Donald E. Schmidt
Willow Lake, SD 57278

Dear Mr. Schmidt:

On August 8, 1978 I made the final inspection of your irrigation permit No. 1524-3. The inspection indicated that you were irrigating additional land not approved under permit No. 1524-3. Therefore, it will be necessary for you to submit an application for the additional land you are presently irrigating in order to comply with the South Dakota water laws.

Enclosed you will find a completed application form for all of the land you now have under irrigation. Will you please check over the completed form and make the necessary corrections and return it to this office with a check for \$225.00 to cover the cost of the application. The fee is based on the 97 acres that are not covered under Permit No. 1524-3.

In order to simplify your permits, we will cancel permit No. 1524-3 and include it under the new application. However, you will retain your priority date of February 20, 1968 for that portion of Permit No. 1524-3 that is included in the new application. It will not be necessary for each land owner to submit a permit, this new application is all that will be necessary. In the event the land changes hands, the permit stays with the land.

You will note that the new application calls for 2.6' cfs which is the capacity of the pump. Enclosed is an overlay map of an aerial map that shows what you are actually irrigating. It will not be necessary for you to submit a new map.

If you have any further questions, please feel free to contact this office.

Sincerely,

LeROY J. MERNAUGH
Water Resources Engineer

LJM/gy

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

April 4, 1979

Donald E. Schmidt
Willow Lake SD 57278

Dear Mr. Schmidt:

Your application dated March 21, 1979, for a permit to appropriate water from groundwater through the Donald Schmidt Irrigation project was received April 4, 1979.

We have not, as of this date received Soil/Water Compatibility (WI #1) approval for the additional lands to be irrigated from the State Conservation Commission.

When this information is received further processing of your application will proceed.

TO MAINTAIN YOUR PRIORITY DATE ON YOUR APPLICATION FOR PERMIT TO APPROPRIATE WATER, in accordance with SDCL 46-5-16, you will now have SIXTY DAYS from the date of this letter to correct your application and/or to have the above information submitted to this office.

Your Receipt No. 4 6380 in the amount of \$ 225.00 is on file with your application.

Sincerely,

Karen Wernsmann
Secretary III

kjw

*4-18-79
needs to send
to water rights div.
to permit to file
have WA approval
in the field.
see to notify*



Department of Water & Natural Resources

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

April 15, 1985

Donald Schmidt
SR Box 16
Willow Lake SD 57278

NOTICE

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

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

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

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

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

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

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

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

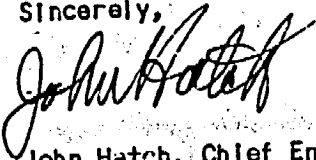
Donald Schmidt
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

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

A40408KS.wr



Department of Water & Natural Resources

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

June 12, 1985

Notice of Amendment to Water Permit(s)

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

FROM: John Hatch, Chief Engineer
Water Rights Division 773-3352

SUBJECT: Amendment to Water Permit No(s). 2696-3, & 4414-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2696-3, & 4414-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required Irrigation questionnaire in the future could result in suspension of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.



Department of Water & Natural Resources

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

Attachment to Water Permit No(s). 2696-3, & 4414-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 2696-3, & 4414-3 to add the following qualification:

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

State of South Dakota
Water License No. 4414-3

(1) Donald E Schmidt
of SR, Box 6, Willow Lake SD 57278
made Application No. 4414-3, April 2, 1979 for a water permit to appropriate
4.7 cubic feet per second of water from groundwater (one well),
Clark County, South Dakota for irrigation purposes.
Permit No. 4414-3, with a priority date of *February 20, 1968 & April 2, 1979
was approved May 21, 1979 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be completed on or before~~ _____ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed _____.

*Water Permit No. 1524-3 with a priority date of February 20, 1968 was incorporated
into Water Permit No. 4414-3 at the time No. 4414-3 was approved. The lands that
retain the February 20, 1968 priority date are described in #3 of this License.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.44 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 50 feet N and 50 feet W of the SE
Corner of Section 4, T113N, R57W (DD)

and

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

Section 4 SW $\frac{1}{4}$ NW $\frac{1}{4}$ 4.2 acres (BC)	*NW $\frac{1}{4}$ SE $\frac{1}{4}$ 38.1 acres (DB)
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 16.7 " (BD)	*NE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 " (DA)
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 2.7 " (AC)	*SW $\frac{1}{4}$ SE $\frac{1}{4}$ 35.0 " (DC)
*NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29.5 " (CB)	*SE $\frac{1}{4}$ SE $\frac{1}{4}$ 29.0 " (DD)
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 40.0 " (CA)	TOTAL 284.8 acres
*SW $\frac{1}{4}$ SW $\frac{1}{4}$ 22.6 " (CC)	
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 38.0 " (CD)	

