

1. Considered Jan. 30 19 80
2. Name of Applicant DONALD SCHMIDT
3. Post Office Address DELMONT, S.D.
4. Amount of Water Claimed NO ADD'L (2.2 PERMIT 2237-3)
5. Source of Water Supply 42' WELL & 47' WELL (EXISTING)
6. Water to be used for IRRIGATION
7. Acres to be irrigated 163 maximum acre feet
8. Water to be diverted and used in (26 ADDITIONAL) DOUGLAS County about 11 N, 3 E miles ± of WAGNER
9. PROOF OF PUBLICATION Received (initials) 2-6-80

Not Received

Approved 1-30-80

Subject to WI

Not Approved

Action deferred

*actually 26 ac. app. by SCC
not originally approved under
2237-3.*

Priority Date Received 11-14-79 Application Complete yes ✓ no FEE 150.00

Remarks add well & acreage not covered on Permit
No. 2237-3

Date information and/or fee or corrected Application received
Period of Annual use JUNE - SEPTEMBER

WATER
QUALITY

Received yes ✓ no (APPROVED) CONDITIONAL (Circle one)

WI-1 Description same as application yes X no Remarks

Disapproved

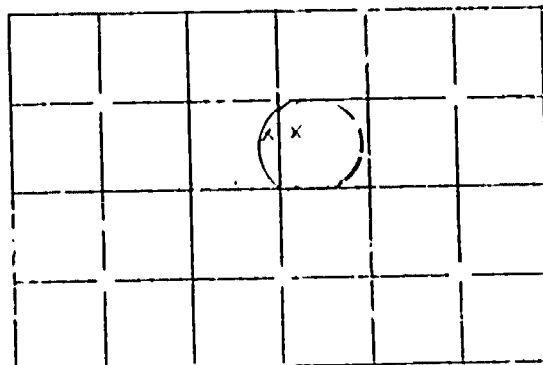
Returned

Diversion Point

NW⁴ SE⁴ and NE⁴ SW⁴
Section 1 - T97N - R63W

Lands to be irrigated

SE⁴ and E¹/₂ E¹/₂ SW⁴
Section 1 - T97N - R63W



Remarks

WELL
LOG

Driller Yellow & Ind. - Licensed yes no X
Depth 42' deep 47' deep (now out of Business)
was licensed in 1977
when he drilled the well

MAP Map No. 1630-3A Map located in Water Right X Map file _____
 Type of Map Drawn & Aerial Prepared by W. M. Mearns & Wiersma

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1-30-80.

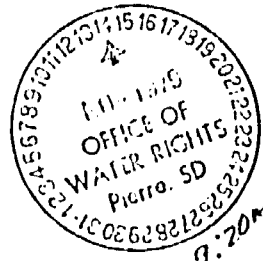
Betty Woodlun
 (Signed)

+++++

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

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

Remarks _____

No. 4461-3Map No. 1630-3A Water Division No. 3 MISSOURI RIVER District
Above for Office Use

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

Check one of the following:

New _____ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion X to Permit # 2237-3Change in Acreage _____ Additional Acreage X (17 ac)

1. Name of Applicant Donald Schmidt Phone No. 779-5311
 Post Office Address _____ Delmont _____ State SD 57330
 (Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) completed3. Name of diversion work SCHMIDT IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 2.2 (no additional)5. Source of water supply two wells

6. Location of point of diversion East well - 1700' N 2450'W of SE corner of Section 1,
West well - 1750'N & 3050'W of SE corner of Section 1, all in T97N, R63W

County Douglas7. Annual period or periods during which water is to be used June - September8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, irrigation Total number of acres to be irrigated 163

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.
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1, T97N, R63W	14
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1, T97N, R63W	12
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 1, T97N, R63W	40
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 1, T97N, R63W	31

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 1, T97N, R63W	38
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 1, T97N, R63W	28

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 completed years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Delmont Record

12. Principal Features of the Proposed Water Supply System

A. Works proposed to divert water from its natural source.
 pumps & motors

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

C. Works proposed to apply water to beneficial use.
 center pivot with corner system

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 Douglas) ss.

