

WATER PERMIT NO. 8329-3

Name of Applicant: Sherwin & Judith Schwab

Address: 291 S Sunset Dr, Mina SD 57451

Phone: 605 216-4720

Amount of Water Claimed: no additional

Total Acres: 140 acres

Source of Water Supply: Missouri River

Water to be used for: irrigation

County: Campbell

Type of Waste Disposal System:

Location: 5 miles northwest of Pollock

PRIORITY

Date Received: 2-5-18

Application/License Fee: \$1050

Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: Utilizing existing Missouri River diversion point authorized by No. 2219A-3

Diversion Point: E 1/2 SE 1/4 Sec 8-T128N-R79W

Land to be Irrigated: SE 1/4 Sec 10-T128N-R79W

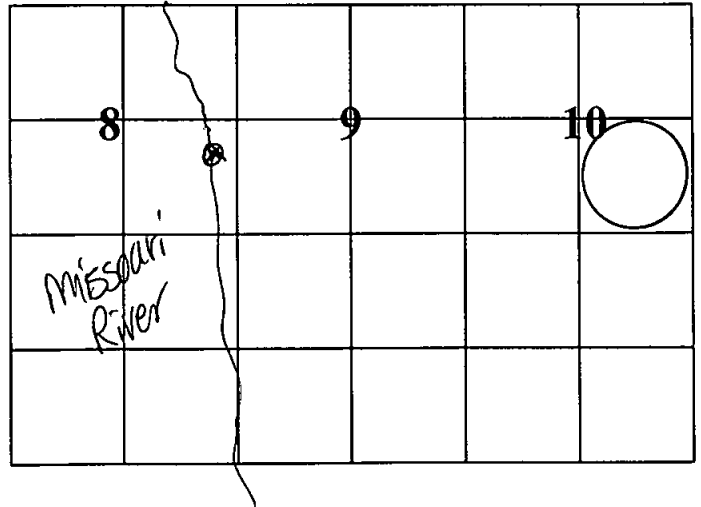
Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:



Reviewed and the Number Assigned on: 2-5-18

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED

FEB 05 2018

WATER RIGHTS
PROGRAM

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8329-3</u> (office use only) Hydrologic Unit <u>10/30/02</u>
	Basin <u>Missouri R</u>
	Newspaper <u>Prairie Pioneer</u> <u>American News</u>

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2219A-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

Add pivot to current system using existing pump site
adding 140 acre pivot and 1/2 mile of 10 inch line from an existing pivot

1. Name to Appear on Irrigation Permit Sherwin & Judith Schwab

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 291 S Sunset Dr Mina SD 57451
(Address) (City) (State) (Zip Code)

Phone 605-216-9720 Mobile _____ Email Sheldon.Schwab@gmail.com

2. Amount of water claimed NA *CFS or NA **GPM NA ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Missouri River (NE 1/4 SE 1/4 Sec 8 - T138N - R79W)

4. Location of point of diversion East shore line just south of the ND
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Border on the Missouri River (Mayer's Bay) County Campbell

5. County or counties where water will be used Campbell6. Annual period during which water is to be used May - Sept

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SE 10-128-79</u>	<u>140</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Adding pivot to the section 10 128-79 in the SE Qtr, Also a 1/2 mile
of 10 inch line from the pivot in the SW 1/4. Pivot would use the same
pump site used on permit 2219A-3.

I, Sheldon Schwab, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 8329-3

Date of first receipt of application February 5, 2018.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8329-3 to Sherwin & Judith Schwab, 291 S Sunset Dr, Mina SD 57451 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8329-3 authorizes irrigation of 140 new acres. Water Right No. 2219A-3 appropriates 10.54 cubic feet of water per second from the Missouri River located between two points in the E 1/2 Section 8 and the SW 1/4 Section 9-T128N-R79W for irrigation of 738 acres. This permit authorizes irrigation of 140 new acres located in the SE 1/4 Section 10 utilizing the existing Missouri River diversion point located in the NE 1/4 SE 1/4 Section 8; all in T128N-R79W which is approximately five miles northwest of Pollock SD. This permit does not authorize any increase in the developed diversion rate.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is February 5, 2018.
4. The date of approval of Permit No. 8329-3 is March 19, 2018.
5. One-fifth of the construction is to be completed on or before September 19, 2020.
6. All construction is to be completed on or before March 19, 2023.
7. Water is to be put to beneficial use on or before March 19, 2027.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAR 21 2018
date



Legend



Vanernvorsite Bay Recreational Area

Untitled Map

Write a description for your map.