* W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 4 - priority: February 20, 1968

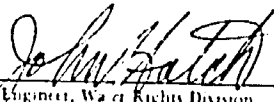
remaining acreage - priority: April 2, 1979

(4) Pursuant to §46-5-30.1 Donald E Schmidt

of SR, Box 16, Willow Lake SD 57278

the holder(s) and/or owner(s) of Water Permit No. 4414-3 is issued a license to appropriate water, the right to use 2.44 cubic feet per second of water from groundwater (one well) with a priority date of February 20, 1968 & April 2, 1979 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water permit No. 4414-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

DEC 1 1986

LICENSE FOR PERMIT NUMBER 4414-3

1. Legal location of wells: 50 ft N and 50 ft W of the SE corner
of sec. 4 - T113N - R57W

dams & structures: _____

2. Well Information: Well Drilling Firm Empire Irrig. Drilling Co. Inc.

No. of wells 1 Depth 71 ft

Casing a) diameter 16 in.

b) length 31 ft

c) type Fiberglass

Pump a) make Verti-line

b) ~~SN~~ 212 777

c) size _____

d) capacity _____ GPM

e) turbine pump
no. of stages _____

Screen a) type Fiberglass

b) length 40 ft

Static Water Level 14 ft

Motor a) make U.S. Electrical

b) ~~Serial~~ 2288 4-00-269
C1005449

c) horsepower rating 100

d) motor efficiency rating _____

3. Distribution lines:

a) size of lines 8 in. 10 in.

b) type PVC PVC

c) length 2050 ft 1750 ft.

4. Dam information:

a) height to crest _____

b) height to spillway _____

c) crest width _____

d) crest length _____

e) spillway length _____

f) spillway width _____

g) approx. storage _____

h) Distribution lines or canals:

1) size _____

2) type _____

3) length _____

- i) Outlet tubes:

1) diameter _____

2) type _____

3) valued (Y/N) _____

4) valve type _____

5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

- b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinkler: _____

4) nozzle size _____

operate one system at a time

5. System Type: c) center pivot

Olson 1) make BJM crop wheel
7 2) number of towers 15
3) distance between towers _____
1300 ft 4) overall length 1590 ft
5) End gun (Y/N) _____
high 6) high or low pressure high
7) make & size of nozzles Rainbird
Rainbird 8) PSI reading while system is
running 85
90 psi 9) GPM 1100

g) Gun

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

d) Gate Pipe

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

e) Siphons

1) number _____
2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

/ _____

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

/ _____

2. Special Qualifications to permit being abided by.

/ _____

3. All Structures, wells and lands on map.

REMARKS:

4414-3

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 SE 1/4 Section 4 Township 113 Range 57
 Well owner Don Schmidt Willow Lake
 (Name) (Address)
 Date well drilling completed 5-10-77 Purpose of well irrigation
 (domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing casing _____ ft.
<u>0-2</u>	<u>Topsoil</u>	Depth to static water level <u>14</u> ft.
<u>2-4</u>	<u>gravel & sand</u>	Name of producing casing (if known) _____
<u>4-17</u>	<u>yellow gravel</u>	Total depth of drill hole <u>71</u> ft.
<u>17-69</u>	<u>coarse gravel</u>	Depth to bottom of casing _____ ft.
<u>69-71</u>	<u>blue clay</u>	
		Casing information in the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
		<u>31 fiberglass 16" plain</u>
		Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
		<u>40' fiberglass .030 16"</u>
		If a flowing well, flow or completed well _____ G.P.M.
		<u>Empire Drilling & Construction Co.</u> Name of Drilling Contractor

Attach sheet if more space is needed

(2) PUMP INSTALLATION

Company name and size of pump _____ HP
 Type of pump _____ Capacity of installed pump _____ G.P.M.
 Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINNESOTA WELL CONSTRUCTION STANDARDS.

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

Name of Area Inspection Coordinator



Big Sioux Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Donald E.Schmidt of Willow Lake, SD 57278 holder ofPermit No. 4414-3 bearing the priority of * February 20 1968the diversion of 3.3 cu. ft. per second of the waters of groundwater (Vermillion East Fork Willow Lake) for irrigation purposes, in Clark County.