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

Signed Donald SchmidtSubscribed and sworn to before me this 13th day of November, 1979

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4461-3

DONALD SCHMIDT DELMONT
(Applicant) (Post Office Address)
SOUTH DAKOTA 57330 With the following qualifications.
(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.

Land covered under this Permit is also covered under Permit No. 2237-3. Combinations of diversions under the two permits shall not exceed the Statutory limit of 1 c.f.s. for each 70 acres of land to be irrigated.

Date of first receipt of application NOVEMBER 14, 1979
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved JANUARY 30, 1980, Recorded in Book 21 Page 122

WATER RIGHT PERMIT NO. 4461-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4461-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 17, 1975
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~_____~~
3. The whole of said work is ~~not~~ completed ~~_____~~
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is COMPLETED, ~~_____~~
5. The water appropriated shall be used for the purpose of IRRIGATION

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

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

for irrigation on or before THIS DATE, ~~_____~~; said water to be used during the following described annual period: JUNE - SEPTEMBER

Witness my hand this 7th day of FEBRUARY, 1980

THE BOARD OF WATER MANAGEMENT

By: John Hatcher
Chief Engineer, Water Rights

Certificate of Construction Issued June 26, 1980

Water License Issued June 26, 1980

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

D. Well Information

- (1) Drill Hole, Diameter 1 8", Depth 43'
- (2) Casing, Type 5/8" steel, Diameter 1 4", Thickness 1/4"
(wood, concrete, steel, etc.)
- (3) Screen, Type Johnston Stainless, Diameter 1 4", Length 1.5'
- (4) Gravel Pack, Thickness 2" gravel, Length of gravel pack 43'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

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

- Depth to top of water bearing material 8'
- Depth to bottom of water bearing material 42'
- Depth to water (ground surface to water level) 8'

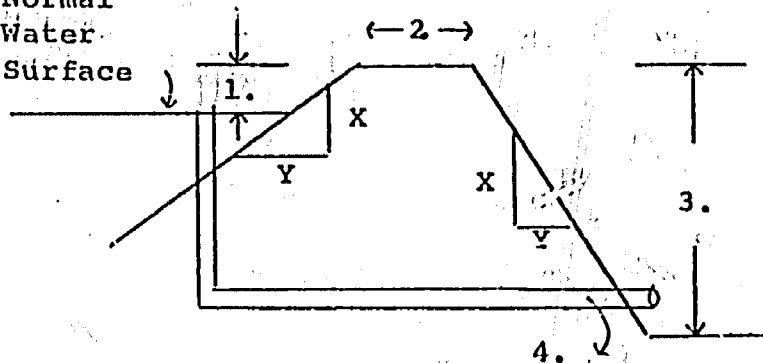
(2) Distance to nearest existing household or livestock watering well.

- On same owner's property 130 rds.
- On property owned by others 190 rds.

G. Water Storage Dams

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

Normal
Water
Surface



1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
- X & Y slope:
 - Upstream _____
 - Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Daniel Schmitt

Signature Applicant

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: John H. & Mary H. OWNERS ADDRESS: 1111 1st St. Pierre, SD 57501

COUNTY LAND LOCATED IN: Deuel PHONE: 277-5311

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

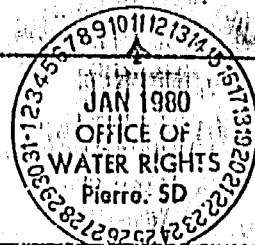
In accordance with State Law SDCL 46-5-6.5, if a water right is granted with conditions (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

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

1. WELL LOCATION OR DIVERSION POINT: SW 1/4 Sec 1, T9N-R6E
2. SURFACE WATER SOURCE: well
3. LOCATION OF AREA TO BE IRRIGATED: SW 1/4 Sec 1, T9N-R6E (26 acres)
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
TYPE OF IRRIGATION: (Show approximate acres under each type of system):
5. GRAVITY _____ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: corn
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1977
LAND: SW 1/4 Sec 1, T9N-R6E
IN WHAT NAME: John H. & Mary H.

