

1. Considered 3/25 19 81
2. Name of Applicant Donald Schmidt
3. Post Office Address R.R., Willow Lake 57278
4. Amount of Water Claimed 2.2
5. Source of Water Supply Well - 88' 88'
6. Water to be used for Irr.
7. Acres to be irrigated 160 maximum acre feet
8. Water to be diverted and used in Clark County
about 1 1/2 N. 4 miles EAST of CARLENTON
9. PROOF OF PUBLICATION Received (X) 3-23-81
Not Received _____
- APPLICATION Approved 3/25/81
Subject to WT - IR
Not Approved _____
Action deferred _____

Priority

3/4/81

Date

Received 3/4/81 Application Complete yes ☒ no _____ FEE 250.00

Remarks _____

WATER
QUALITYDate information and/or
fee or corrected Application receivedPeriod of Annual use May - SeptemberReceived yes 3/5/81 no _____ APPROVED CONDITIONAL (Circle one)WI-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____

SW 1/4 NN 1/4 7-114-58

Lands to be irrigated _____

NW 1/4 Sec. 7-114-58WELL
LOG

Remarks _____

Driller Irrigation Supply licensed yes no _____Depth 7' 8' 8" deep

MAP

Map No. 3872-3 Map located in Water Right X Map file _____

Type of Map aerial Prepared by ASCS

+++++

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 _____

(Signed) _____

+++++

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

REMARKS

F.F. & C

OF LAW,

FINAL

DECISIONS

ETC.

Date _____ Final Decision, including F.F. & C of Law were adopted _____

Date _____ Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

No. 4658-3Map No. 3872-3 Water Division No. 3 JAMES 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 DONALD SCHMIDT Phone No. 625-5427
 Post Office Address _____ (Street, RR, or Box) _____ (Town) _____ State SD _____ (Zip Code)
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work DONALD SCHMIDT IRRIGATION PROJECT #44. Amount of water claimed (cubic feet per second) 2.2 CFS.5. Source of water supply WELL6. Location of point of diversion 1390 FT. N 165° E OF NW CORNER OF SEC 7, T14N, R58WCounty CLARK7. Annual period or periods during which water is to be used MAY - SEPTEMBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 160

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>NW 1/4, NW 1/4, SEC 7, T14N, R58W</u>	<u>40</u>
<u>NE 1/4, " " " "</u>	<u>40</u>
<u>SE 1/4, " " " "</u>	<u>40</u>
<u>SW 1/4, " " " "</u>	<u>40</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 _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water CLARK COUNTY12. Principal Features of the Proposed Water Supply System. COURIER

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

TURBINE PUMP

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

BURIED PIPE LINE

C. Works proposed to apply water to beneficial use.

CENTER PIVOTEstimated Total Cost \$ 65,000

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 BRACKENRIDGE) 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 20th day of FEBRUARY, 1981

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4658-3

DONALD SCHMIDT
(Applicant)

R.R. WILLOW LAKE,
(Post Office Address)

SOUTH DAKOTA 57278
(State)

With the following qualifications

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

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

Date of first receipt of application MARCH 4, 1981

Date of return to applicant for correction, amendments or changes required —, 19—

Date of receipt of corrected application MARCH 5, 1981

Approved MARCH 25, 1981, Recorded in Book 22 Page 100

WATER RIGHT PERMIT NO. 4658-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4658-3 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 4, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 25, 1983
3. The whole of said work is to be completed on or before MARCH 25, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 25, 1986
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 2.20 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 25, 1986; said water to be used during the following described annual period: MAY - SEPTEMBER

Witness my hand this 21ST day of MARCH, 1981

THE WATER MANAGEMENT BOARD

By John H. Hark
Chief Engineer, Water Rights

Certificate of Construction Issued —, 19—

Water License Issued —, 19—

STATIC WATER LEVEL	10 ft
AQUIFER THICKNESS	31 ft
SCREEN LENGTH	
SLOT SIZE	
FITTING - TOP	
FITTING - BOTTOM	
Development - Supply	
Refractured well	
Water production (GPD)	3.6 395
TOTAL DEPTH	100 ft

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

D. Well Information

- (1) Drill Hole, Diameter 24 IN., Depth 88 FT.
- (2) Casing, Type STEEL, Diameter 16 IN., Thickness 1
(wood, concrete, steel, etc)
- (3) Screen, Type JOHN SUI, Diameter 16 IN., Length 25
~~25~~ FT.
- (4) Gravel Pack, Thickness 4 IN., Length of gravel pack 25
~~25~~ 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 65 FT

Depth to bottom of water bearing material 88 FT

Depth to water (ground surface to water level) 10 FT.