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

A. Works used to divert the water:

motor: U.S. Electrical pump: Vertiline
S.N. C2884-00-269 S.N. 212777
C1005449
100hp.center pivots (2): make - Olson BTM crop wheel# of towers - 7 15length - 1300ft 1590ftpressure - high highnozzles - Rainbird RainbirdPSI - 70 85GPM - 1100

Operate only 1 pivot at a time

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

pipeline: size - 8in 10intype - PVC PVClength - 2050ft 1750ft

C. Works used to apply water to beneficial use:

The system is in the following condition goodThe point of diversion is located well: 50ft N and 50ft W of the SE corner of
sec. 4 - T113N - R57W (S $\frac{1}{4}$ SE $\frac{1}{4}$)The works are capable of diverting and conveying to the place of use 2.44cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:

	Acres		Acres		Acres
SW $\frac{1}{4}$ & NW $\frac{1}{4}$ sec 4 - T113N - R57W	4.2	NE $\frac{1}{4}$ SW $\frac{1}{4}$ sec 4 - T113N - R57W	40.0	NE $\frac{1}{4}$ SE $\frac{1}{4}$ sec 4 - T113N - R57W	29.0
SE $\frac{1}{4}$ NW $\frac{1}{4}$	16.1	SW $\frac{1}{4}$ SW $\frac{1}{4}$	22.6	SW $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
SW $\frac{1}{4}$ NE $\frac{1}{4}$	2.7	SE $\frac{1}{4}$ SW $\frac{1}{4}$	38.0	SE $\frac{1}{4}$ SE $\frac{1}{4}$	29.0
NW $\frac{1}{4}$ SW $\frac{1}{4}$	29.5	NW $\frac{1}{4}$ SE $\frac{1}{4}$	38.1		

comprising a total of 284.8 acres of land and the license should be issued for 2.44 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Nov. 2, 1984* W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, sec 4. (183.2 ac) $\rightarrow$ Priority Feb 20, 1968Remaining acreage (101.6 ac) $\rightarrow$ Priority Apr. 2, 1977Ron Duvall
(signature)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4658-3
4414-3
2696-3A

January 23, 1985

Donald Schmidt
Rural Route
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

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

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

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

Sincerely,

Maxine Stirling
Staff Assistant

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

SECOND NOTICE

July 8, 1985

Permits No. 2696-3A, 4414-3 and 4658-3

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Donald Schmidt
RR
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

January 23, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 2696-3A, 4414-3 and 4658-3 can be issued. As of this date, the fee has not been received.

The fee is a final step in the legal process of obtaining and perfecting a water right and is required by SDCL 46-2-15(3). Upon receipt of the \$50.00 fee, your Water License will be sent to you. This is the final document for the perfection of your Water Right. A perfected water right is similar to a property right and once a water right is perfected, it cannot be lost as long as the water is used.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
Phone: (605) 773-3352

\$500.00

A705171S.wr

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

440875

Pierre, March 24, 1986, 19

RECEIVED OF Donald L. Schudt, SR, Box 16, Willow Lake, SD 57278

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4414-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH/PS



Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 4414-3

Department of Water & Natural Resources

DEC 1 1986

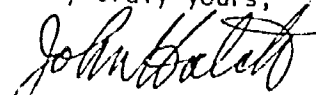
Donald E Schmidt
SR Box 16
Willow Lake SD 57276

Dear Mr. Schmidt:

Enclosed herewith is, Water License No. 4414-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

WNR-817 3/83
Transmittal of Water License



Department of Water & Natural Resources

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

January 29, 1988

DONALD SCHMIDT
SR BOX 16
WILLOW LAKE, SD 57278

NOTICE

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

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

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

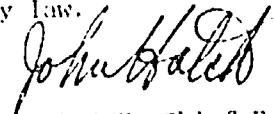
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

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

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

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


JOHN HATCH, Chief Engineer
Water Rights Division
605 773 3352

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



Department of Water & Natural Resources

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

February 9, 1988

4658-3
4414-3
2696-3A

Donald Schmidt
SR Box 16
Willow Lake SD 57278

Dear Mr. Schmidt:

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

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

Very truly yours,

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

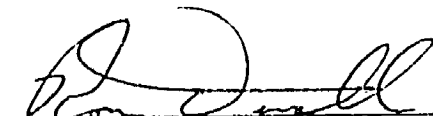
Name: Anonymous

Date: August 2, 1991

Subj: Alleged contamination of Vermillion East For: Willow Lake
aquifer.

The individual calling was concerned that an irrigation pump may have shut down (double 220 voltage) due to a lightning strike while the chemical pump (110 voltage) remained running resulting in contamination of the aquifer. The type of chemical being applied is not known, but the individual suspects the chemical may have been Lorsban. This occurred approximately two weeks ago.

The individual has requested that the Water Rights Division inspect the equipment used by Harland Haug and Donald E Schmidt to ensure the proper chemigation equipment is in place. This person also indicated that garbage is being dumped into a gravel pit located 5 miles south and 1/4 mile west of Willow Lake. The gravel pit may be in direct connection with the aquifer.