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

8. SAMPLE NUMBER: 79-736
9. SALINITY (EC X 10⁶): 6.59
10. SODIUM (SAR) 0.45 ADJUSTED (SAR) 1.05



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 1 A.M./P.M. on 12-3, 1977, at the following location: SW 1/4 Sec 1, T9N-R6E

by John H. & Mary H. (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, Court, Extension Office or Soil Conservation Service; and further, that the legal description for the location of the land 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

12 DAY OF Dec, 1977.

(NOTARY PUBLIC)

John H. & Mary H.
APPLICANT'S SIGNATURE

Keith J. Hesser
Director, Division of Conservation

X APPROVED
____ DISAPPROVED
____ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Right Commission.

Brookings, South Dakota 57007

Submitted by: Donald Schmidt
Address: Dalmon, SD 57330

Date Rec'd: December 5, 1979
Sample No.: 79-736
Identification: W011
City, State: T. 97N, R. 63W

WATER ANALYSIS

Calcium (Ca)	104	ppm*	5.20	me/l**
Magnesium (Mg)	24	ppm	1.97	me/l
Sodium (Na)	20	ppm	0.87	me/l
Potassium (K)	6	ppm	0.16	me/l
Sulfate (SO ₄)	147	ppm	3.05	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	285	ppm	4.68	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)	234	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	659	micromhos per cm at 25°C.		
Sodium Adsorption Ratio	0.45	Adjusted SAR	1.05	0.75
Sodium	10.60	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.50			

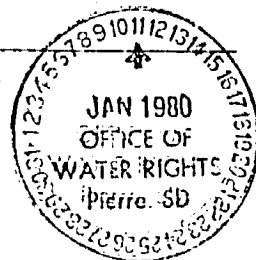
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 8.20 me/l
Total anions 7.83 me/l



By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

\$15.00 P. 15

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79-736

Amount Enclosed \$

Signed

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Donald Schmidt, Delmont, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:



RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
3. ☐ Yes ☐ No Surface drainage suggested on _____
4. ☐ Yes ☐ No Subsurface drainage suggested on _____
5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils).

COMMENTS: **Occasional use on heavy soils**

6. ☐ Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application pivot.

GENERAL COMMENTS:

Your system crosses East Chateau Creek and therefore, an undetermined acreage is subject to surface flooding and possible trapped water tables in wet years.

Because this application is an extension of your water right #2237-3, you are already aware of the situation with which you must contend.

Copy to applicant
Copy to Water Rights
Copy on File

APPLICANT
APPROVAL FORM
6/77



Department of Agriculture

DIVISION OF CONSERVATION

SIGURD ANDERSON BUILDING, ROOM 322 773 PIERRE, SOUTH DAKOTA 57501
AC/605 - 32241 - 3258
IRRIGATION PROGRAM: 773-3259

(LETTER OF APPROVAL)

DATED: January 11, 1980

Donald Schmidt

(Name)

(Street or Box No.)

Delmont, South Dakota 57330

(City & State)



LEGAL DESCRIPTION: SW1-Section 1-T97-R63- (26 acres)

COUNTY: Douglas

This is to notify you that your application for soil/water compatibility (WI #1) Form) has been approved and forwarded to the Water Rights Commission.

Sincerely,

Keith Harner, Director
DIVISION OF CONSERVATION

RE:dt

Permit No. 4461-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Donald Schmidt

_____ the holder _____ of
Permit No. 4461-3, issued upon Application No. 4461-3 bearing date of priority of March 17,
1975 authorizing the diversion of 2.0 cu. ft. per second of the waters of _____
groundwater (two wells) County of Douglas, State of South Dakota at _____
east well, 1700'N and 2450'W and West well 1750'N & 3050'W both from the
SE corner, Section 1, T97N, R63W
_____, for irrigation

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

Date June 26, 1980

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 4461-3

(1) WHEREAS, On the 14th day of November A. D. 19 79
Donald Schmidt

made Water Right Application No. 4461-3 for a permit to use no add'l cubic feet per second of the waters of groundwater (two wells)
 County of Douglas, State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 30th day of January A. D. 19 80
 Permit No. 4461-3, with a date of priority of March 17, 1975

was issued to said applicant for the diversion of said water, and ~~recognizing~~ the completion of construction of the water supply system therein described ~~XXXXXX~~ and for the application to beneficial use of said water ~~XXXXXXXXXX~~