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

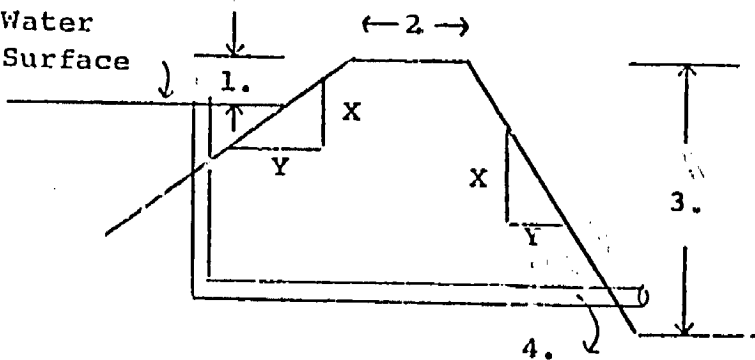
On same owner's property — rds.

On property owned by others ~ 1 MILE. 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 _____

Conditional

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

1-4A Cresbard-cavour complex - Cavour spots (Approximately 3 acres)

This soil complex has small areas of dense compact subsoils that contain excess amounts of sodium. If problems occur with ponding and traction in these areas they should be drained or returned to permanent vegetation.

RECOMMENDED MANAGEMENT:

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SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: DANIEL SCHMIDT OWNERS ADDRESS: WILLOW LAKE SD

COUNTY LAND LOCATED IN: CLARK PHONE: 625-45427

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

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

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

1. WELL LOCATION OR DIVERSION POINT: SW 1/4 NW 1/4 SEC 7 T14N R.5B W
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>NW 1/4 SEC 7 T14N R.5B W</u>	<u>160</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: CORN & ALFALFA
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: N.A.
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 81-145
8. SALINITY (EC X 10⁶): 1700
9. SODIUM (SAR): 2.23
10. ADJUSTED (SAR): 5.95

RECEIVED

MAR 05 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on FEB. 19, 1981, at the following location: SEE ITEM #1 by _____ (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

SUBSCRIBED AND SWORN BEFORE ME THIS

20 DAY OF FEBRUARY

Charles W. McBratney
(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

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

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clark) ss.

I, Bert Moritz hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Clark County Courier

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

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

March 12, 1981

March 19, 1981

Bert Moritz
(Signature)

Publisher
(Title)

3/20/81
(Date Signed)



Notice of Hearing on
Application to Appropriate Water
Pierre, South Dakota 57501
March 6, 1981

Notice is hereby given that
Donald Schmidt whose post office
address is Willow Lake, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1-1 thru 46-1-9; 46-1-
14; 46-2-9 thru 46-2-11, 46-2-13; 46-
5-1 thru 46-5-8; 46-5-10 thru 46-5-22,
46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-
6-6.1, 46-6-10, 46-6-14 and Board
Rules ARSD 52:01:01:01 thru
52:01:01:13, for a permit to
appropriate for beneficial use 2.2
cubic feet of water per second of
time from ground water (one
well) through the Schmidt No. 4,
the point of diversion of which is
to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 7, Twp. 114N, Range 58W.
Said water to be used for the
purpose of providing irrigation on
portions of the following
described land: NW $\frac{1}{4}$, Section 7,
T114N, R58W.

This Application No. 4658-3 will
be considered by the Water
Management Board at the
Holiday Inn, Sandy Shore Room,
Watertown, SD, upon the 25th day
of March, 1981 at 1:00 p.m. The
Board is authorized to make a
determination on this application
at the hearing. All interested
persons may appear and be
heard. Any person who may be
affected by a Board decision who
desires to present evidence or
cross-examine witnesses
according to SDCL 1-26 may
notify the Board in writing prior
to the hearing or orally at the
hearing.

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

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

Water Management Board
Betty Westlund
Water Rights Specialist
3-12-2i

No. 4650-3

Publish first publication, on or before March 12, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 6, 1981

Notice is hereby given that Donald Schmidt whose post office address is Willow Lake, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.2 cubic feet of water per second of time from ground water (one well) through the Schmidt #4, the point~~xxx~~ of diversion of which is ~~(xxx)~~ to be located in the SW 1/4 NW 1/4

of Section 7, Twp. 114N, Range 58W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NW 1/4, Section 7, T114N, R58W

This Application No. 4650-3 will be considered by the Water Management Board at the Holiday Inn, Sandy Shore Room Watertown, SD upon the 25th day of March, 1981

at 1:00 P.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

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

WATER MANAGEMENT BOARD

cc: Donald Schmidt, RR, Willow Lake, SD
57276

BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8033

PIERRE, March 4, 1981

RECEIVED OF Donald Schmidt, Willow Lake, SD 57278

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

Fee for Application for Permit to Appropriate Water No. 4658-3 (examination, processing, recording and filing)	250.00
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	250.00

WATER RIGHTS COMMISSION

By (Signature)
Chief Engineer, Executive Officer
JOHN HATCH (bt)

**Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501
March 22, 1983

Water Rights Division
605 773-3352

4658-3
Donald Schmidt
RR
Willow Lake SD 57278

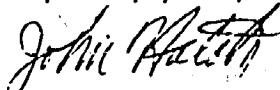
Dear Sir:

Water Permit No. 4658-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

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

Please advise, if you have any questions.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure

Water Rights Division - DWR
Conversation or File Documentation

File No. 965-3

NAME OF PERSON OR FILE: Donald Schmidt

ADDRESS: Willow Lake COUNTY Clark

DATE: July 29, 1983 TELEPHONE _____

RE: Well interference Complaint made by Helena Townsend + John Opsahl

COMMENTS:

Mr. Opsahl was contacted by Frank Smith on July 29, concerning a complaint made by Helena Townsend by phone on July 28.