Ron Duvall, Natural Resources Engineer

Conversation or File Documentation

NAME OF PERSON OR FILE: Don Schmidt'sADDRESS: Willow Lake SD COUNTY ClarkDATE: 8/5/1991 TELEPHONE _____RE: Complaint inspection

COMMENTS:

Inspected Mr. Don Schmidt's irrigation systems on Section 4 and 15 - 113-59 (Permit 4414-3 + 2696-3A).

Section 17-114-58 (Permit 4658-3) he said he doesn't use chemicals on and its not set up for it. It hasn't been used this year - no crop in the field. I did not look at this one.

Section 4 + 15 contain the chemigation equipment. Had him run his pumps + pivots and then shut the system ~~down~~ down with the pivot. Everything stopped at the same time.

He wanted to know who was complaining and I told him Kingsbury Rural Water System was worried about their aquifer being contaminated ~~the~~ by chemicals. Mr. Schmidt said he hadn't used chemicals only fertilizers.

Told him to put a hose 20' long on the drain away from the well.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Norma C. Bob



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

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

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

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

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

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

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

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

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

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



4414-3

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

February 4, 1997

NOTICE

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

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

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

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 1997

2696-3A

4414-3

4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

January 9, 1998

NOTICE

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1998

2696-3A
4414-3
4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

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

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



44/4-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1999

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 28, 2000

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 19, 2001

NOTICE

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2001

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
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: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2003

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3

**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 14, 2004

NOTICE

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

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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

4414-3



Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9616

Your item was delivered at 9:23 am on January 15, 2004 in WILLOW LAKE, SD 57278. The item was signed for by D SCHMIDT.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9616

DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278 9515

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

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☐ Package Services

PS Form 153, July 2001

(See Reverse)

2/2/2004



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

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

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

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

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

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

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

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

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

3451-3 Martin Bertrand 48342 W Authier Rd Jefferson SD 57038	2366-3 Wayne W Brown 48113 SD 48 Akron IA 51001	2453-3 Jack & Gale Coleman 41247 SD Hwy 37 Springfield SD 57062-6324
3332-3 John W Collins RFD 148 Aurora SD 57002	6165-3 Alex and Ann Falk 1301 N 4 th St Aberdeen SD 57401	3198A-3 J V Kenneally PO Box 50 Raymond SD 57258-0050
2480A-3 Dennis H & Jackie McDowell 227 W Lakeshore Dr Carrollton GA 30117	1723-2 Tim Palmer HC 2 Box 19A Martin SD 57551	921-1 Wendelyn Richter RR 2 Box 198 Whitewood SD 57793
1080-2 Larry Schell Schell Ranch 22955 Jensen Rd Wall SD 57790	2696-3A, 4414-3, 4658-3 Donald Schmidt HCR 3 Box 16 Willow Lake SD 57278-9515	6073-3 Dirk Byers Six Mile Creek Golf Course PO Box 93 White SD 57267-0093
470A-1 & 1554-1 Stanley Wood 18950 137 th Ave Newell SD 57750	4528-3, 4535-3 Dwight Brenner 28-53 397 th Ave Armour SD 57313	4528-3, 4535-3 Elsie Sanders 3366 Midway Ave Grant Pass OR 97527
4528-3, 4535-3 Jerry Peacock 2032 Central Blvd Rapid City SD 57702	932-2 Wayne Sanderson PO Box 306 Murdo SD 57559-0306	2464-3 John R Talsma 41125 Bottom Rd Springfield SD 57062
5353-3 Michael A Koslowski 13329 443 rd Ave Waubay SD 57273	5552-3 Robert V Kellen Kellen & Streit Inc. 30662 SW Jim River Rd Yankton SD 57078-6018	1362-2, 1363-2 & 1365-2 Oakley Eide RR 2 Box 26 Burke SD 57523

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 2004

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

Dear Mr. Schmidt:

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

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

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

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

Sincerely,

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

File No. 2696-3A

4414-3 ✓

4658-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

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

DATE: March 29, 2004

TELEPHONE:

RE: Suspended water rights

COMMENTS:

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

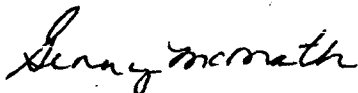
I explained they would need to be scheduled for hearing and the Board would need to consider reinstating them by rescinding the suspensions. He requested that we go ahead and schedule them for hearing because he needs to be able to irrigate.

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

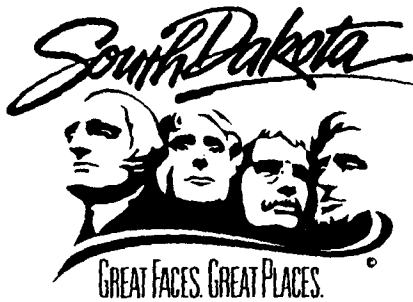
I told him I would go ahead and schedule the hearing and send him notification of the time, date and place.

