

Water Right No. 4468-3

1. Considered 3-26 19 80
2. Name of Applicant ALVIN SCHMIDT
3. Post Office Address WHITE, S.D.
4. Amount of Water Claimed 4.4
5. Source of Water Supply 148' WELL
6. Water to be used for IRRIGATION
7. Acres to be irrigated 468 maximum
acre feet
8. Water to be diverted and used in BROOKINGS County
about 3 1/2 N, 1 mile WEST of BUSHNELL
9. PROOF OF PUBLICATION Received 3-3-80
Not Received

APPLICATION

Approved 3-26-80

Subject to WI. clause

Not Approved

Action deferred

Priority

Date

12-31-79

Received 12-31-79 Application Complete yes no X FEE

Remarks Fee & WQ

WATER
QUALITY

Date information and/or
fee or corrected Application received

Period of Annual use April thru September

Received (yes) 2/29/80 no APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application (yes) X no Remarks

Disapproved

Returned

			X		

Diversion Point

SW 1/4 NE 1 Sec 26-111N-R49W

Lands to be irrigated

E 1/2 Section 26 and

N 1/4 Section 35 all in

T 111 - R 49

WEL-
LOG

Remarks

Driller Reider's Well Works Licensed yes X no

Depth 148 feet

MAP Map No. 3673-3 Map located in Water Right X Map file _____
 Type of Map Aerial & Drawn prepared by J. Weissma

+++++

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 3-26-80.
Betty Westlund
 (Signed)

+++++

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

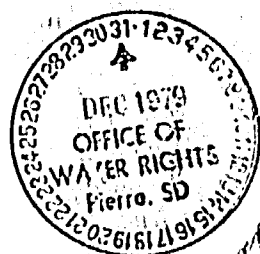
REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC.

Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)

No. 4468-3

Map No. 3693-3 Water Division No. 3 BIG SIOUX 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 ☐

Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Alvin Schmidt Phone No. 629-4281

Post Office Address White (Street, RR, or Box) (Town) State S. D. 57276 (Zip Code)

If a corporation show date and place of incorporation

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor

3. Name of diversion work Alvin Schmidt Irrigation Project

4. Amount of water claimed (cubic feet per second) 4.4

5. Source of water supply Well

6. Location of point of diversion 2150' N 132° W of NE Corner Sec 26-11-49
(SW 4 NE 4)

County Brookings

7. Annual period or periods during which water is to be used April through September

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 461

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.
<u>NE 1/4 Sec 26-11-49</u>	<u>156</u>
<u>SE 1/4 Sec 26-11-49</u>	<u>156</u>
<u>SW 1/4 Sec 26-11-49</u>	<u>156</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Brookings Register

12. Principal Features of the Proposed Water Supply System.

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

well with turkine pump

B. Works proposed to transport water to place of use

see contract

C. Works proposed to apply water to beneficial use.

center pivot irrigation machine

Estimated Total Cost \$ 62,000

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

STATE OF SOUTH DAKOTA)
County of Brookings) ss.

I, Alvin 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 Alvin P. Schmidt

Subscribed and sworn to before me this 27 day of Dec, 1979

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

WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 4468-3

ALVIN SCHMIDT
(Applicant)

WHITE

SOUTH DAKOTA 57276
(State)

(Post Office Address)

With the following qualifications.

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

Date of first receipt of application DECEMBER 31, 1979
Date of return to applicant for correction, amendments or changes required JANUARY 2, 1980
Date of receipt of corrected application WQ FEBRUARY 20, 1980
Approved MARCH 26, 1980, Recorded in Book 21 Page 144

WATER RIGHT PERMIT NO. 4468-3

The Board of Water Management hereby grants and issues this Water Right Permit No. 4468-3 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 DECEMBER 31, 1979
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 26, 1982
3. The whole of said work is to be completed on or before MARCH 26, 1985
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 26, 1988
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 4.4 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 MARCH 26, 1988; said water to be used during the following described annual period: APRIL THRU SEPTEMBER

Witness my hand this 1ST day of APRIL, 1980

THE BOARD OF WATER MANAGEMENT

By: John Hatch
Chief Engineer, Water Rights

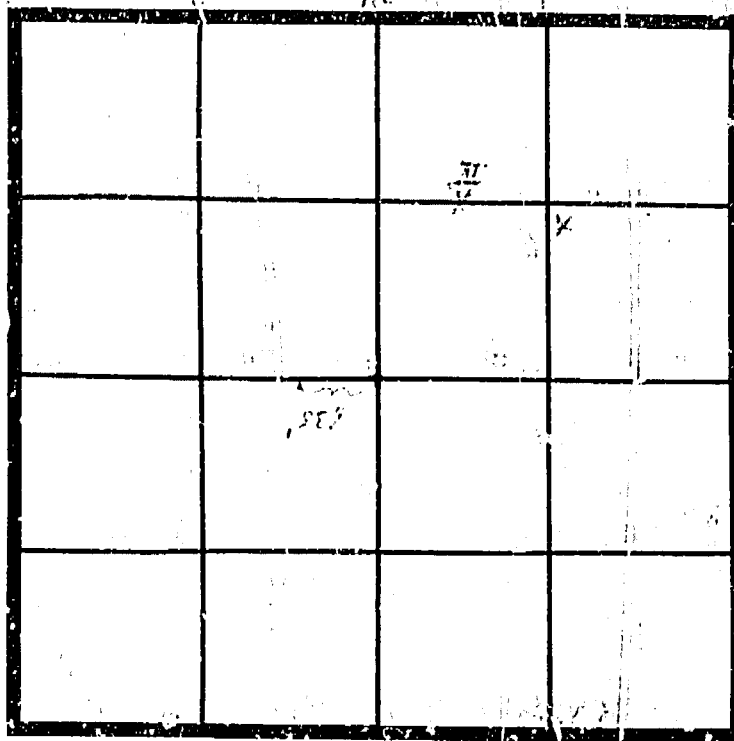
Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

Kaiser's Well Works De Smet, South Dakota 57231

IRRIGATION-TESTING-DRILLED-STOCK AND DOMESTIC
BORED WELLS Ph. 854-3744

Name Abner H. Russell
Location N 21 26
Township A 1 T 8 N
Section Dec. 24, 79



Test hole No. 1	Data
Top soil	0 - 1'
Yellow clay	1 - 34'
Blue & a layer	34 - 65'
Gravelly with various	65 - 120'
Layers of gravel	

Test hole No. 2	Data
Top soil	0 - 1'
Yellow clay	1 - 34'
Blue & a layer	34 - 65'
Gravelly layered	65 - 126'
Gravel less clay	126 - 148'
at 136 - 148' good base of water	
Drilled by Donald H. Russell	

Form 2A - Walls, Dugouts or Water Storage Dams (Supplement to Form 2)

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

D. Well Information

- (1) Drill Hole, Diameter 18", Depth 140'
- (2) Casing, Type Steel, Diameter 14', Thickness 3/16"
(wood, concrete, steel, etc.)
- (3) Screen, Type Johnson, Diameter 14", Length 15'
- (4) Gravel Pack, Thickness 2", Length of gravel pack 541/100 ft.