There are two wells located on Mr. Opsahl's property which were reported to quit pumping whenever Schmidt pumps his irrigation well for more than 12 hours. The two wells are located and constructed as follows:

114-59-13 AAAC: TD=100', Drilled by Hurns Drilling, approx. 10 yrs old, No log on file, 6 in. steel casing, Jet pump, Depth of intake unknown.

114-59-12 DDD B: TD=90', Empire Drilling, 5 in. PVC casing, Screen 70-90 ft.

Coarse sand 59-64 and 67-93. Casing 93-150. 1 HP. Submersible pump set at 85 ft. installed by Richard SeateLT. Static Level 28.0' on 7/29/83.

The following drawdown was measured on 7/29 after Schmidt started his irrigation well:

Time	Well # 114-59-12 DDD B	W/L	drawdown	Elapsed Time (hrs)
11:00		26.0	0	
11:30		28.2	0.2	0.5
12:00		29.6	1.6	1.0
12:45		30.9	2.9	1.75
1:10		31.8	3.8	2.17
1:30		32.5	4.5	2.5
3:15		35.4	7.4	4.25
3:50		36.4	8.4	4.83

The drawdown data does not indicate that the W/L could be drawn down to the 85 ft. depth by pumping the Schmidt irrigation well.

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

NAME: Frank Smith



Department of Water & Natural Resources

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

April 15, 1985

Donald Schmidt
SR Box 16
Willow Lake SD 57278

NOTICE

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

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

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

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

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

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

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

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

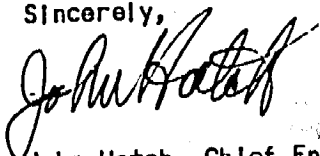
Donald Schmidt
April 15, 1985
Page 2

3. Postpone any action;

4. Take no action.

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

Sincerely,



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

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

A40408KS.wr



Department of Water & Natural Resources

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

May 17, 1985

Notice of One Year Suspension of Water Permit

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

FROM: John Hatch, Chief Engineer
Water Rights Division

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

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

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

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

State of South Dakota
Water License No. 4658-3

(1) Donald Schmidt
of SR Box 16, Willow Lake SD 57278
made Application No. 4658-3, March 4, 1981 for a water permit to appropriate
2.20 cubic feet per second of water from groundwater (one well),
Clerk County, South Dakota for irrigation purposes.
Permit No. 4658-3, with a priority date of March 4, 1981
was approved March 25, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 25, 1986 and for the application to beneficial use of said
water on or before March 25, 1986.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 2.20 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1430 ft S and 500 ft E from the
NW corner of Section 7, T114N, R58E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T114N, R53W

Section 7 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.0 acres (BB)

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 " (BA)

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 31.3 " (BC)

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 31.8 " (ED)

TOTAL 125.4 acres

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

of SR, Box 16, Willow Lake SD 57278

the holder(s) and/or owner(s) of Water Permit No. 4658-3 is issued a license to appropriate water, the right to use 1.77 cubic feet per second of water from groundwater (one well) with a priority date

of March 4, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4658-3 and subject to South Dakota State Law.


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

NOV 26 1986

Permit No. 4658-3James 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 Donald Schmidt_____ of RR Willow Lake, SD 57278 holder ofPermit No. 4658-3, bearing the priority of March 4 1981 authorizingthe diversion of 2.20 cu. ft. per second of the waters of groundwater (Altamont aquifer)for irrigation purposes, in Clark County.

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

motor: Reuland, 60hp. pump: Fairbanks Morse
M.M. 11824S.N. 751067B-7

A. Works used to divert the water:

pipeline: size - 8in.type - PVClength - 830 ft

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

center pivot: make - Olson# of towers - 8length - 1300 ft

C. Works used to apply water to beneficial use:

high pressure - 70psicapacity - 800 gpmThe system is in the following condition goodThe point of diversion is located well: 1430 ft S and 500 ft E from the NW corner of
sec 7-T114N-R58W (SW 1/4 NW 1/4)The works are capable of diverting and conveying to the place of use 1.77cu. ft. per second of water which is to be used for irrigation

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

NW 1/4 NW 1/4 sec 7-T114N-R58W Acres 31.0NE 1/4 NW 1/4 31.3SW 1/4 NW 1/4 31.3SE 1/4 NW 1/4 31.8comprising a total of 125.4 acres of land and the license should be issued for 1.77 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Nov 2, 1984Ron Duwall
signature