RECOMMENDED ACTION:

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



Genny McMath
Environmental Scientist



4414-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 29, 2004

NOTICE

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

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

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

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

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

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water rights, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

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

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

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

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

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

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

Diane Best, Assistant Attorney General, Capitol Building



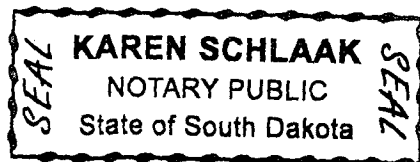
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



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

BRIEF DESCRIPTION:

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

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

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

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

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

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

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

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

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



Genny McMath
Water Rights Program
March 31 2004



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 14, 2004

NOTICE

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

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

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

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

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

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

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

c: Diane Best, Assistant Attorney General

CERTIFICATION

4414-3

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

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

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

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

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

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

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

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

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

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

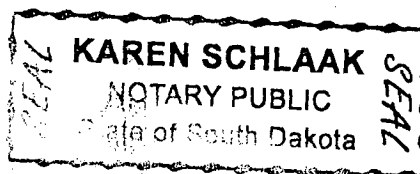
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

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

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Water Right Nos. 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, Water Rights Staff will be recommending to the Board that your water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **February 25, 2005**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4414-3
**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 31, 2005

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

NOT TO SCALE

13.8

10.3

140.5

3.6

29.1

20.3

19.1

4

4.0

233.7

66.5

8" in
PVC

379-219L

10" in
PVC

113-57

72.2

Ron Duvall
Water Resources Eng

11/2/84

82.5

24.7

w/r 4414-3

Donald E Schmidt
Section 4, T113N R57W
Clark County

N
4

Map by J. J. Mearns
overlay of 8" Aerial map

SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 4 Ac

SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 13 Ac.

SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 2 Ac.

Trees out

NW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac

NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac.

FS
out

NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 39 A.

NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 33 Ac

C.P.

8" PVC Pipe

C.P.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac

SW $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac

SE $\frac{1}{4}$ SW $\frac{1}{4}$ - 40 Ac

SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac.