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)

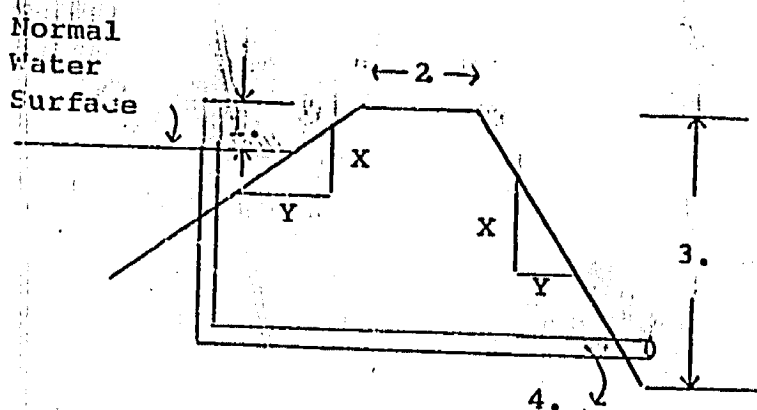
- Depth to top of water bearing material 126'
- Depth to bottom of water bearing material 148'
- Depth to water (ground surface to water level) 65'

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

- On same owner's property 120 rds.
- On property owned by others 120 rds.

G. Water Storage Dams

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

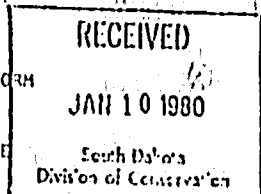


1. Freeboard _____
2. Crest width _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Alvin P. DeBry
Signature of Applicant

CONSERVATION COMMISSION
W-1 FORM
2/79

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE



OWNER'S NAME: Alvin Schmidt OWNER'S ADDRESS: 12410 S.D. 31276
COUNTY LAND LOCATED IN: Berk PHONE: 607-5381
TENANT'S NAME AND ADDRESS (If Other Than Owner): _____

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

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

1. WELL LOCATION OR DIVERSION POINT: SW 1/4 NE 1/4 SEC 26-111-49 *corrected 2/22/80*
2. SURFACE WATER SOURCE: well *BW called SCC to verify*
3. LOCATION OF AREA TO BE IRRIGATED: E 1/4 SEC 26-111-49
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 ☒ TOW LINE ☐ CENTER PIVOT ☐ GUN ☐ OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: _____
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 71-163
9. SALINITY (EC X 10⁶): 2.87
10. SODIUM (SAR): 0.27 ADJUSTED (SAR): 0.30

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 10 A.M./P.M., on DEC 21, 1979, at the following location: Well 5-11
by Kaiser (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 Berkings Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

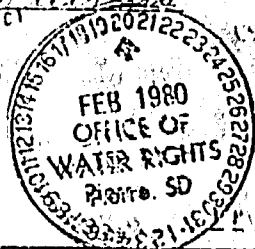
I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
21 DAY OF DEC, 1979.

John Sed. 1122234
(NOTARY PUBLIC)

Alvin P. Schmidt
APPLICANT'S SIGNATURE
Keith L. Harner
Director, Division of Conservation

APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED



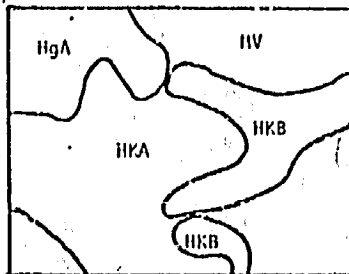
IMPORTANT

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 Rights Commission.

SOILS INFORMATION

EXAMPLE



- HgA - Highmore - DeGrey silt loams - 0-2% slopes
DeGrey soils have a shallow clay-pan and have slow to very slow permeability generally not suitable for irrigation.
- HKA - Highmore - Eakin silt loams - 0-2% slopes
Soils have a high available water capacity and moderate permeability.
- HKB - Highmore - Eakin silt loams - 2-5% slopes
Same physical composition as HKA - moderate erosion problems.
- Hv - Minor fine sandy loam - 0-2% slopes
Moderately rapid permeability, moderate or high available water capacity.

Residents of counties with published or up-to-date soil surveys shall contact their local Conservation District for a copy of the soils map for the area to be irrigated and the narrative explanation of the map.

Residents of counties with no up-to-date soil survey information shall contact the Soil Conservation Service or their local Conservation District to obtain the best information available. If soil survey information is not available, the applicant is requested to obtain information from a professional soil classifier.

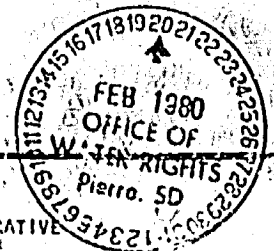
NOT

concerning subsoil physical conditions.

PLE

FRONT SHEET BEFORE COMPLETING THIS SECTION.

T O 25	3	Va	Vienna L	mostly level
	5	Lt	Liscomb silt	drains
		Ta	Terrace	escarp, sloping
				- undiff. silt or loess - thin over gravel - poor soil crops
	3	En	Enfield L	- gravel sand or gravel
	4	Va	Volga silt	- poorly drained, no forest - gravel - poor crops
	5	En	Enfield	- gravel and silt



PLEASE USE BACK OF THIS SHEET FOR NARRATIVE OR ATTACH SEPARATE SHEET

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

Submitted by: Alvin Schmidt
Address: White, MD 57276

Date Rec'd. December 26, 1979
Sample No. 72-762
Identification Cell 125
Hst., Sec. 26, T 111E, R 42N