Hwy 1804

Pump Site

New 10in
Pipe

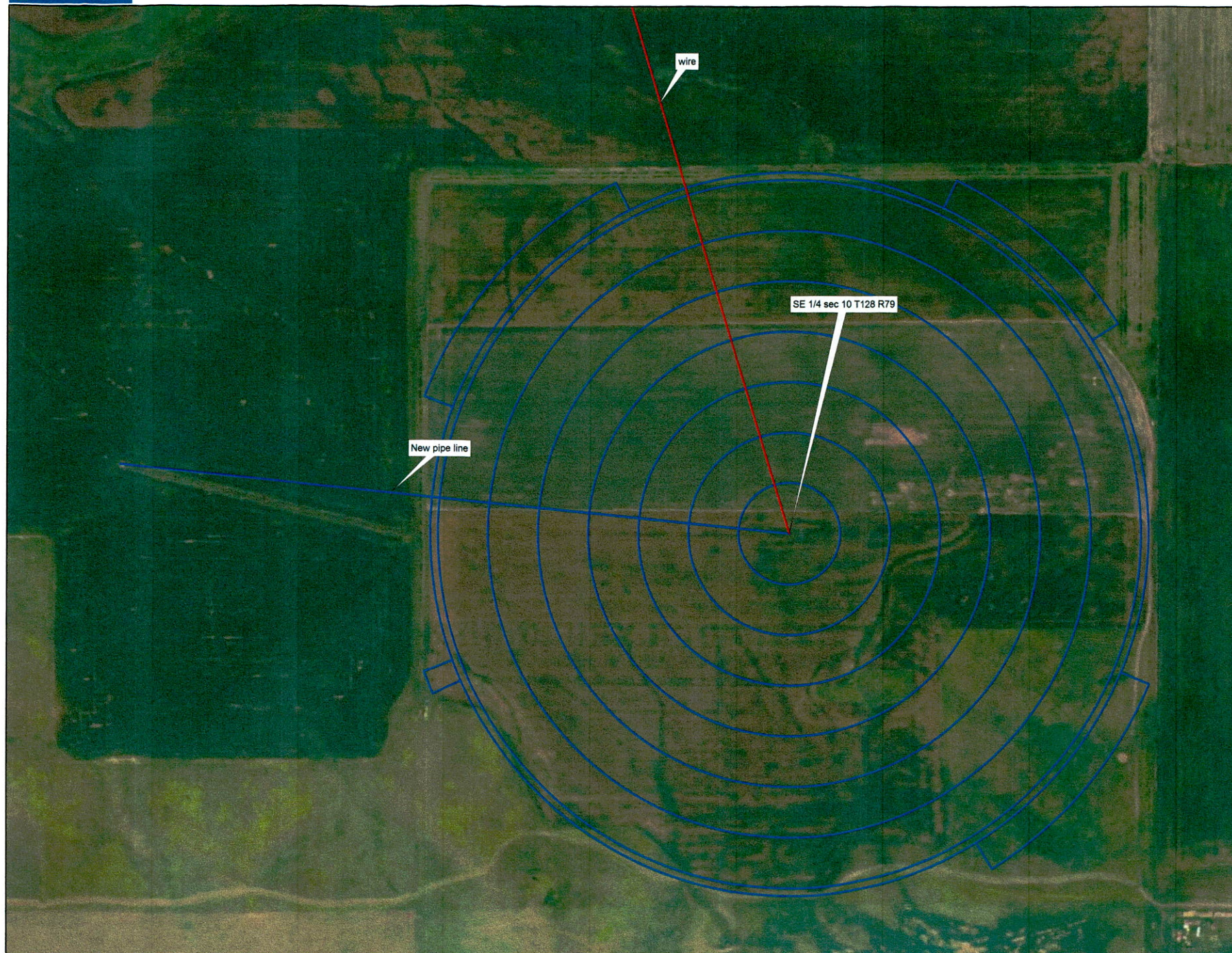
New pivot

Google Earth

© 2018 Google

4000 ft

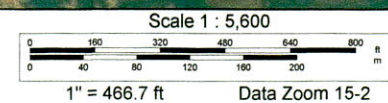




Data use subject to license.