Upon inspection July 26, 1979, the applicable portions of Permit No. 2237-3 have been incorporated into this Water License and Permit No. 2237-3 has been placed in a cancelled status,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent.

to irrigate the following lands all in Section 1, T97N, R63W

NE 1/4 SW 1/4 14

SE 1/4 NW 1/4 12

NW 1/4 SE 1/4 40

NE 1/4 SE 1/4 31

SW 1/4 SE 1/4 38

SE 1/4 SE 1/4 28

Total 163 acres

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

_____ of Delmont, South Dakota
the holder _____ and owner _____ of said permit No. 4461-3 a water right, dating from March 17, 1975
_____ to use of 2.0 cubic feet per second of the waters
of groundwater (two wells)

in the County of Douglas and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at east well, 1700' N and 2450' W and West Well - 1750' N &
3050' W both from the SE corner, Section 1, T97N, R63W

and conducted to and upon portions of land in Section 1, T97N, R63W more fully described
on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 4461-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 26th day of June A. D.
Nineteen Hundred and Eighty

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

No. 4461-3

Publish first publication, on or before January 17, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 11, 1980

Notice is hereby given that SCHMIDT
Donald Schmidt whose post office

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

(two wells-one existing) through the Schmidt Irrigation Project #1 to add acreage and diversion point on an existing permit, the points of diversion of which are to be located in the NW $\frac{1}{4}$, SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 1, Twp. 97N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ and E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, T97N, R63W

This Application No. 4461-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building, Church & Illinois, Pierre, SD upon the 30th day of January, 1980

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

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

WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: Donald Schmidt, Dalmont, SD 57330

FORM 6 - Notice of Intent to Appropriate Water
GROUNDWATER

No. 4461-3
Publish first publication, on or
before January 17, 1980

Notice of Hearing on Application to Appropriate Water

Pierre, South Dakota 57501
January 11, 1980

Notice is hereby given that Donald Schmidt whose post office address is Delmont, 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; 46-6-10 thru 46-6-22, 46-6-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52-61:01-01 thru 52-01:01-13, for a permit to appropriate for beneficial use no add'l cubic feet of water per second of time from ground water (two wells-one existing) through the Schmidt Irrigation Project #1 to add acreage and diversion point on an existing permit, the points of diversion of which are to be located in the NW¼ SE¼ and NE¼ SW¼ of Section 1, Twp. 97N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SE¼ and E¼ E¼ SW¼, Section 1, T97N, R62W.

This Application No. 4461-3 will be considered by the Water Management Board at Meeting Room #1, Knelp Building, Church & Illinois, Pierre, SD upon the 30th day of January, 1980 at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

WATER MANAGEMENT
BOARD

BETCY WESTLUND

cc: Donald Schmidt, Delmont.
SD 57330 dw3-4c

Owner - Publisher
(Title)

January 25, 1950
(Date Signed)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7125

PIERRE, November 14, 1979

Donald Schmidt, Delmont SD 57330

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

Fee for Application for Permit to appropriate Water No. <u>4461-3</u> (examination, processing, recording and filing) _____	150	00
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for 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	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7344

PIERRE, February 27, 1980

RECEIVED OF Donald Schmitt, Delmont SD 57330

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 4451-3)	50	00
Fee for inspecting Beneficial Use, and issuing Water License No. 4461-3)		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH kw

Permit No. 4461-3Water Division 3 Missouri River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Donald Schmidt
of Delmont, South Dakota holderof Permit No. 2237-3, bearing date of priority of March 17, 1975authorizing the diversion of 2.2 cu. ft. per second of the waters of Two wellsfor Irrigation purposes, in Douglas County.