WATER ANALYSIS

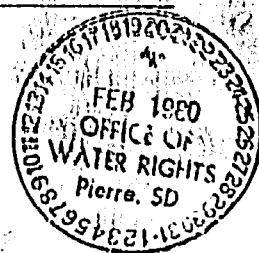
Calcium (Ca)	83	ppm*	4.40	mc/l**
Magnesium (Mg)	19	ppm	1.57	mc/l
Sodium (Na)	5	ppm	0.22	mc/l
Potassium (K)	4	ppm	0.10	mc/l
Sulfate (SO ₄)	78	ppm	1.62	mc/l
Nitrate (as N)		ppm		mc/l
Chloride (Cl)	10	ppm	0.27	mc/l
Bicarbonate (HCO ₃)	205	ppm	3.36	mc/l
Carbonate (CO ₃)		ppm		mc/l
Iron (Fe)		ppm		mc/l
Fluoride (F)		ppm		mc/l
Hardness (EDTA as CaCO ₃)		ppm		g-p.g.***
Alkalinity (Methyl Orange)	163	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	601	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.15	Adjusted SAR	0.30	0.21
Sodium	3.50	% of cations		
Residual sodium carbonate	0.00	mc/l		
pH	7.63			

*ppm==parts per million

*mc/l=millequivalents per liter

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

COMMENTS: Total cations 6.29 me/l
Total anions 5.25 me/l



By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 79 1252

Amount Enclos: \$.....

Signed.....

CONDITIONAL

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Alvin Schmidt, White, SD

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED unless kept in permanent vegetation.

Volga Silty clay loam in major drainageway that crosses the SE $\frac{1}{4}$ -26

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than 11A times during the irrigation season.
 2. Each uninterrupted application (one rotation of center pivot) should be of at least 11A inches of water.
 3. ☒ Yes ☐ No Surface drainage suggested on see below
 4. ☐ Yes ☐ No Subsurface drainage suggested on _____
 5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils)
- COMMENTS: Occasionally on NE $\frac{1}{4}$, to help permeability and help reduce erosion on the steeper slopes.
6. ☐ Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application center pivot

GENERAL COMMENTS:

The soils in the NE $\frac{1}{4}$ of Sec. 26 require smaller irrigation applications and a slower rate of application than the soils lying south of the drainageway. This is because of the slow permeability of the soils and because of slopes that are subject to erosion. The frequency of irrigation would be less, because of the good water holding capacity.

Slope of the major drainageway is adequate, if high and low spots are smoothed to provide a uniform grade. With the amount of foreign drainage that enters your land, a waterway with permanent vegetation is necessary.

Copy to applicant
Copy to Water Rights
Copy on File



No. 4468-3

Publish first publication, on or before March 7, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 22, 1980

Notice is hereby given that Alvin Schmidt whose post office address is White, 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 4.4 cubic feet of water per second of time from ground water (one well) through the Schmidt Irrigation Project, the point ~~xxx~~ of diversion of which is ~~xxxx~~ to be located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 26, Twp. 111N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$ Section 26 and NE $\frac{1}{4}$, Section 35; all in T111N, R49W

This Application No. 4468-3 will be considered by the Water Management Board at SDEA Auditorium, 411 E Capitol, Pierre, SD upon the 26th day of March, 1980 at 10 AM. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. **Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing.** WATER MANAGEMENT BOARD

BETTY WESTLUND
Water Rights Specialist

cc: **Alvin Schmidt, White, SD 57276**

Affidavit of Publication

State of South Dakota

55

County of Brookings

Dennis D. Koenders of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal No. 104

58 lines x .367

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for Two

successive weeks, to wit:

February 27	1980	19
March 5	1980	19
	19	19
	19	19

That the full amount of the fee charged for the publication of said Exhibit "A" accrues to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Twenty-one dollars and twenty-eight cents Dollars

Subscribed and sworn to before me this 5th day of

March 19 80

Notary Public in and for the County of Brookings, South Dakota.

My Commission expires September 6, 1985

Exhibit "A"

Legal No. 104 2x, Feb. 27, March 5 NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

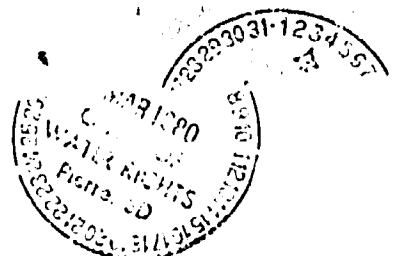
Pierre, South Dakota 57501
February 22, 1980

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This Application No. 1468-2 will be considered by the Water Management Board at SDEA Auditorium, 411 E. Capitol, Pierre, SD upon the 28th day of March, 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 may be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law. Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Foss Building, Pierre, SD, prior to the hearing date for assistance to assure access to the hearing. WATER MANAGEMENT BOARD

Betty Westlund
Water Rights Specialist
cc: Alvin Schmidt, White, SD 57276



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7207

PIERRE, January 7, 1950

RECEIVED OF Alvin M Schmidt, White SD 57376

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)	375 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	375 00

WATER RIGHTS COMMISSION

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

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

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

June 12, 1985

Notice of Amendment to Water Permit(s)

To: Alvin Schmidt
Rt. 1, Box 20
White, SD 57276

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

SUBJECT: Amendment to Water Permit No(s). 4468-3.

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 4468-3 to add the following qualification:

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

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



Department of **Water & Natural Resources**

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

Attachment to Water Permit No(s). 4468-3

Pursuant to the provisions of the notice dated April 15, 1985, and following the Hearing May 15, 1985, the Water Management Board has amended Water Permit No(s). 4468-3 to add the following qualification:

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

Water Rights Division
605 773-3352

June 27, 1985

4408-3

Alvin Schmidt
RR 1 Box 20
White SD 57276

Dear Mr. Schmidt:

The "Notice of Amendment of Water Permit(s)" dated June 12, 1985 was sent to you in error. Since you did not receive prior notification that your permit was to be brought before the Water Management Board for amendment, the action taken by the Board May 15, 1985, to amend your permit, does not apply to you nor does it affect your permit status.

If you have any questions concerning this matter, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:GM:ks

 **Department of
Water & Natural Resources**

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

August 25, 1989

4468-3

Alvin Schmidt
RR #2 Box 176
White, SD 57276

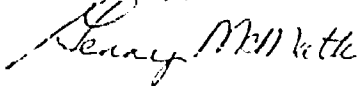
Dear Mr. Schmidt:

The inspection of your water use system and the inspection of the extent of the application of water to beneficial use, as developed under your Water Permit No. 4468-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

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

Sincerely,



CENNY MCMATH
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



Permit No. 4468-3BIG SIOUX RIVER Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by ALVIN
SCHMIDT of WHITE, SOUTH DAKOTA holder ofPermit No. 4468-3, bearing the priority of DECEMBER 31, 1979 authorizing
the diversion of 4.4 cu. ft. per second of the waters of GROUNDWATER (ONE WELL)
for IRRIGATION purposes, in BROOKINGS County.