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www.delorme.com



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 5, 20 18

RECEIVED OF Sherwin Schwab 291 S Sunset Dr Mina, SD 57451

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

Fee for Application for Permit No. <u>8329-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8329-3</u>	200	00
Fee for Filing Transfer Form _____		
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	1050	00

No. 08582

By Jeanne Goodman
Chief Engineer vm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8329-3, Sherwin and Judith Schwab**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8329-3, Sherwin and Judith Schwab, 291 S Sunset Drive, Mina SD 57451.

The Chief Engineer is recommending APPROVAL of Application No. 8329-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualification:

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

See report on application for additional information.

Jeanne Goodman, Chief Engineer
February 26, 2018

REPORT ON WATER PERMIT APPLICATION NO. 8329-3

Sherwin and Judith Schwab

February 21, 2018

Application No. 8329-3 proposes to irrigate 140 new acres. Water Right No. 2219A-3 appropriates 10.54 cubic feet of water per second from the Missouri River located between two points in the E 1/2 Section 8 and the SW 1/4 Section 9-T128N-R78W for irrigation of 738 acres.

This application proposes to irrigate 140 new acres located in the SE 1/4 Section 10 utilizing the existing Missouri River diversion point located in the NE 1/4 SE 1/4 Section 8; all in T128N-R79W which is approximately five miles northwest of Pollock SD. This application, if approved, does not authorize any increase in the developed diversion rate. The proposed project is located in Campbell County.

Review of the Water Source

The water source for the application is from the natural flows of the Missouri River in the area upstream of Oahe Dam. The U.S. Army Corps of Engineers (USACE) constructed Oahe Dam in the 1950's and 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Oahe Reservoir can impound up to 23.4 million acre-feet of water (MAF) when full. Water availability is not a concern when using the natural flows of the Missouri River as a source, but accessing water due to declining water levels and receding shore line as reservoir levels drop can become an issue during drier climatic conditions. An estimation of the Missouri River natural flows at a location approximately 8 miles downstream of this project (Figure 1) can be derived from research study the USGS completed in 2001 (Jacobson et. al. 2001).

Even at the 10th percentile flow level, this hydrograph demonstrates there is ample natural flow available, if this project is approved, during the irrigation season of April through November. Water availability is not a concern when using the natural flows of the Missouri River as a source.