LICENSE FOR PERMIT NUMBER 4658-3

1. Legal location of wells: 1430 ft S and 500 ft E from the NW corner
of sec 7 - T114N - R58W

dams & structures: _____

2. Well Information: Well Drilling Firm Kaiser Drilling

No. of wells 1 Depth 135 ft

Casing a) diameter 14 in. Screen a) type steel
b) length 119 ft b) length 16 ft
c) type steel Static Water Level 2 ft

Pump a) make Fairbanks - Morse Motor a) make Rewland
b) model S.N. b) model no. 11824
c) size _____ c) ~~horsepower~~ rating 751067B-7
d) capacity _____ GPM d) motor efficiency rating
e) turbine pump 60 hp.
no. of stages _____

3. Distribution lines:

a) size of lines 8 in.
b) type PVC
c) length 830 ft

4. Dam information:

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

- i) Outlet tubes:

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

5. System Type: a) sideroll:

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

- b) towline:

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

5. System Type: c) center pivot

- 1) make Olson
- 2) number of towers 8
- 3) distance between towers _____
- 4) overall length 1300
- 5) End gun (Y/N) _____
- 6) high or low pressure high
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 70
- 9) GPM 900

g) Gun

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

d) Gate Pipe

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

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

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

h) Hydromatic

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

YES

NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4658-3
4414-2
2696-3A

January 23, 1985

Donald Schmidt
Rural Route
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

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

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

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

Sincerely,

Maxine Stirling
Staff Assistant

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

SECOND NOTICE

July 8, 1985

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

NOTICE OF WATER LICENSE INSPECTION FEE REQUIREMENT

Donald Schmidt
RR
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

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

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

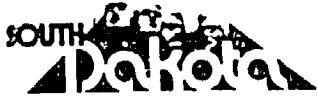
South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Please submit the required fee immediately to avoid jeopardizing your water permit.

Very truly yours,

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

SSOB:WR

A70517KS.wr



Department of Water & Natural Resources

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

Third Notice
Permit No. 2696-3A, 4414-3 & 4658-3

February 25, 1986

NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 2696-3A, 4414-3 & 4658-3 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE

Donald Schmidt
RR
Willow Lake, South Dakota 57278

Dear Mr. Schmidt:

January 23, 1985 and July 8, 1985 you were notified the final inspection fee of \$50.00 is due before Water License No. 2696-3A, 4414-3 & 4658-3 can be issued. To date, the fee has not been received (total for the three permits \$150.00).

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 2696-3A, 4414-3 & 4658-3 until the \$50.00 fee is paid.

Very truly yours,

A handwritten signature in cursive script, reading "John Hatch". The signature is written in black ink and is positioned below the "Very truly yours," text.

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

S520.WR

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

4100 00

Pierre, March 24, 1966, 19

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

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4058-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH/MS

No. 4658-3



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 26 1986

Donald E Schmidt
SR Box 16
Willow Lake SD 57273

Dear Mr. Schmidt:

Enclosed herewith is, Water License No. 4658-3. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,

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

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

Enclosures

WNR-817 3/83
Transmittal of Water License



Department of Water & Natural Resources

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

January 29, 1988

DONALD SCHMIDT
SR BOX 16
WILLOW LAKE, SD 57278

NOTICE

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

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

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

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

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

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

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

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

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

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



Department of Water & Natural Resources

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

February 9, 1988

4658-3
4414-3
2696-3A

Donald Schmidt
SR Box 16
Willow Lake SD 57278

Dear Mr. Schmidt:

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

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

Very truly yours,

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



Department of Water & Natural Resources

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

#2646-371
#4658-3

February 17, 1989

Donald Schmidt
SR Box 16
Willow Lake, SD 57276

Dear Mr. Schmidt:

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

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

The new standards include:

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

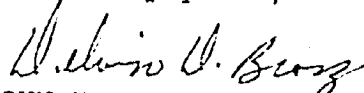


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division



4658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

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

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

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

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

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

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

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

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

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



January 29, 1993

4658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

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

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

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

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

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

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

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3. and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

4658-3

DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278

4a. Article Number

P 906 560 137

4b. Service Type

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

7. Date of Delivery

1-30-93

5. Signature (Addressee)

[Signature]

6. Signature (Agent)

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

PS Form 3811, December 1991 U.S.G.P.O. 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



4/6-58-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Sir:

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

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

Sincerely,

A handwritten signature in cursive script, which appears to read 'Barry A. McLaury'.

Barry A. McLaury
Natural Resources Analyst
Water Rights Division



4658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 4, 1993

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete Items 1 and/or 2 for additional services.
- Complete Items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

4658-3
DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278

5. Received By: (Print Name)

Donald Schmidt

X

6. Signature: (Addressee or Agent)

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

4a. Article Number

9 378 080 567

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☐ Return Receipt for Merchandise

☒ Certified

☐ Insured

☐ COD

7. Date of Delivery

2-06-97

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

Domestic Return Receipt

Thank you for using Return Receipt Service.