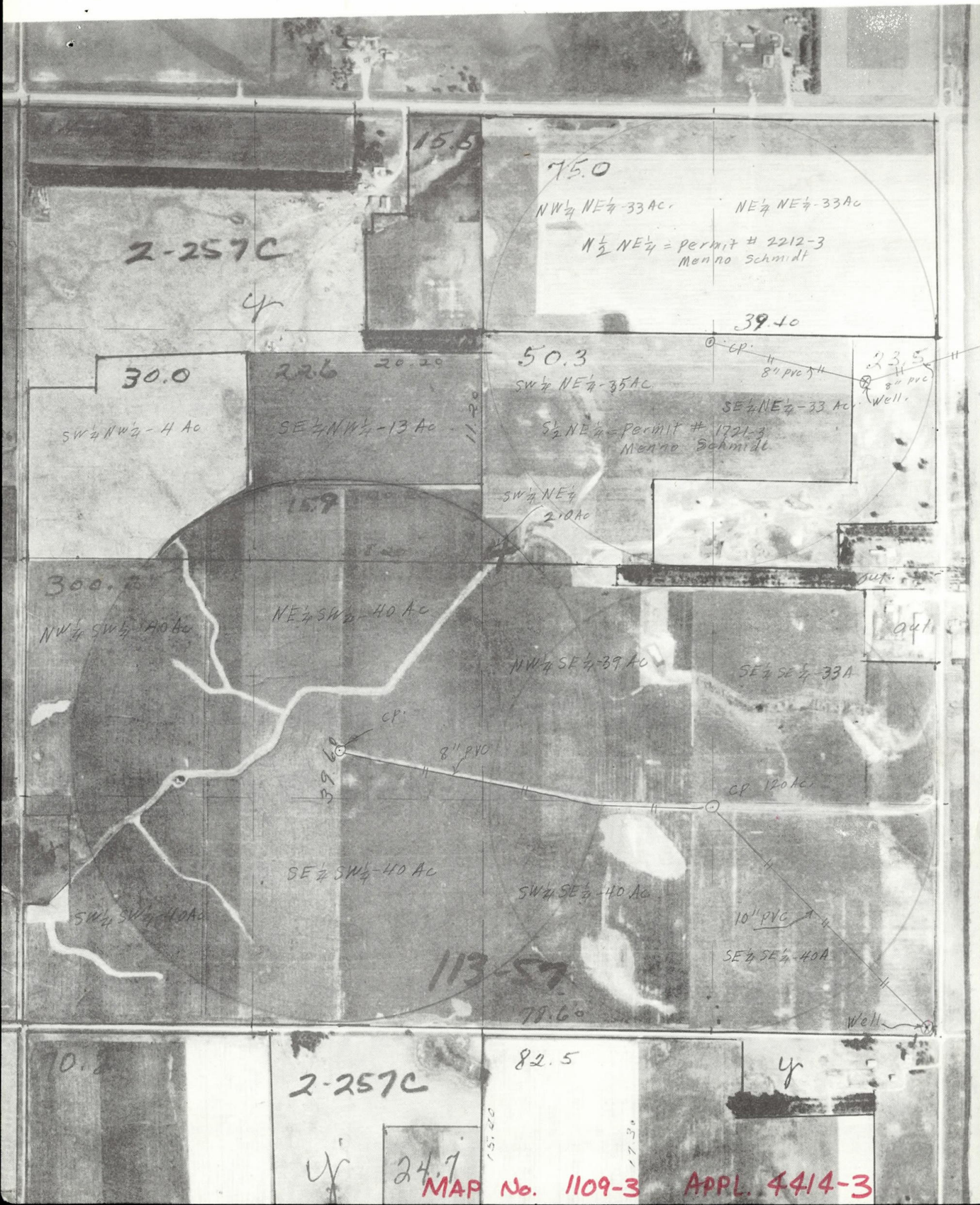
10" PVC Pipe

Well

Well location = 50' N & 50' W of SE corner
of Section 4, T113N R57W

MAP No. 1109-3 (APPL. 4414-3)

Don Schmidt Appl. # 1524-3





4414-3
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: DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278 9515

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Staff will be recommending to the Board that the above water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:
<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 2007

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

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

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that the water right be suspended for three years;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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

4414-3

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FOIA

Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 7378

DONALD SCHMIDT
19053 427th AVE
WILLOW LAKE SD 57278 6205

Waiver of Signature ☐ YES ☐ NO

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2009

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 2010

NOTICE

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

SUBJECT: Reporting Requirement for 2009 Irrigation Questionnaire(s)

Our records indicate that the 2009 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 16, 2009. The Water Management Board has directed that owners of water permits who have not submitted the 2009 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 qualification:

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

The hearing will be held at **10:00 am, March 10, 2010** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12. **Due to a past violation, the Water Rights staff will recommend that Nos. 2696-3A & 4414-3 be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

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

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

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- Sorting Complete, January 23, 2010, 7:34 am, WILLOW LAKE, SD 57278
- Arrival at Post Office, January 23, 2010, 6:49 am, WILLOW LAKE, SD 57278

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Washington, DC 20262SIGNATURE CONFIRMATION NUMBER:
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DONALD SCHMIDT
19053 427th AVE
WILLOW LAKE SD 57278 6205

Waiver of Signature ☐ YES ☐ NOPostmark
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March 11, 2010

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHTS

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

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

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

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

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

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

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

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

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

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

One Year Suspension:

Three Year Suspension:

Cancellation:

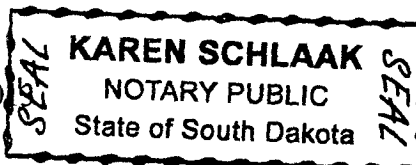
Amendment:


Gail Jacobson
Secretary
Water Rights

[illegible]

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

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 9, 2010

2696-3A
4414-3

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

Dear Mr. Schmidt:

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Garland Erbele".

Garland Erbele, Chief Engineer
Water Rights Program



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

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

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

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 qualification:

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

The hearing will be held at **10:00 am, March 9, 2011** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12; **Based on past violations, the staff will be recommending to the Board that both water rights be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



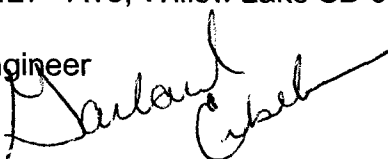
4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2011

NOTICE OF THREE YEAR SUSPENSION

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

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

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

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

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

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

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

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

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

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

CERTIFICATION

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

One year suspension:

No. 592-1

Zearl Drum, PO Box 203, Faith SD 57626

Nos. 5222-3 and 6874-3

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

No. 3937-3

Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231

No. 5257-3

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

Nos. 6426-3 & 6507-3

Terrill Wheeler, 16645 416th Ave, Raymond SD 57258

Three Year Suspension

No. 1080-2

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

Nos. 2696-3A & 4414-3

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

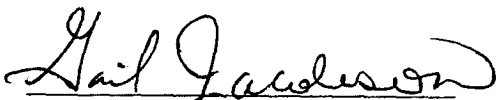
Cancellation

Nos. 1473-2 & 1502-2

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

No. 5124-3

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



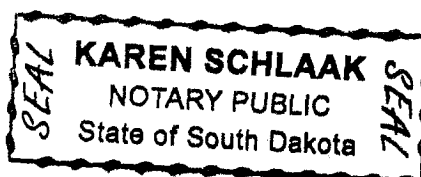
Gail Jacobson
Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