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

The Water Use System consists of,

- A. Works used to divert the water: West Well, Motor USElec. 40 HP
ID # R-6229-02-114 R2108922
Pump Johnson Ser # DK 16584, Model JTA-AB Pumping 450 gpm
East Pump - USElec. 40 HP, ID # R 6229-02-114 R 2108917
Pump = Johnson Ser # DK 16583, Model JTA-AB
Pumping 450 gpm
- B. Works used to transport water to place of use,
600 ft. 6" PVC Buried Pipe
850 ft 8" PVC Buried Pipe
- C. Works used to apply water to beneficial use.
Valley Center Pivot with Corner System
Model 5171, Serial # 24967

The system is in the following condition: Good.The point of diversion is located East Well 1700' N x 2450' W of the SE Cor. Sec. 1,
West Well 1750' N & 3050' W of the SE Cor Sec 1, T97N R63WThe works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Sec. 1, T97N R63W
NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 14 Ac., SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 12 Ac., NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 40 Ac.,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ - 31 Ac., SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 38 Ac., SE $\frac{1}{4}$ SE $\frac{1}{4}$ - 28 Ac.
comprising a total of 163 acres of land.

East Well
 Depth 45 ft
 Static 6 ft
 Pumping 450 gpm
 Capacity 700 gpm

West Well
 Depth 47 ft.
 Static 6 ft
 pumping 450 gpm
 Capacity 600 gpm

License for 2.0 cfs

Combined w/ 4461-3 when
 450 ac. Acquired

Date July - 26, 1979
Leroy J. McManis
 (Signature)

No. 4461-3

SOUTH DAKOTA
Department of
Water & Natural Resources
Jos Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

June 27, 1980

Donald Schmidt
Delmont,
South Dakota 57330

Dear Mr. Schmidt:

Enclosed herewith are, Water License No. 4461-3 and Certificate of Construction.

Water License No. 4461-3 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, WMD

JH: xw

enclosures

NOTE: The applicable portions of Permit No. 2237-3 have been incorporated into this Water License No. 4461-3 and Permit No. 2237-3 has been placed in cancelled status.

WNR-817-7/79
Transmittal of Water License



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605)773-3352

3708-3
4461-3

April 27, 1987

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

Dear Mr. Wipf:

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

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

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

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

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.

NO. 4461-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 4-30-87

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

163 Acres - NE1/4, SE1/4 and SE1/4 Section 1, T97N-R63W

formerly owned by Donald D. Schmidt

has been transferred to CAROL J. Schmidt-Ate 1-Box 22-Delmont, S.D.
(please include complete mailing address) 57331
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4461-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

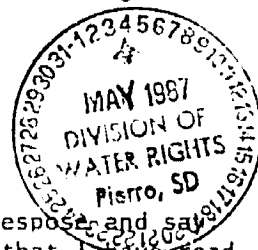
STATE OF SOUTH DAKOTA)
County of Douglas) ss.

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

Carol J. Schmidt
(Signed)

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

Clara May Wright
(Notary Public)



RECEIPT

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

410867

Pierre, May 4, 19 37

RECEIVED OF Carol J. Schmidt, Route 1, Box 22, Delmont, SD 57330
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4461-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By [Signature]
Chief Engineer JOHN HATCH (ms)



Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

3708-3
4461-3

May 20, 1987

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

Dear Mr. Wipf:

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

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

Sincerely,

Maxine Stirling
Secretary

Enc.

South Dakota
Department of
Water & Natural Resources

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

March 23, 1987

DONALD SCHMIDT
RR #1 BOX 22
DELMONT, SD 57330

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

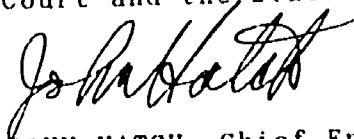
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 3708-3, 4461-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires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

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

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

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

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



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

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



Department of Water & Natural Resources

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

April 15, 1987

3708-3
4461-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact us.

Very truly yours,

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



**Department of
Water & Natural Resources**

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

October 17, 1988

4461-3
3708-3

Leonard Nelson
PO Box 37
Mitchell, SD 57301

Dear Mr. Nelson:

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

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

enclosure



SOUTH Dakota Department of
Water & Natural Resources

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

October 26, 1988

3708-3
4461-3

Paul Musick
Musick & Associates
PO Box 37
Mitchell SD 57301

Dear Mr. Musick:

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

If you have any questions, please contact us.