4658-3

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

February 4, 1997

NOTICE

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

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

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

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

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 46-2-17. These are contested case hearings pursuant to chapter 1-26. According to SDCL 46-1-12, the board may suspend a permit for a period of up to one year for the first violation or up to three years for the second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

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

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

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

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



4658-3

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

February 4, 1997

NOTICE**TO:** DONALD SCHMIDT, HCR 3 BOX 16, WILLOW LAKE, SD 57278**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Water Permit No(s). 2696-3A, 4414-3 & 4658-3

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

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

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

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

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

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

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

4658-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 19, 1997

2696-3A

4414-3

4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



January 9, 1998

4658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTICE

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

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4658-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 9, 1998

NOTICE

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

FROM: Ron Duva'll, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

RE: Requirement to Report 1997 Chemical Use

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

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

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

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

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

Is your RETURN?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece before the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278

4658-3

4a. Article Number

2119 141 499

4b. Service Type

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

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Donald Schmidt*

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

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



4658-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 1998

2696-3A

4414-3

4658-3

Donald Schmidt
HCR 3 Box 16
Willow Lake, SD 57278

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 22, 1999

NOTICE

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

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 23, 1999

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

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

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2000

2696-3A

4414-3

4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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

4658-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278 9515

2. Article Number (Copy from service label)

7000 0600 0026 9814 1983

PS Form 3811, July 1999

Domestic Return Receipt

102595-00 M 0952

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
Donald Schmidt 01-20-01

C. Signature
X Donald Schmidt ☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 19, 2001

NOTICE

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

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2001

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

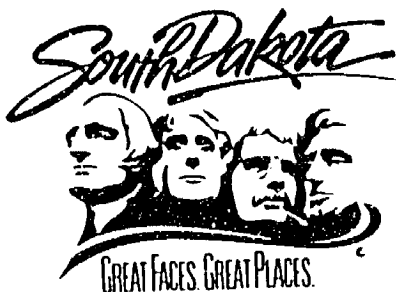
I am writing to acknowledge receipt of your 2000 irrigation questionnaires. The questionnaires were returned by Danny Schmidt on January 25th. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A, 4414-3 and 4658-3.

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

If you have any questions, please contact me.

Sincerely,

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



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2003

2596-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 2004

NOTICE OF ONE YEAR SUSPENSION OF WATER RIGHTS

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

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

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

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

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

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

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

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

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

KAREN SCHLAAK
NOTARY PUBLIC
State of South Dakota



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 16, 2004

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

Dear Mr. Schmidt:

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

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

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

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

Sincerely,

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

File No. 2696-3A

4414-3

4658-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**NAME & ADDRESS:** Donald Schmidt, HCR 3 Box 16, Willow Lake SD 57278-9515**DATE:** March 29, 2004**TELEPHONE:****RE:** Suspended water rights**COMMENTS:**

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

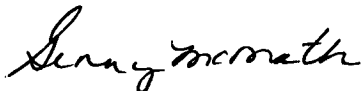
I explained they would need to be scheduled for hearing and the Board would need to consider reinstating them by rescinding the suspensions. He requested that we go ahead and schedule them for hearing because he needs to be able to irrigate.

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

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

RECOMMENDED ACTION:

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



Genny McMath
Environmental Scientist



4658-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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March 29, 2004

NOTICE

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

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

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

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

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

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

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

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

c: Diane Best, Assistant Attorney General

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

CERTIFICATION

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

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

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

Diane Best, Assistant Attorney General, Capitol Building



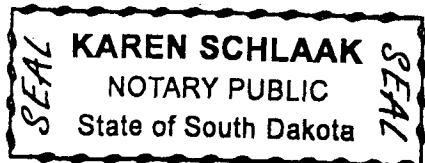
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



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

BRIEF DESCRIPTION:

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

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

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

SUBMISSION OF PAST IRRIGATION QUESTIONNAIRES:

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

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

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

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

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



Genny McMath
Water Rights Program
March 31 2004



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 14, 2004

NOTICE

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

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

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

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

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

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

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

c: Diane Best, Assistant Attorney General

CERTIFICATION

4658-3

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

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

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

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

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

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

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

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

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

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

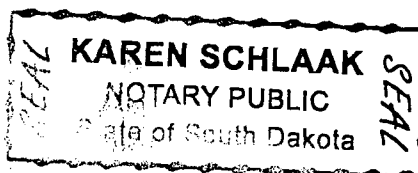
Diane Best, Assistant Attorney General, Capitol Building


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

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


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2005

NOTICE

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

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

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

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

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

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

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

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



4658-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8516 0827

Your item was delivered at 9:14 am on January 21, 2005 in WILLOW LAKE, SD 57278. The item was signed for by D SCHMIDT.