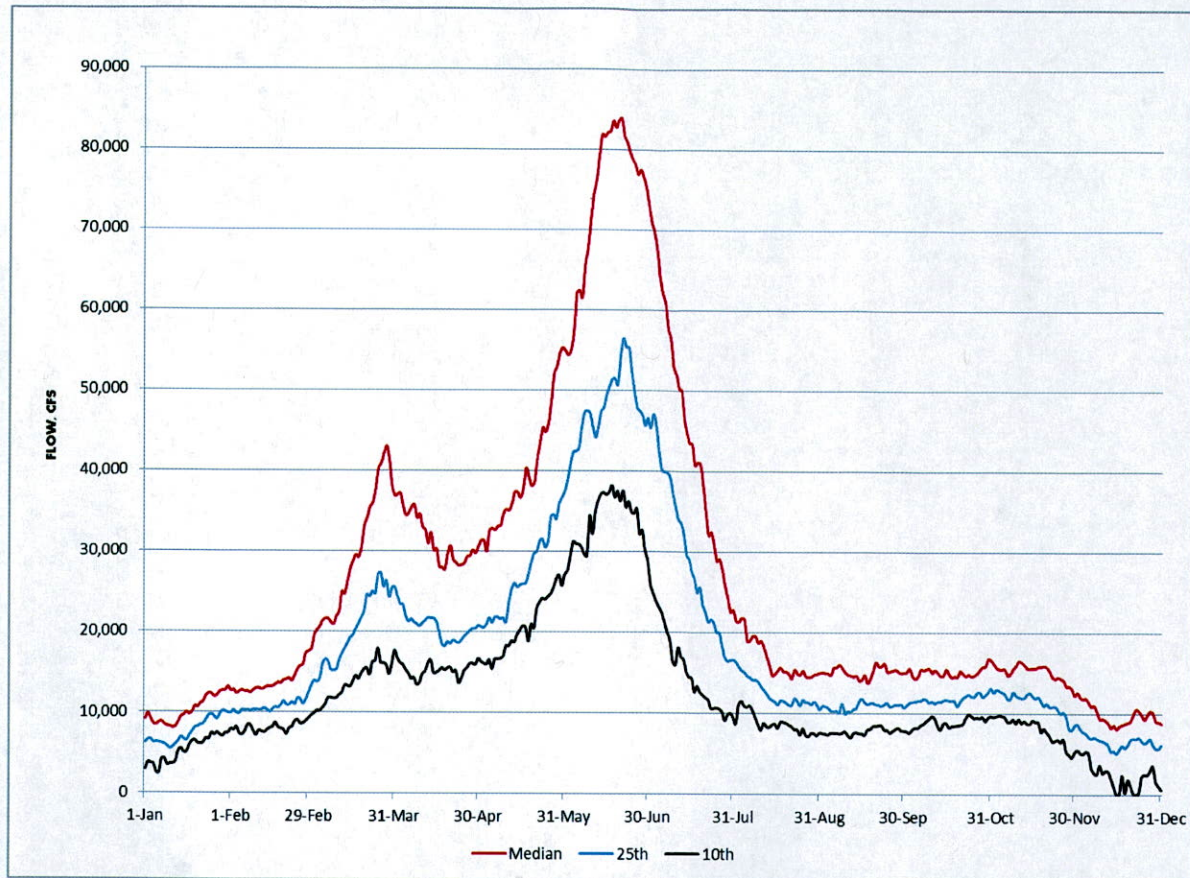


Figure 1. Natural Flow Hydrograph for the Missouri River at Oahe Dam; Robert B. Jacobson and Jeanne Heuser, U.S. Geological Survey, Columbia, MO. 2001.

Review of the Proposed Project and Existing Water Rights

There are 255 existing water rights/permits appropriating water from the natural flows of the Missouri River in South Dakota with a total authorized appropriation of 1256.18 cfs (Water Rights, 2018). Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to irrigate an additional 140 acres to an irrigation project currently authorized by 2219A-3 with no increase to diversion rate requested.
2. The water source for this project is from the natural flow of the Missouri River in the reservoir reach of Lake Oahe approximately 150 miles upstream from Oahe Dam near the North Dakota border.

3. Accessing water due to declining water levels and receding shore line as reservoir levels drop can become an issue during drier climatic conditions.
4. Since water availability from the natural flow of the Missouri River is not an issue, approval of this permit would not adversely affect these existing water rights.



Mark D. Rath

Natural Resources Engineering III

References

Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River
U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.

Water Rights. 2018. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg.,
Pierre, SD.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

February 26, 2018

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

Water Permit Application No. 8329-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Prairie Pioneer printed at Pollock SD (Ph # 605-889-2320) and the American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

NOTICE OF APPLICATION NO. 8329-3 to Appropriate Water

Notice is given that Sherwin and Judith Schwab, 291 S Sunset Dr, Mina SD 57451 have filed an application for a water permit to irrigate 140 new acres. Water Right No. 2219A-3 appropriates 10.54 cubic feet of water per second from the Missouri River located between two points in the E 1/2 Section 8 and the SW 1/4 Section 9-T128N-R79W for irrigation of 738 acres. This application proposes to irrigate 140 new acres located in the SE 1/4 Section 10 utilizing the existing Missouri River diversion point located in the NE 1/4 SE 1/4 Section 8; all in T128N-R79W which is approximately five miles northwest of Pollock SD. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8329-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 19, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 26, 2018 11:10 AM
To: Nancy Zantow (nzantow@abernnews.com)
Subject: 8329-3, Sherwin & Judith Schwab
Attachments: 8329-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 8, 2018.

Sherwin & Judith Schwab, 291 S Sunset Dr, Mina SD 57451 (605 216-4720) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, February 26, 2018 11:10 AM
To: Prairie Pioneer (pioneer@valleytel.net)
Subject: 8329-3, Sherwin & Judith Schwab
Attachments: 8329-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on March 8, 2018.

Sherwin & Judith Schwab, 291 S Sunset Dr, Mina SD 57451 (605 216-4720) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



RECEIVED

MAR 12 2018

WATER RIGHTS
PROGRAM

Form 8

(No. 427614)
(March 8, 2018 - 1T)**NOTICE OF APPLICATION
NO. 8329-3 to Appropriate Water**

Notice is given that Sharwin and Judith Schwab, 291 S Sunset Dr, Mina SD 57451 have filed an application for a water permit to irrigate 140 new acres. Water Right No. 2219A-3 appropriates 10.54 cubic feet of water per second from the Missouri River located between two points in the E 1/2 Section 8 and the SW 1/4 Section 9-T128N-R79W for irrigation of 738 acres. This application proposes to irrigate 140 new acres located in the SE 1/4 Section 10 utilizing the existing Missouri River diversion point located in the NE 1/4 SE 1/4 Section 8; all in T128N-R79W which is approximately five miles northwest of Pollock SD. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8329-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pinner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of \$50.07.