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

A. Works used to divert the water:

A 150' DEEP WELL WITH 126' OF 14" STEEL CASING + 2.0' OF 14" JOHNSON SS SCREEN
A VALLEY PUMP; 850 GPM CAPACITY; HEAD-180; CODE-8-80; 1765 LEM; SERIAL # 12 AME-24
A 50 HP GE INDUCTION MOTOR; MODEL NO. SK6252X45024; FLRM-1765; TYPE-K
B. Works used to transport water to place of use: SERIAL # EPT5/C320

WELL TO N PIVOT (#1)

WELL TO S PIVOT (#2)

775' OF 8" UNDERGROUND PVC PIPE

5380' OF 10" UNDERGROUND PVC PIPE

C. Works used to apply water to beneficial use:

NORTH CENTER PIVOT (#1) (RUN ONE PIVOT AT A TIME)A 7 TOWER VALLEY CENTER PIVOT WITH NELSON 150 END GUN
LOW PRESSURE (30 PSI); 800 GPM CAPACITY; MODEL-4271; SERIAL # 33461The system is in the following condition GOODThe point of diversion is located 2135' WEST + 1230' SOUTH OF THE
NORTHEAST CORNER OF SECTION 26, T11N, R49WThe works are capable of diverting and conveying to the place of use 1.78 (800 GPM)
cu. 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 T11N, R49WSECTION 26 SECTION 35
NW 1/4 NE 1/4 - 34 ACRES NW 1/4 NE 1/4 - 37 ACRESNE 1/4 NE 1/4 - 34 " NE 1/4 NE 1/4 - 37 ACRESSE 1/4 NE 1/4 - 31 " SE 1/4 NE 1/4 - 38 ACRESSW 1/4 NE 1/4 - 31 " SW 1/4 NE 1/4 - 38 ACREScomprising a total of 280 acres of land and the license should be issued for 1.78 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date 8-17-86Thomas M. Brennan
(Signature)

SOUTH CENTER PIVOT (#2)

AN 8 TOWER + CORNER SYSTEM CENTER PIVOT WITH A NELSON 150 END GUN
A LOW PRESSURE SYSTEM (30 PSI); 800 GPM CAPACITY; MODEL-5871
SERIAL # 34120

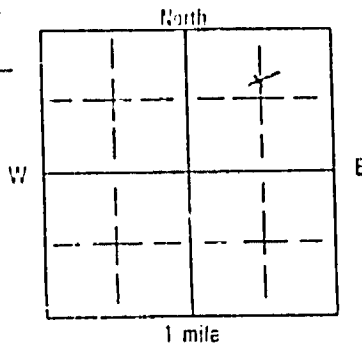
INCLUDES A CENTURY MOTOR BOOSTER PUMP
TYPE-SC; 1750 RPM; 15 HP

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/4 E 1/4 Sec 26 Twp 111.4 Rg 49.00County Brankley

Please mark well location with an "X"

Well Completion Date 2/16/1980

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Direct Rotary

CASING DATA:

- ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>14</u> IN	<u>4 1/2</u> FT	<u>122</u> FT	<u>18</u> IN
LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☐ YES ☒ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 14 IN Length 212 FEETMaterial Tubson S.S. H-1-11Slot Size 150 Set From 122 Feet To 142 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain HTH TabletsBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name Alvin SchmidtAddress White S.P.

Well Log:

Depth

Formation

From

To

Topsoil	0	1.2
Yellow clay	1 1/2	6
Dark yellow dirt	6	18
Yellow clay	12	48
Blue clay	48	128
Dark gravel covered (hard)	128	148
Blue clay	148	150

ST476 WATER LEVEL 47 Feet

Is flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ BailedDescribe: Turbine☐ Other

Pumping Level Below Land Surface

69 ft. After 24 Hrs. pumped 200 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 331

And this report is true and accurate.

Drilling firm Kramer & DillingSignature of License Representative: Fred J. Dilling

Signature of Well Owner: _____

Date 12/12/88

LICENSE FOR PERMIT NUMBER 4468-3

1. Legal location of wells: NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 26, T111N, R49W

dams & structures: 2. Center Pivots #1 Center of NE $\frac{1}{4}$, Sec. 26, T111N, R49W
#2 Center of NE $\frac{1}{4}$, Sec. 35, T111N, R49W

2. Well Information: Well Drilling Firm Kaiser

Completion Report Yes ☒ No ☐ No. of Wells 1 Depth 150'

Casing a) diameter _____ Screen a) type _____
b) length _____ b) length _____
c) type _____ Static Water Level 47'

Pump a) make _____ Motor a) make _____
b) model _____ b) model No. _____
c) size _____ c) horsepower rating _____
d) capacity _____ gpm
e) turbine pump - no. of stages _____
f) operating PSI _____

(Other information
on Examination of
Works report)

3. Distribution lines or canals

a) size TO CP #1 8"
b) type PVC underground
length See Map

To CP #2 15"
underground PVC
See Map

4. Dam Information:

a) height to crest _____ m) Outlet tubes:
b) height to primary spillway _____ 1) diameter _____
c) height to secondary spillway _____ 2) type _____
d) crest width _____ 3) valved (Y/N) _____
e) crest length _____ 4) valve type _____
f) spillway length _____ 5) location on structure _____
g) spillway width _____
h) approx. storage _____ n) Category of Dam _____
i) approx. storage to crest _____
j) date constructed _____
k) inspection sheet completed (Y/N) _____
l) Name of Contractor _____

5. System Type a) sideroll:

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

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

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

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

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

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE:

For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
☒	☐	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
☒	☐	2. Special qualifications to permit being abided by?
☒	☐	3. All structures, wells and lands on map?
☒	☐	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
☐	☒	5. Is chemigation used?
☐	☐	6. If yes, does equipment comply with chemigation rules?