Karen Schlaak
Notary Public
My Commission expires April 1, 2013





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 21, 2011

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278 6205

Dear Mr. Schmidt:

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

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2012

NOTICE

TO: DONALD SCHMIDT, 19053 427th AVE, WILLOW LAKE, SD 57278 6205
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program
SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 qualification:

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

The hearing will be held at **10:00 am, March 7, 2012** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, the Water Rights Program will be recommending that both water rights be suspended for three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 2, 2012**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 27, 2012

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278 6205

Dear Mr. Schmidt:

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

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A and 4414-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



4414-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

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

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A & 4414-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A & 4414-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2696-3A & 4414-3 in accordance with applicable provisions of SDCL 46-1-12; **based on a past violation, Water Rights Staff will be recommending to the Board that Water Right Nos. 2696-3A & 4414-3 be suspended for a period of three years.**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



4414-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 8, 2013

NOTICE OF THREE YEAR SUSPENSION OF WATER RIGHTS

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

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

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

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

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

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

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

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

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

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

CERTIFICATION

I hereby certify that on March 8, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 8, 2013 regarding cancellations addressed as stated below:

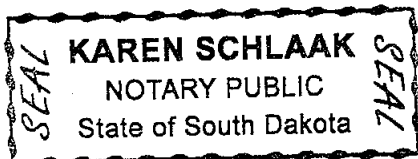
Edward Patrick Henry, PO Box 11, White Clay NE 69365 #672-2
Richard Will, 1104 Vista Dr, Milbank SD 57252 #4084A-3
Lane Tekrony, 47840 180th St, Clear Lake SD 57226 #2954-3
Jeff & Jeril Kessel, 2114 Mustang Lane, Spearfish SD 57783 # 508A-1
Robert Hattum, 21744 W Bend Rd, Harrold SD 57536 #6168-3
Cabbage Patch Ranch, Pete Reinert, 19153 Vista Pl, Howes SD 57748 #'s 1921-1 & 1922-1
Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231 #3937-3
Duane Rogers, 13575 383rd Ave, Aberdeen SD 57401 #2943-3
Donald Schmidt, 19053 427th Ave, Willow Lake SD 57278 #'s 2696-3A & 4414-3
Bruce Weyrich, 20080 145th Ave, Sturgis SD 57785 #996-1
Burnell & Helen Gaskins, 821 Fox Run Rd, #124, Rapid City SD 57701 #953-1
Samuel & Angela Fousek, 29972 396th Ave, Wagner SD 57380 #2323A-3
Brink Bros, Todd Brink, 5825 7th Ave SW, Watertown SD 57201 #2717-3A


Gail Jacobson
Secretary/Water Rights

[illegible]

Sworn to, before me, this 8th day of March, 2013.

Karen Schlaak
Karen Schlaak
Notary Public
My Commission expires April 1, 2013



4414-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2013

2696-3A
4414-3

Donald Schmidt
19053 427th Ave
Willow Lake SD 57278 6205

Dear Mr. Schmidt:

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

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

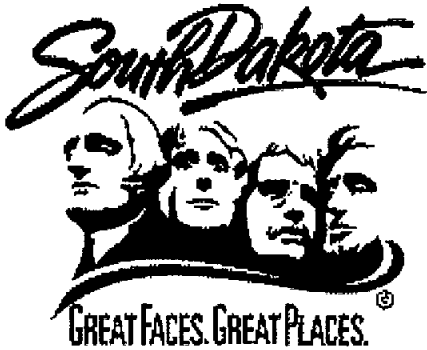
If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

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

Garland Erbele, Chief Engineer
Water Rights Program

4414-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 2014

2696-3A
4414-3

Helen Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Mrs. Schmidt:

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

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

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

Sincerely,

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

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 10 2014

WATER RIGHTS
PROGRAM

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

Water Right/Permit No. 4414-3Date: January 23, 2014I/We request that Water Right/Permit No. 4414-3 formerly owned by:Donald Schmidt be transferred to:New Owner Name: Mary J. SchmidtAddress: 19053 427th Ave.City, State, Zip Willow Lake SD 57278 Telephone No. 605-201-9230