[Shipment Details >](#)

Notification Options

► Track & Confirm by email

[What is this?](#)

[Go >](#)

► Request Proof of Delivery

[What is this?](#)

[Go >](#)



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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8516 0827

DONALD SCHMIDT
HCR 3 BOX 16
WILLOW LAKE SD 57278 9515

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

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

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(See Reverse)

PS Form 153, July 2001



4658-3
**DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 31, 2005

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

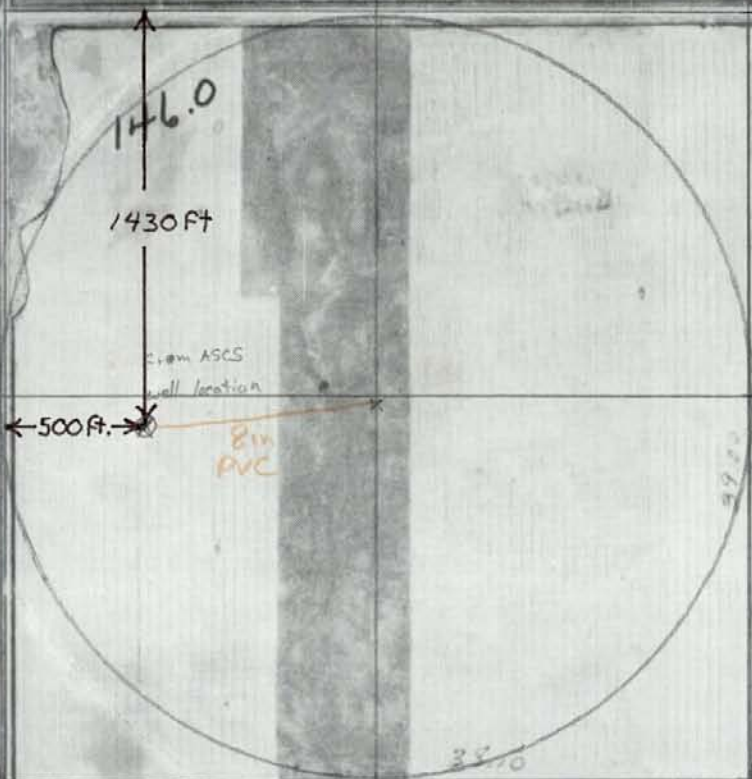
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

NOT TO SCALE

114-58

38.20

39.60



156.5

7

39.93
39.40

146.8

147.0

579-25R

114-58

Ron Duvall
Water Resources Eng.
11/2/84

4658-3

NOT TO SCALE

114-58
NW-7-114-58



DONALD SCHMIDT
IRRIGATION PROJECT #4
WILLOW LAKE, S.D.

IRRIGATED AREA
NW 1/4, SEC 7, T114N, R58W
ACRES IRRIGATED 160 AC.
WATER CLAIMED 2.2 CFS

FEB 27, 1981

Harrell W. DeBow

114-58

MAP N° 3872-3 APPL N° 4658-3



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2007

NOTICE

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

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

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

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

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

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

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

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

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

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



DEPARTMENT of ENVIRONMENT
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PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

February 5, 2007

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

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

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

If you have any questions, please contact me.

Sincerely,

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



4658-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

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

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2696-3A, 4414-3 & 4658-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2696-3A, 4414-3 & 4658-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2009** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

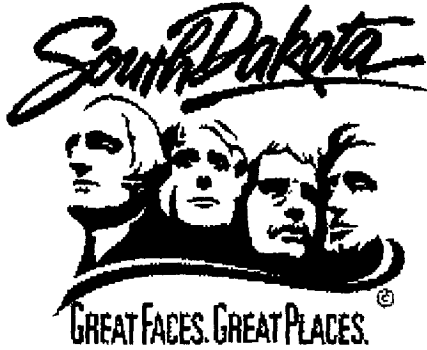
1. Suspend or cancel Permit No(s) 2696-3A, 4414-3 & 4658-3 in accordance with applicable provisions of SDCL 46-1-12; **Due to a past violation, Water Rights Staff will be recommending to the Board that the water right be suspended for three years;**
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2009

2696-3A
4414-3
4658-3

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

Dear Mr. Schmidt:

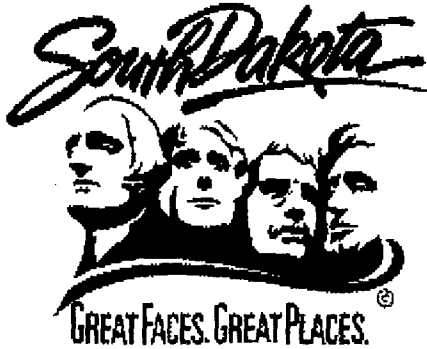
I am writing to acknowledge receipt of the information for your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 2696-3A and 4414-3. I completed questionnaires for you based on our phone conversation. The information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

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

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2009

4658-3

Jack Schmidt
42635 Sd Highway 28
Willow Lake, SD 57278-6210

Dear Mr. Schmidt:

I am writing in regard to Water Right No. 4658-3, currently listed in the name of Donald Schmidt. During a March 10th phone conversation with him, Donald indicated you now own the land described in the water right. I have included a copy of the water right for your review.