REMARKS:

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411899

Pierre, September 7, 1989

RECEIVED OF Alvin P. Schmidt, Rt #2 Box 176, White SD 57276

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4468-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By Whudateh
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4468-3

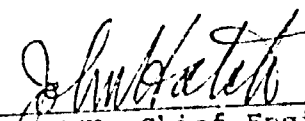
(1) Alvin Schmidt of RR #2 Box 176, White, South Dakota 57276 made Application No. 4468-3, December 31, 1979 for a water permit to appropriate 4.4 cubic feet of water per second from groundwater (one well), Brookings County, South Dakota for irrigation purposes. Permit No. 4468-3 with a priority date of December 31, 1979 was approved March 26, 1980 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 26, 1985 and for the application to beneficial use of said water on or before March 26, 1988.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is: 2135' W and 1230' S of the NE corner of Section 26, T111N, R49W.

(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:

T111N, R49W Section 26	NW1/4 NE1/4	34	acres
	NE1/4 NE1/4	34	"
	SE1/4 NE1/4	31	"
	SW1/4 NE1/4	31	"
Section 35	NW1/4 NE1/4	37	"
	NE1/4 NE1/4	37	"
	SE1/4 NE1/4	38	"
	SW1/4 NE1/4	38	"
	Total	280	acres

(4) Pursuant to Section 46-5-30.1 Alvin Schmidt of RR #2 Box 176, White SD 57276 the holder(s) and/or owner(s) of water Permit No. 4468-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of December 31, 1979 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 Water Permit No. 4468-3 and subject to South Dakota State Law.


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

4468-3

SEP 14 1989

Alvin Schmidt
RR #2 Box 176
White, SD 57276

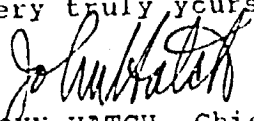
Dear Mr. Schmidt:

Enclosed is Water License No. 4468-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411899 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

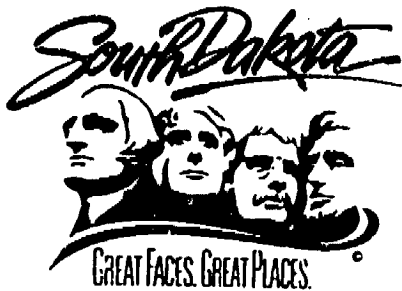
For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4468-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or 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.

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. If you have any questions, please contact our office.

Very truly yours,


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

enclosures



4468-3
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: ALVIN SCHMIDT, 20651 477TH AVE, WHITE, SD 57276 5911

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 4468-3. 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) 4468-3 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.

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.



4468-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6345.

Your item was delivered at 1:24 pm on January 18, 2003 in WHITE, SD 57276. The item was signed for by A. SAGMGDS.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 6345

ALVIN SCHMIDT
20651 477TH AVE
WHITE SD 57276 5911

Postmark
Here

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Keep this receipt. For inquiries:
Access Internet web site at
www.usps.com
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UNITED STATES

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4468-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2003

2687-3
4154-3
4155-3
4468-3

Steven Foster
20444 471 Ave
Brookings SD 57006

Dear Mr. Foster:

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. 2687-3, 4154-3, 4155-3 & 4468-3.

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

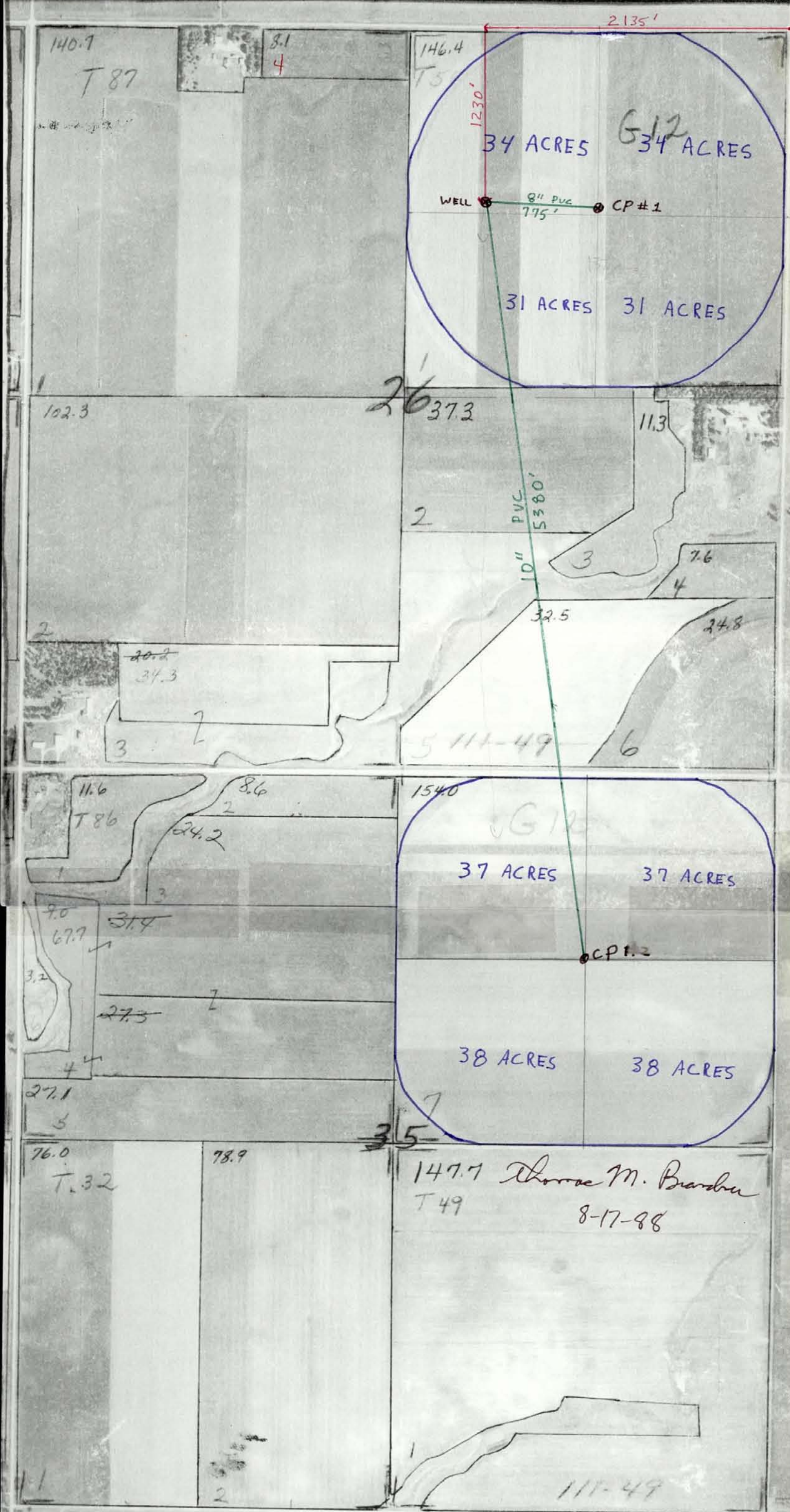
If you have any questions, please contact me.