Sincerely,

Genny McMath

GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


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

NO. _____

NOTICE OF TRANSFER OF WATER PERMIT



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-13-88

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

163 ACRES - NE 1/4 SW 1/4, SE 1/4 NW 1/4 AND SE 1/4 Sec. 1

T91N - R. 63W. - Douglas City, S.D

formerly owned by CAROL J. Schmidt

has been transferred to WALTER E & JENNIFER A. STUBNER Box 141
Blackston, S.D. 57366

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

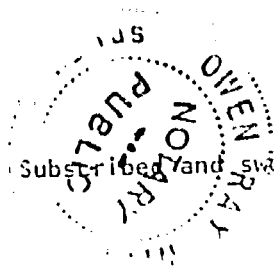
Water Right Permit No. 4461-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Douglas) ss.

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



Carol J. Schmidt
(Signed)

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

James Owen Ray
(Notary Public)

My Comm. Exp. 10-18-92

WNR-820-9/83
Notice of Transfer of Water Permit

STATE OF SOUTH DAKOTA
DOUGLAS COUNTY
Filed for Record on 25th Day of
October A.D. 1988
at 10:00 o'clock A.M.
June Allenburg, Register of Deeds

13-10-88
373

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

Pierre, November 12, 1957

RECEIVED OF Walter E. & Jeanette A. Stoeckner, RR 1 Box 141, Parkston SD 57366
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form Permit No. <u>4464-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By John Hatch
Chief Engineer JOHN HATCH 

3708-3
4461-3

 **Department of
Water & Natural Resources**

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

November 15, 1988

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

Dear Mr. & Mrs. Stoebner:

Enclosed are receipt Nos. 411481 and 411482 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 3703-3 and 4461-3.

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

Sincerely,

Maxine Stirling
Secretary

ms/
Enc. 2



#13708-3
#4461-3

 **Department of
Water & Natural Resources**

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

February 17, 1989

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

Dear Ms. Schmidt:

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

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

The new standards include:

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



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

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

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

Very truly yours,

Delwin D. Brown
for JOHN HATCH, Chief Engineer
Water Rights Division



Department of Water & Natural Resources

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

June 8, 1989

3708-3
4461-3

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

Dear Mr. & Mrs. Stoebner:

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

The 1988 irrigation questionnaires returned by Carol Schmidt for Water Right Nos. 3708-3 and 4461-3 indicated chemicals would be applied with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

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

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

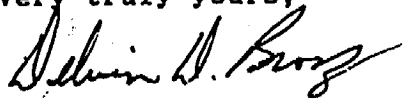


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The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting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

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

Very truly yours,



DELVIN D BROSZ, P.E.
Hydrologist

for

JOHN HATCH, Chief Engineer
Water Rights Division

 **Department of
Water & Natural Resources**

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

SEP 14 1989

4461-3

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

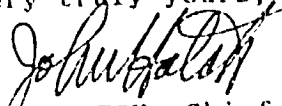
Dear Mr. & Mrs. Stoebner:

Enclosed is your Water License No. 4461-3. The license has been reissued to correct an error in the legal description of the acres irrigated. All other portions of the original license remains the same.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4461-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

Also enclosed is a copy of the map, prepared by a staff engineer, which corresponds to the license. If you have any questions, please contact us.

Very truly yours,



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

enclosures



STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 4461-3

(1) Donald Schmidt of Delmont SD 57330 was issued Water License No. 4461-3, June 26, 1980 for a water right to appropriate 2.0 cubic feet of water per second from groundwater (two wells), Douglas County, South Dakota for irrigation purposes. Water License No. 4461-3 with a priority date of March 17, 1975 was issued to applicant(s) for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water License No. 4461-3 issued on June 26, 1980, incorporated the applicable portions of Water Permit No. 2237-3. A March 17, 1975 priority date was retained.

A review of the original license found an error in the legal description of the acres irrigated. The 12 acres described as "SE 1/4 NW 1/4" Sec 1, T97N, R63W should have been described as being in the "SE 1/4 SW 1/4". The license is being reissued to correct this error.

On May 4, 1987, Water Right No. 4461-3 was transferred to Carol J. Schmidt, Delmont SD. On November 10, 1988, the Water Right was transferred to Walter E and Jeanette A Stoeber, Parkston SD.