In order to update the water right, two things are needed. One, the 2008 irrigation questionnaire data still needs to be submitted and secondly, a "Notice of Transfer of Ownership" form will need to be filed to change ownership of the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

You may keep the copy of the water right however, please return the completed irrigation questionnaire and the "Notice of Transfer of Ownership" form and filing fee as soon as possible.

If you have any questions, please contact me.

Sincerely,

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

RECEIVED

MAR 27 2009

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4658-3

Date: 3/25/09

I/We request that Water Right No. 4658-3

formerly owned by: Donald Schmidt

be transferred to: (name & address) Jack Schmidt

42641 SD Hwy 28
Willow Lake SD 57278

Telephone No. 605-625-1305

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

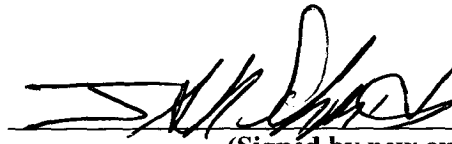
125.4 acres - NW ¼ Section 7, T114N, R58W

I/We understand that the validity of Water Right No. 4658-3 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 Two Dollars and Fifty Cents (\$2.50) 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 Jack Schmidt, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/27, 20 09

RECEIVED OF Schmidt Farms J E Schmidt 42641 SD Hwy 28 Willow Lake SD 57278

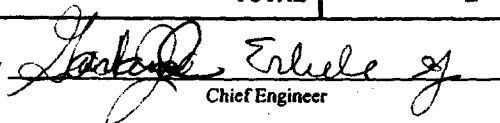
The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2	50
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>4658-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2 50

No.

04055

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 27, 2009

4658-3

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of the 2008 irrigation questionnaire, "Notice of Transfer of Ownership" form and filing fee for Water Right No. 4658-3.

The transfer has been completed. The water right formerly held by Donald Schmidt is now listed in your name.

Enclosed is your Receipt No. 04095 in the amount of \$2.50. You may keep this for your records.

If you have any questions, please contact me.

Sincerely,

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

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

July 31, 2013

Jack Schmidt
42633 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

Water Right No. 4658-3 appropriates 1.77 cubic feet of water per second from a well completed into the Altamont Aquifer to irrigate 125.4 acres with a priority date of March 4, 1981. The well is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7 with the acres being located in the NW $\frac{1}{4}$ Section 7, T114N, R58W. You called and indicated the well has failed and you intend to drill a new well approximately 20 feet from the present well.

When you were in the Water Rights office last October we discussed this well and your expectation that it will fail and need to be replaced. It is our understanding the well is screened at two different points and at this time it is not clear whether they are separate aquifers. You surmise the screen is on each side of a two foot clay lens and the aquifer in each screened section is the Altamont Aquifer. The water right is specific to the Altamont Aquifer as the water source so the replacement well is limited to only that source. In addition, the well construction standards provide that no well may be constructed to allow production from more than one aquifer.

You are preparing to have driller conduct test drilling and wanted to know exactly what is necessary to insure you remain in compliance with water rights law.

1. A test hole log is necessary to see the material encountered at the various depths, water bearing material and the location of the potential confining material.
2. What was discussed last October is completing the test hole isolated into the upper layer and measuring the water level in the well. Then further completing the test hole and isolating it into the deeper section and again measuring the water level. If they water level is the same, it is likely they are part of the same formation.

The driller can provide the test hole log along with the water levels for us to make a determination. If the well is completed into a different aquifer, a new permit is required. If your driller has specific questions on what is necessary to insure the replacement well is completed in the Altamont Aquifer, please have them contact Ken Buhler at (605) 773-3352.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

STEFFL DRILLING & PUMP INC.

7-Day 24-Hour Service

August 13, 2013

JS Farms
Jack Schmidt
42633 SD Hwy 28
Willow Lake, SD 57278
jsfarms@itctel.com

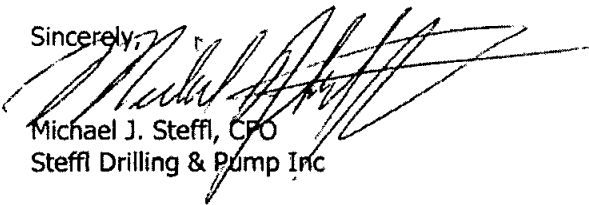
RE: T114N, R58W, NW 1/4 Sec 7
replacement well

Jack,

To comply with the Water Right Program request to determine if two aquifers are being used for Permit #4658-3:

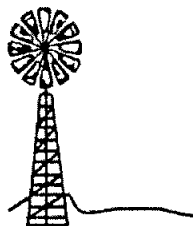
1. Test drilling will be done at this site to determine if the clay layer is present at the new irrigation well site. If not present, proceed with well construction.
2. If present, a 4" well will be constructed above and below the clay layer. Full length grout will be required to prevent migration of waters between sand formation.
3. After the two wells have been installed the existing irrigation well will need to be sealed to again prevent false reading from migration of the waters.
4. After water levels are established, the design of the irrigation well can be determined.