Sincerely,

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

c: Alvin Schmidt
Rodney Foster

NOT TO SCALE



OWNER

Farm No.

F. 131

Operator

Alvin Schubert

Owner

Wm & Mrs Katherine Land

Alvin Schubert
Irrigation Project #1
White S. Dakota

57276

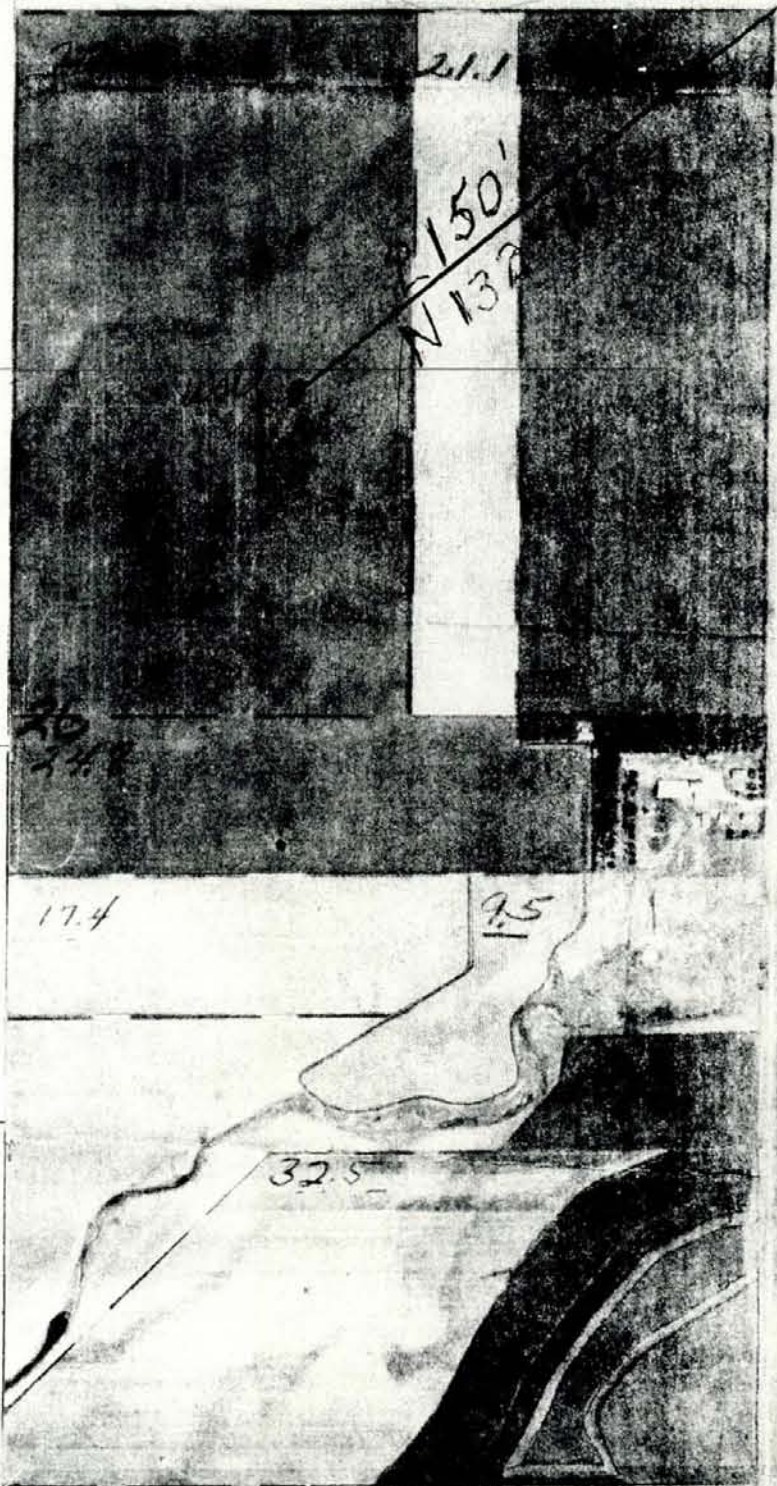
Aveo Irrigate E² Sec 26-111-49
NE⁴ Sec 35-111-49
Water claimed 9.9 cfs

12-27-79

John L Waluma

Legal Description

E² 26-111-



NE⁴ 35
111-49

OWNER

Farm No.