(2) It is certified that the applicant 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 2.0 cubic feet of water per second for beneficial use. The location of the diversion points are: east well - 1700 feet north and 2450 feet west of the SE corner Section 1, West well - 1750 feet north and 3050 feet west of the SE corner Section 1, T97N, R63W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

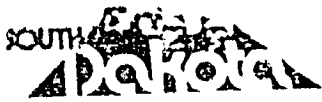
T97N, R63W Section 1	NE 1/4 SW 1/4	14	acres
	SE 1/4 SW 1/4	12	"
	NW 1/4 SE 1/4	40	"
	NE 1/4 SE 1/4	31	"
	SW 1/4 SE 1/4	38	"
	SE 1/4 SE 1/4	28	"
	Total	163	acres

(4) Pursuant to Section 46-5-30.1 Walter E and Jeannette A Stoebner of RR 1, Box 141, Parkston SD 57366 the holder(s) and/or owner(s) of Incorporated No. 4461-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater (two wells) with a priority date of March 17, 1975 from the location specified in (2) of this license. The water is 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 Incorporated No. 4461-3 and subject to South Dakota State .



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

SEP 14 1989



Department of Water & Natural Resources

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

February 9, 1990

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

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

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

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

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

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

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

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

Very truly yours,

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



Department of Water & Natural Resources

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

February 28, 1990

3708-3
4461-3

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

Dear Mr. & Mrs. Stoebner:

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

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

Sincerely,

Ron Duvall /ks

RON DUVAL
Natural Resources Engineer
Water Rights Division



GREAT FACES. GREAT PLACES.
February 1, 1991

DEPARTMENT OF WATER & NATURAL RESOURCES

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

WALTER/JEANETTE STOEBNER
RR1 BOX 22
DELMONT SD 57330

NOTICE

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

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

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

The hearing(s) will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

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

1. Suspend Permit No(s). 3708-3; 4461-3 until either the 1990 chemigation report(s) is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

Very truly yours,

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

NOTE: If the chemigation report(s) is received in this office before the February 27th hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.

South Dakota

Great Faces. Great Places.

Great Faces. Great Places.

GREAT FACES. GREAT PLACES.

February 1, 1991

WALTER E/JEANNETTE A STOECHER
RR #1 BOX 22
Delmont SD 57330

DEPARTMENT OF WATER & NATURAL RESOURCES

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

4461-3

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

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

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

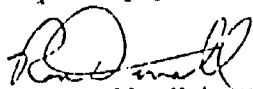
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

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

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

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

Very truly yours,



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



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

4461-3

February 20, 1991

3708-3

4461-3

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

Dear Mr. Stoebner:

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

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

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

The hearing will be held at 9:15 am, March 4, 1992, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

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



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

WALTER/JEANETTE STOEENR
RR1 BOX 22
DELMONT SD 57330

NOTICE

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

The first notice to file chemigation report(s) for Permit No(s) 3708-3; 4461-3 was dated October 18, 1991. Our records indicate that we have not received the 1991 chemigation report for Permits No(s) 3708-3; 4461-3. The Water Management Board has directed that owners of water permits who have not submitted the 1991 chemigation report(s) be given notice of violation and of hearing before the Board. The hearing held by the Board is to determine what action is to be taken concerning violation of Administrative rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical application.

The hearings will be held at 9:15 am, on March 4, 1992, at the Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol, Pierre SD, and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to SDCL 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s). 3708-3; 4461-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

Very truly yours,

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 24, 1992

WALTER/JEANETTE STOECHNER
RR1 BOX 22
DELMONT SD 57330

Dear Mr. STOECHNER:

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

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

Sincerely,

DON FRYE, Natural Resources Analyst
Water Rights Division



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

February 25, 1992

3708-3
4461-3

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

Dear Mr & Mrs Stoebner:

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

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

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



4461-3

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

February 7, 1995

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

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

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

The hearing will be held at 9:30 a.m. March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to SDCL 1-26. Following the hearing, the Water Management Board can:

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

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

If the questionnaires are received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

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

4461-3



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

February 14, 1995

3708-3

4461-3

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

Dear Mr. & Mrs. Stoebner:

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

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

If you have any questions, please contact me.