Sincerely,



Michael J. Steffl, CEO
Steffl Drilling & Pump Inc

cc Eric Gronlund
Water Rights Program, DENR



2295 - 66TH Ave N.E. * Willmar, MN 56201-9183
(320) 235-8484 * FAX: (320) 235-4848
Email: steffl@waterwelldrilling.com
www.waterwelldrilling.com

Buhler, Ken

From: Steffl Drilling and Pump <steffl@waterwelldrilling.com>
Sent: Wednesday, November 27, 2013 9:05 AM
To: Gronlund, Eric
Cc: Buhler, Ken
Subject: RE: Jack Schmidt, Willow Lake
Attachments: RE Jack Schmidt.pdf

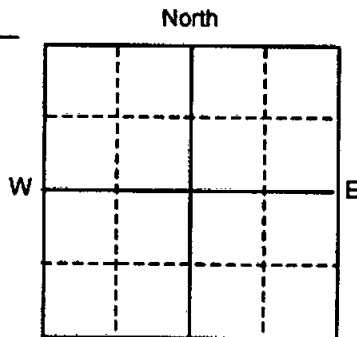
The attachment contains the reference letter and test hole log for Jack Schmidt.

If you have further questions, please direct those to Mike Steffl at mike@waterwelldrilling.com.

Sue Yeo, off mgr
Steffl Drilling & Pump Inc

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NW 1/4 Sec 7 Twp 114N Rg 58WWell Owner: Jack SchmidtBusiness Name: JS FarmsAddress: 42633 SD Hwy 28City, State, Zip: Willow Lake SD 57278County ClarkPlease mark well
location with an "X"

Well Completion Date

November 26, 2013

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☒ Test holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

mud rotary

CASING DATA:

If other describe ☐ Steel ☐ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
HS Bentonite	6	Lb/gal	0.0 Ft	120.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremmy

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter _____ Inches Length _____ Feet

 Material _____
 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 _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____☐ No, Why Not? _____Lab to which water
quality sample sent for analysis _____

WELL LOG:

			DEPTH	
	FORMATION		FROM	TO
topsoil	blk	M	0	2
clay	tan	M	2	17
clay	gray	gummy	17	76
sand/gravel	multi	50 slit	76	91
clay	gray	M	91	120

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed
☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

TH replacement well

44 41 58.9N

97 51 15.6W

Mike Gjerde

This well was drilled under license # 463 and this
report is true and accurate.Drilling firm: Steffl Drilling & Pump Inc

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Water Right No. 4658-3, Jack Schmidt

DATE: December 2, 2013

RE: Test hole log review

COMMENTS:

On November 27, 2013, the DENR-Water Rights Program received an email from Steffl Drilling & Pump Inc. that included as an attachment a log for a test hole that had been drilled on November 26, 2013, for Jack Schmidt. The driller reported the location of this test hole as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T114N-R58W. The log identified tan and yellow "clay" to a depth of 76 feet below grade and aquifer material (sand/gravel) from 76-91 feet below grade. The elevation of this aquifer material (i.e. 1439-1454 feet msl) appears to be consistent with what Hamilton identified as either the Altamont aquifer 1 or the Altamont aquifer 2 in Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota, Part II: Water Resources: S. D. Geological Survey Bulletin 29.

Review of the test hole log submitted by Steffle Drilling & Pump Inc. suggests that there was only one aquifer encountered by the test hole and the aquifer is the Altamont aquifer.



Ken Buhler
Natural Resources Engineer

4658-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

December 2, 2013

Jack Schmidt
42633 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

Water Right No. 4658-3 appropriates 1.77 cubic feet of water per second from a well completed into the Altamont Aquifer to irrigate 125.4 acres with a priority date of March 4, 1981. The well is located in the SW ¼ NW ¼ Section 7 with the acres being located in the NW ¼ Section 7, T114N, R58W. In past discussions you have inquired about drilling a replacement well approximately 20 feet from the existing well.

The Water Rights Program received a test hole log from Steffl Drilling. Review by staff found that only one aquifer is encountered by the test hole and the aquifer is the Altamont Aquifer. The replacement well may be constructed based on this being a replacement well at the approximate same location and into the authorized source of water with no increase in the authorized pump rate or land to be irrigated.

The old well must be plugged in accordance with SD Well Construction Standards.

Please let me know if you have questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 14, 2025

NOTICE

TO: JACK SCHMIDT, 42633 SD HWY 28, WILLOW LAKE, SD 57278

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

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1911-3 & 2731-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4658-3, 7345-3, 7346-3 & 7406-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4658-3, 7345-3, 7346-3 & 7406-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1911-3 & 2731-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or 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 before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **PAJKUP****

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 17, 2025

1911-3, 2731-3, 4658-3,
7345-3, 7346-3 & 7406-3

Jack Schmidt
42633 SD HWY 28
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1911-3, 2731-3, 4658-3, 7345-3, 7346-3 & 7406-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

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