5.131

Operator

Alvin Schmidt

Owner

Wm & Mrs Katherine Land

Alvin Schmidt
Irrigation Project #1
White S. Dakota

57276

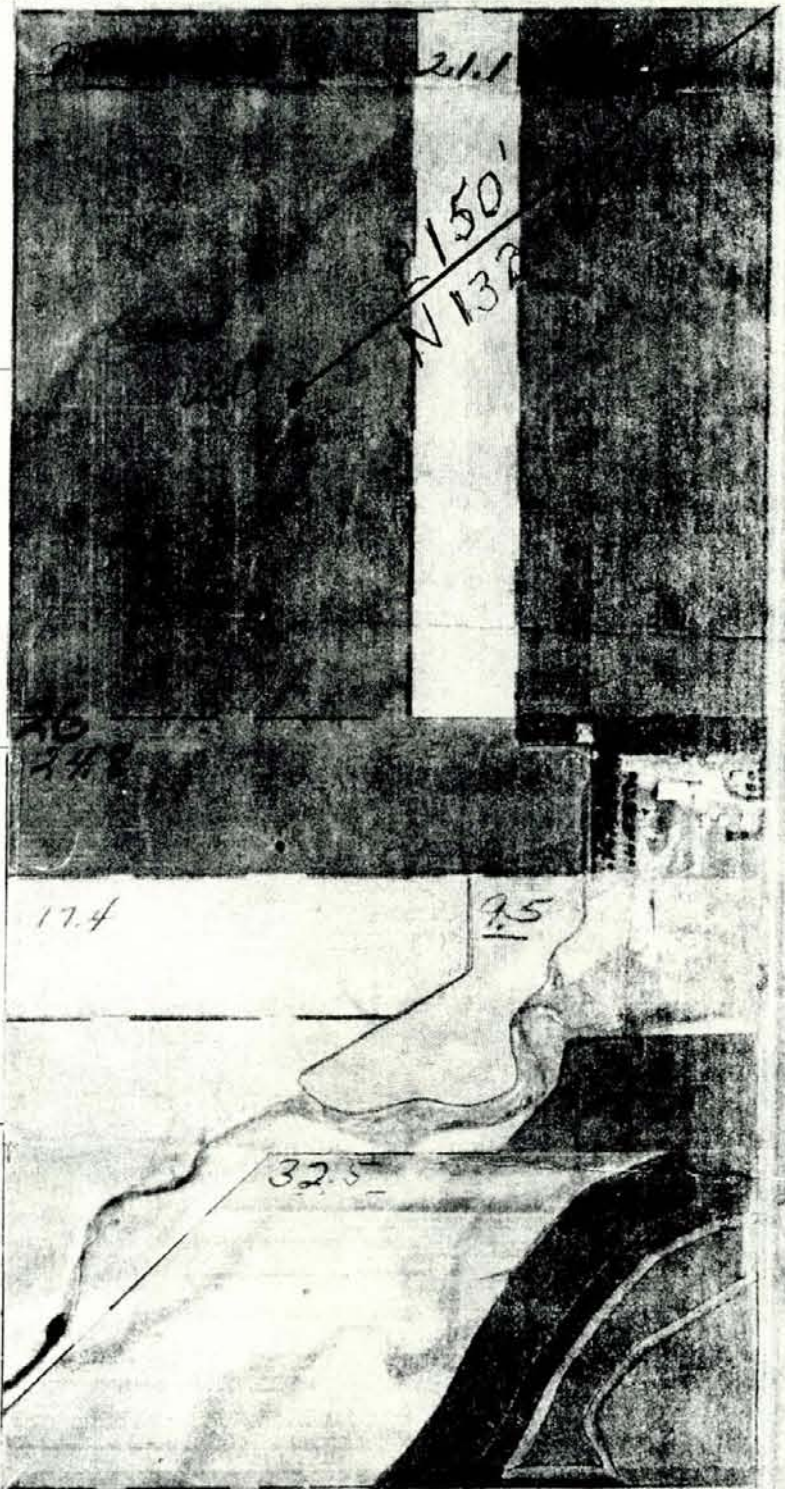
Area Irrigated E² Sec 26-111-40
NE⁴ Sec 35-111-49
Water claimed 4.4 cfs

12-27-79

John L Weissma

Legal Description

E² 26-111-

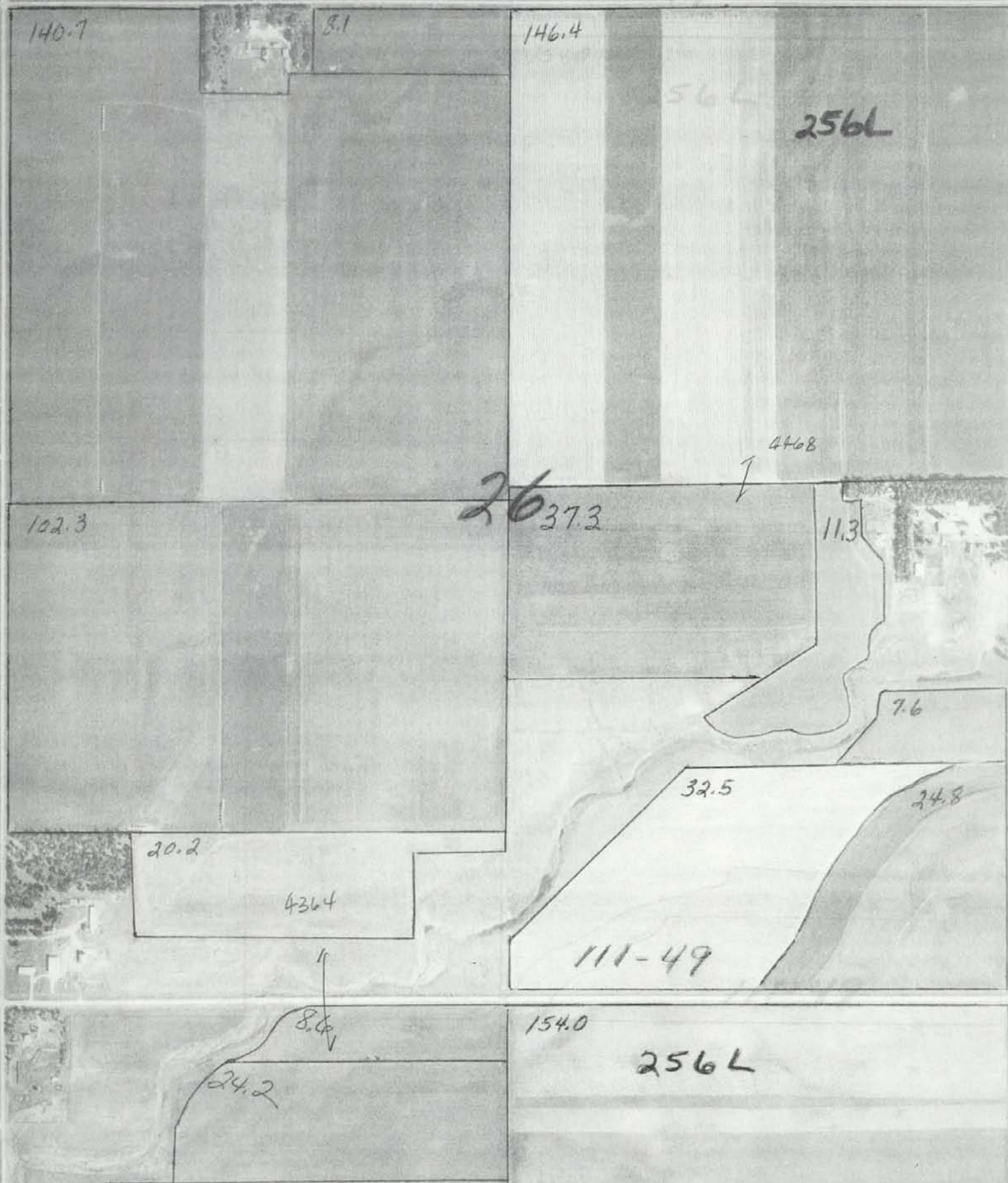


NE⁴ 35
111-48

~~Map # 3693-3~~

Appl. 4468-3

NOT TO SCALE



NOT TO SCALE

111-49

154.0

4468

256L

8.6

24.2

31.4

27.3

27.1

136.4

76.0

1

78.9

35

147.7

111-49



4468-3
**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: STEVEN FOSTER, OP, 20444 471 AVE, BROOKINGS, SD 57006

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) 2687-3, 4154-3, 4155-3 & 4468-3. 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) 2687-3, 4154-3, 4155-3 & 4468-3 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/efrms/secure/efrms/E0455V5-IQ.pdf>

c: GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006

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.