Sincerely,

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

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



January 9, 1998

4461-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOTICE

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

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4461-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 1998

3708-3
4461-3

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

Dear Mr. & Mrs. Stoebner:

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

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

If you have any questions, please contact me.

Sincerely,

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



4461-3
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: WALTER E/JEANETTE A STOEBCNER, RR 1 BOX 22, DELMONT, SD 57330

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(arc) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4461-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 2, 1999

3708-3
4461-3

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

Dear Mr. & Mrs. Stoebner:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 3708-3 and 4461-3.

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

If you have any questions, please contact me.

Sincerely,

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



February 6, 2001

4461-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3708-3
4461-3

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

Dear Mr. & Mrs. Stoebner:

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

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

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

Sincerely,

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

enclosures



4461-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

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

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

SUBJECT: Reporting Requirement for 2002 Irrigation QuestionnaireS

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

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

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2003

3708-3
4461-3

Thomas Konrad
28535 418th Ave
Tripp SD 57376

Dear Mr. Konrad:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right Nos. 3708-3 and 4461-3.

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

If you have any questions, please contact me.

Sincerely,

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

c: Walter & Jeanette Stoebner



4461-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 24, 2006

NOTICE

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

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

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

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

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

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

If the questionnaire(s) is(are) received in this office on/or before February 24, 2006, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 2, 2006

3708-3
4461-3

Thomas Konrad
28535 418th Ave
Tripp SD 57376

Dear Mr. Konrad:

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

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

If you have any questions, please contact me.

Sincerely,

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

c: Walter & Jeanette Stoeber



4461-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 2007

NOTICE

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

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire has not been submitted for Permit No(s) 3708-3 & 4461-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:30 am, March 7, 2007, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

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

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

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

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

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



4461-3

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Status: **Delivered**

Your item was delivered at 9:17 AM on January 27, 2007 in DELMONT, SD 57330. The item was signed for by M POLREIS.

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SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0799 7351		Pt 6 WALTER & JEANETTE STOEBNER 40106 US HWY 18 DELMONT SD 57330	
Waiver of Signature ☐ YES ☐ NO		POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
Postmark Here		☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	
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January 29, 2007

4461-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

3708-3
4461-3

Robert Deboer
1327 E Havens
Mitchell SD 57301

Dear Mr. Deboer:

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

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

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

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

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

Sincerely,

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

enclosures

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

4461-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 1, 2021

3708-3
4461-3

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

Dear Mr. Gregerson:

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

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

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

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

Sincerely,

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

enclosures

PAID

OCT 25 2021

Ck# 1351

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

OCT 25 2021

WATER RIGHTS
PROGRAM

No. 4461-3

Date: 10-20-2021

I/We request that Water Right/Permit No. 4461-3

formerly owned by: Walter / Jeanette Stoeber

be transferred to: (name & address)

Stoeber LLP

39828 248th MT Vernon S.D.

57363

Telephone No. 7706972

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

163 acres - E 1/2 SW 1/4, SE 1/4 Section 1-T97N-R63W

I/We understand that the validity of Water Right/Permit No. 4461-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

 General Partner
(Signed by new owner)

Loren Gregersen, General Ptnr.

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.

4461-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$_____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$_____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$_____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$_____
Fee for Filing Transfer Form <u>4461-3</u>	<u>\$50.00</u>
Fee for _____	\$_____
Fee for Issuing New Well Driller's License No. _____	\$_____
Fee for Renewal of Well Driller's License No. _____	\$_____
Fee for Issuing Well Pump Installer's License No. _____	\$_____
Fee for Renewal of Well Pump Installer's License No. _____	\$_____
(Any Other Work Provided by Law)	
TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief EngineerEM

For Stoebner LLP



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

4461-3

October 1, 2021

3708-3
4461-3

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

Dear Mr. Gregerson:

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

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

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

Sincerely,

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

enclosures



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2023

NOTICE

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

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

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

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

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

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

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

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

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



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

January 31, 2023

3708-3
4461-3

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

Dear Mr. Gregerson:

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

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

If you have any questions, please contact me.

Sincerely,

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