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

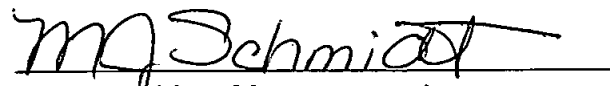
284.8 acres, SW Quarter, SE Quarter, South 1/2 of NW Quarter and SW of Northeast Quarter

☒ I understand that the validity of Water Right/Permit No. 4414-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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

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

I, Mary J. Schmidt, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2014

2696-3A
4414-3

Helen M Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Ms. Schmidt:

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

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

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

Sincerely,

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

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

4414-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 17, 2014

2696-3A
4414-3

Helen M Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Ms. Schmidt:

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

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

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

Sincerely,

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

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

CADWELL SANFORD DEIBERT & GARRY LLP
LAWYERS

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

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

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

RECEIVED

MAY 27 2014

WATER RIGHTS
PROGRAM
Telephone
(605) 336-0828

Telecopier
(605) 336-6036

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

* Also admitted in Iowa
† Also admitted in Minnesota

May 22, 2014

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

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

Dear Genny:

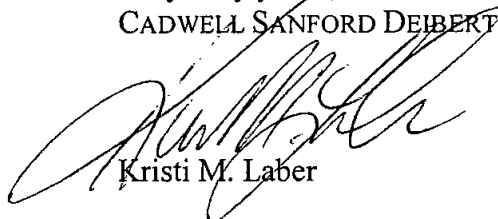
Enclosed is our firm's check in the amount of \$100.00 for the transfer fee as follows:

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

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

Thank you for your assistance.

Very truly yours,
CADWELL SANFORD DEIBERT & GARRY, LLP



Kristi M. Laber

KML/sjt

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/27, 20 14

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4414-3 (Mary J Schmidt)</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____	50	00
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06862**

By J. James Headman
Chief Engineer

4414-3



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



May 27, 2014

2696-3A
4414-3

Helen M Schmidt
19053 427th Ave
Willow Lake SD 57278

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

Dear Ms. Schmidt:

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

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

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

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

Sincerely,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 2, 2018

4414-3

Mary J Schmidt
19053 427th Ave
Willow Lake SD 57278

Dear Ms. Schmidt:

Thank you for contacting us in regard to the needed ownership change for Water Right No. 4414-3. You indicated during our conversation you had sold the land about 4 years ago.

As you requested, enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. **The new owner(s) will need to complete and sign the form.** A \$50.00 filing fee is required and should be submitted along with the completed transfer form. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is a copy of the water right. It is my understanding you were going to take the irrigation questionnaire we sent to you and deliver it to the new owner along with the transfer form. If you have any questions, please contact me.

Sincerely,

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

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

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: M J Schmidt, 19053 427th Ave, Willow Lake SD 57278

DATE: November 14, 2018

RE: ownership of land described in No. 4414-3

On November 2nd, Ms. Schmidt called and indicated she sold her land about 4 years ago and wanted the water right transferred.

On today's date, she called back and said the sale was a contract for deed and wondered if that made a difference. I told her it could go either way – we could do a transfer or we could leave it until the contract is paid and then have the water right transferred.

She made the decision to leave the water right in her name and wait to have it transferred until the contract was fulfilled. She indicated she would just give the annual questionnaire to the guy doing the farming.



Genny McMath
Water Rights Program

4414-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2019

2696-3A
4414-3

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

Dear Mr. Schmidt:

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

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

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

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

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is fluid and cursive, written over a horizontal line.

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

enclosures

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Environment and Natural Resources

Date April 6, 2021RECEIVED OF BSS Farms LLC 19036 4227th Ave Willow Lake SD 57278

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct 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>4414-3</u>	\$50.00
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	\$50.00

By Eric Gronlund
 Chief Engineer
 VM

PAID

APR - 6 2021

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 12668

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

RECEIVED

APR 06 2021

WATER RIGHTS
PROGRAM

No. 4414-3

Date: 3/25/21

I/We request that Water Right No. 4414-3

formerly owned by: Mary J Schmidt

be transferred to: (name & address)

Bobby L. Schmidt
19042 427th Ave
Willow Lake SD 57278

Telephone No. 605-625-3104

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

284.8 acres – S ½ NW ¼, SW ¼ NE ¼, SW ¼ and SE ¼ Section 4, T113N, R57W

I/We understand that the validity of Water Right No. 4414-3 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.

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



(Signed by new owner)

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

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 6, 2021

4414-3

Bobby L Schmidt
19042 427th Ave
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4414-3.

The ownership change has been completed. Water Right No. 4414-3 formerly listed under Mary J Schmidt is now listed in your name.

Enclosed for your records is a receipt for the filing fee you paid. If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Genny McMath".

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

enclosure