4468-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2007

Steven Foster
20444 471st Ave
Brookings SD 57006

RE: Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3.

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



4468-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: STEVEN FOSTER, OP, 20454 471 AVE, BROOKINGS, SD 57006

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

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire 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 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006

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.denr.sd.gov

February 7, 2018

2687-3
4154-3
4155-3
4468-3

Steven Foster
20454 471st Ave
Brookings SD 57006

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3. 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
email: genny.mcmath@state.sd.us

c: Gerald Foster, 20610 473rd Ave, Brookings SD 57006



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: STEVEN FOSTER, OP, 20454 471 AVE, BROOKINGS, SD 57006

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

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire has not been submitted for Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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 3, 2021 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2687-3, 4154-3, 4155-3 & 4468-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

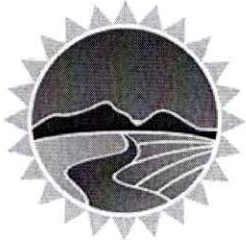
The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by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

If the questionnaire(s) is (are) received in this office before the **March 3, 2021** 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://denr.sd.gov/iq> using this password: GLDRKK**

C: GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006

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.

4468-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 2021

Steven Foster
20454 471st Ave
Brookings SD 57006

RE: Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3

Dear Mr. Foster:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires. Ben Foster completed all four forms online.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 2687-3, 4154-3, 4155-3 & 4468-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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



**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: STEVEN FOSTER, OP, 20454 471 AVE, BROOKINGS, SD 57006

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) 2687-3, 4154-3, 4155-3 & 4468-3 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) 2687-3, 4154-3, 4155-3 & 4468-3 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: NPTLSJ**

c: GERALD FOSTER, 20610 473RD AVE , BROOKINGS, SD 57006

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

Ben Foster
Foster Farms LLC
47346 207th St
Brookings SD 57006-5909

RE: Water Right Nos. 2687-3, 4154-3, 4155-3 and 4468-3

Dear Mr. Foster:

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. 2687-3, 4154-3, 4155-3 and 4468-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

In follow-up to our email communication, enclosed are partially completed "Notice of Transfer of Ownership" forms for use in filing ownership changes on the water rights. 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 (total of \$200). The check or money order for the fee can be made payable to the Water Rights Program.

I have included copies of the water rights for you to keep if you need them. If you have any questions, please contact me.

Sincerely,

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

enclosures

4468-3

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date April 11, 2023

RECEIVED OF Geraldine Schmidt 20651 477th Ave., White SD 57276

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>4468-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
me

Geraldine

NOTICE OF TRANSFER OF OWNERSHIP

PAID

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

APR 11 2023
Ck# 5073
Rec't# _____

No. 4468-3

Date: 4-2-2023

I/We request that Water Right No. 4468-3

formerly owned by: Alvin Schmidt

be transferred to: (name & address) Geraldine Schmidt, Brian Schmidt
20651 477th Ave White S Oak 57276
Telephone No. 605-695-0216

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

NE ¼ Section 26 and NE ¼ Section 35, T11N, R49W

I/We understand that the validity of Water Right No. 4468-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Geraldine Schmidt
Brian Schmidt
(Signed by new owner)

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

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 12, 2023

4468-3

Geraldine Schmidt
Brian Schmidt
20651 477th Ave
White SD 57276

Dear Ms. Schmidt & Mr. Schmidt:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 4468-3.

The ownership change has been completed. The water right formerly held by Alvin Schmidt is now listed in your names.

Enclosed for your records is a receipt for the filing fee you paid. For informational purposes, the annual irrigation questionnaire will be directed to Foster Farms (as operator) until you notify us otherwise.

If I can answer any questions, please let me know.

Sincerely,

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

enclosure

4468-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 2, 2024

4468-3

Geraldine & Briand Schmidt
20651 477th Ave
White SD 57276

Dear Mr. & Ms. Schmidt:

I am in receipt of the 2023 Irrigation Questionnaire for Water Right No. 4468-3. On the questionnaire your previous renter, Ben Foster, reported no irrigation, with a note that he would no longer be operating the property.

If you wish for next year's Irrigation Questionnaire to be sent to a new renter, I will need: first name, last name, mailing address, and contact phone number. Otherwise, I will have all future Irrigation Questionnaires and correspondence sent directly to yourselves.

Thank you for your help in this matter.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 13, 2025

4468-3

Brian & Geraldine Schmidt
20651 477th Ave
White SD 57276

Dear Mr. & Ms. Schmidt:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of your operators, Ben Foster, that he no longer operates the property covered under Water Right No. 4468-3 that he previously operated and reported on.

Water Right No. 4468-3 authorizes the irrigation of 280 acres in the NE $\frac{1}{4}$ Section 26 & NE $\frac{1}{4}$ Section 35, from one well located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26; all in T111N-R49W, at a rate of 1.78 cubic feet of water per second.

If you would please check your information and inform our office of any new renter or operator for this property, we would appreciate it. Until we have new information, we will update our records to have next year's Irrigation Questionnaire for this water right sent to you.

Should you decide you wish to discontinue the irrigation on this piece of land, we ask that you let us know.

Please let us know if you have any questions or concerns.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Paul Schmidt, 1206 2nd St, Brookings SD 57006

DATE: 01/28/2025

TELEPHONE: 845-867-0956

RE: Ownership

COMMENTS:

Paul called the Water Rights Program on January 28, 2025, reporting that Geraldine & Brian Schmidt (holders of WR No. 4468-3) are both deceased and that ownership of WR No. 4468-3 will eventually need to be re-assigned. At this time the family is discussing how to proceed and asked that I list him as the primary contact until a decision has been made. I agreed to follow up in Spring 2026.

At present, the property authorized for irrigation is being rented to brothers, Robert & Thomas Berndt. Paul asked that future Irrigation Questionnaire mailings be directed to Berndt's addresses.

Robert Berndt
20606 477th St
White SD 57276
(605) 695-5448

Thomas Berndt
47871 206th St
White SD 57276
(605) 690-7089



Amanda Dewell
Water Rights Program