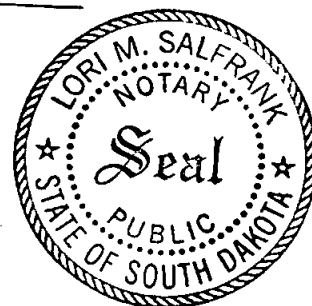
PROOF OF PUBLICATIONSTATE OF SOUTH DAKOTA)
County of Brown) SSI, Mary Bast

certify that the attached printed Notice was taken

from the American Newsprinted and published in AberdeenCounty of Brown and

state of South Dakota. The notice was published

in the newspaper on the following date:

March 8, 2018Cost of Printing \$50.07Mary Bast
(Signature)Adv. Billie Speciale
(Title)3-8-18
(Date Signed)

RECEIVED

MAR 09 2018

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Campbell) SS

I, Leah Burke

certify that the attached printed Notice was taken

from the Prairie
Pioneer

printed and published in Pollock

County of Campbell and

state of South Dakota. The notice was published

in the newspaper on the following date:

March 8, 2018

Cost of Printing \$26.78

[Signature]
(Signature)

publisher
(Title)

3/8/18
(Date Signed)

NOTICE OF
APPLICATION NO. 8329-3
to Appropriate Water

Notice is given that Sherwin and Judith Schwab, 291 S Sunset Dr, Mina SD 57451 have filed an application for a water permit to irrigate 140 new acres. Water Right No. 2219A-3 appropriates 10.54 cubic feet of water per second from the Missouri River located between two points in the E 1/2 Section 8 and the SW 1/4 Section 9-T128N-R79W for irrigation of 738 acres. This application proposes to irrigate 140 new acres located in the SE 1/4 Section 10 utilizing the existing Missouri River diversion point located in the NE 1/4 SE 1/4 Section 8; all in T128N-R79W which is approximately five miles northwest of Pollock SD. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8329-3 with qualifications because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and

Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by March 19, 2018.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner,
Secretary, Department of
Environment and Natural
Resources.

Published once at the total approximate cost of \$26.78



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

MAR 21 2018

Sherwin & Judith Schwab
291 S Sunset Dr
Mina SD 57451

Dear Mr. & Mrs. Schwab:

Enclosed is Water Permit No. 8329-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Sherwin & Judith Schwab

DATE: February 20, 2019

RE: address for water permits/rights

The annual irrigation questionnaires for Nos. 2219A-3, 2766-3 and 8319-3 were being directed to 291 S Sunset Drive, Mina SD. The 2018 forms were returned by the Post office marked "temporarily away".

I got in touch with Sheldon Schwab via an email on file to find out where to send the forms. He requested I send them to his address of 116 Park Ave, Mina SD. The address on Sunset Drive is his parents address and they typically leave in October each year for a warmer climate. Sheldon indicated he was the one who filled out the forms anyway.

For purposes of the annual irrigation questionnaire, they will be directed to:

Sheldon Schwab, Mgr
116 Park Ave
Mina SD 57451



Genny McMath
Water Rights Program



8319-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: SHELDON SCHWAB, MGR, 116 PARK AVE, MINA, SD 57451

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

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 2766-3 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) 2219A-3 & 8319-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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:

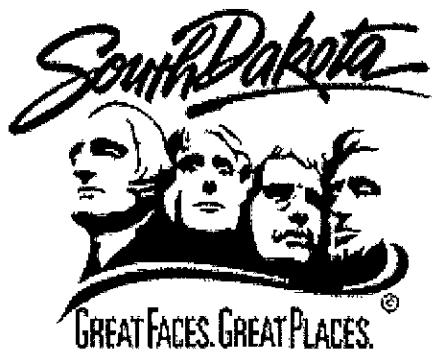
1. Suspend or cancel Permit No(s) 2219A-3 & 8319-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2766-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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 **February 26, 2020** 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 Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: NEGHSY**

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.

8319-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 2020

2219A-3
2766-3
8319-3

Sheldon Schwab
116 Park Ave
Mina SD 57451

Dear Mr. Schwab:

I am writing to acknowledge receipt of the information for your 2019 irrigation questionnaires. Thank you for calling. I completed forms for you indicating no water was pumped in 2019.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 2219A-3 & 2766-3 and Water Permit No. 8319-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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