

Water Right Number 3353-3

1. Considered 1-26, 1977
2. Name of Applicant D. V. SCHMITZ
3. Post Office Address SIOUX FALLS
4. Amount of water claimed 1.71
5. Source of water supply 110' WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 120
7. Water to be diverted and used in UNION County
about 15, 2E Miles of ELK POINT
8. Proof of Publication
Received 1-21-77
Not received _____
9. Application
Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 3353-3Map No. 2639-3 Water Division No. 3 BIG SIOUX RIVER District _____
(Blank to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant D. V. Schmitz
Post-office address 2404 Cedar Lane
2312-S. Phillips Avenue, State Sioux Falls, South Dakota
57105
If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work D. V. Schmitz No. 1A
4. Amount of water claimed (cubic feet per second) 1.71 Cu. Ft./Sec.
5. Source of water supply Underground Aquifer
6. Location of point of diversion 990 Feet North and 1160 Feet East of the Southwest
Corner of NW $\frac{1}{4}$ of Section 28, T91N, R49W
County Union
7. Annual period or periods during which water is to be used May thru August
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 120

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ 28-91-49, Ex. N. 40 Fd. L.	20		
NE $\frac{1}{4}$ NW $\frac{1}{4}$ " , Ex. N. 40 Rds.	20		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ "	40		
SE $\frac{1}{4}$ NW $\frac{1}{4}$ "	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 1 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader Courier
12. Principal Features of the Proposed Water Supply System.

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

Well

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

Underground pipeline

C. Works proposed to apply water to beneficial use.

Center pivot systemEstimated Total Cost \$40,000.00Attachments: 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 Minnehaha)I, D. V. Schmitz, 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 D. V. SchmitzSubscribed and sworn to before me this 24TH day of November 1976Frederic E. McCormick
Notary Public (or other qualified officer)FREDERICK E. MCCORMICK
Notary Public, Commission Expires December 1, 1978

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 3353-3

D. V. Schmitz

(Applicant)

2312 S. Phillips Avenue, Sioux Falls
(Post Office Address)

South Dakota 57105

(State)

With the following modifications:

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

Date of first receipt of application NOVEMBER 29 19 76

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

Date of receipt of corrected application DECEMBER 17 19 76

Approved JANUARY 27 19 77 Recorded in Book 17 Page 122

WATER RIGHT PERMIT NO. 3353-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 3353-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 29 19 76

2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 27 19 77

3. The whole of said work is to be completed on or before JANUARY 27 19 78

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 27 19 79

5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 4.71 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 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 JANUARY 27 19 79; said water to be used during the following described annual period: MAY THRU AUGUST

Witness my hand this 8TH day of APRIL 19 77

WATER RESOURCES COMMISSION

By:

John H. Helt
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 9 19 77

Water License Issued NOVEMBER 9 19 77

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36", Depth 110'
- (2) Casing, Type Asbestos-Cement (wood, concrete, steel, etc) Diameter 14" Thickness 3/4"
- (3) Perforated Screen
Type Asbestos-Cement, Diameter 14", Length 30'
- (4) Gravel Pack, Thickness 10", Length of gravel pack 70'

E. Dugout Information or Estimates

- (1) Surface dimensions _____, Depth _____

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials Water bearing fine to coarse sand
and gravel

Depth to top of water bearing material 40'

Depth to bottom of water bearing material 110' or more

Thickness of water bearing material 70'

Depth to water (ground surface to water level) 10'

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

On same owner's property None rds. On property owned by others 92 rds.

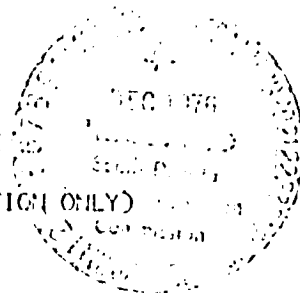
G. Water Storage Dams.

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

D.V. Schmitz
Signature of Applicant

CONSERVATION
COMMISSION
FORM W1 #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)



NAME D.V. SCHMIDT
ADDRESS 2212 S. PHILLIPS AVE, SIOUX FALLS, S.DAK.
COUNTY MINNEHAHA COUNTY

LEGAL DESCRIPTION

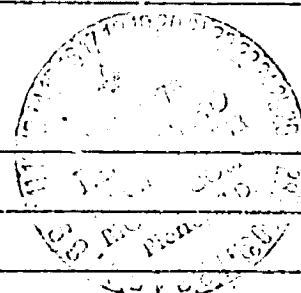
1. WELL LOCATION NW1/4 Sec. 28, T9N, R24W, M100N, S.
2. LOCATION OF AREA TO BE IRRIGATED SAME AS ABOVE, EX. N1/4 Sec.

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED CORN SOYBEANS.

WATER QUALITY

5. SAMPLE NUMBER 76-1893
6. SALINITY (EC X 10⁶) 1290 (high)
7. SODIUM (SAR) 1.0 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0



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

D.V. Schmidt
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
10th DAY OF November, 1976.

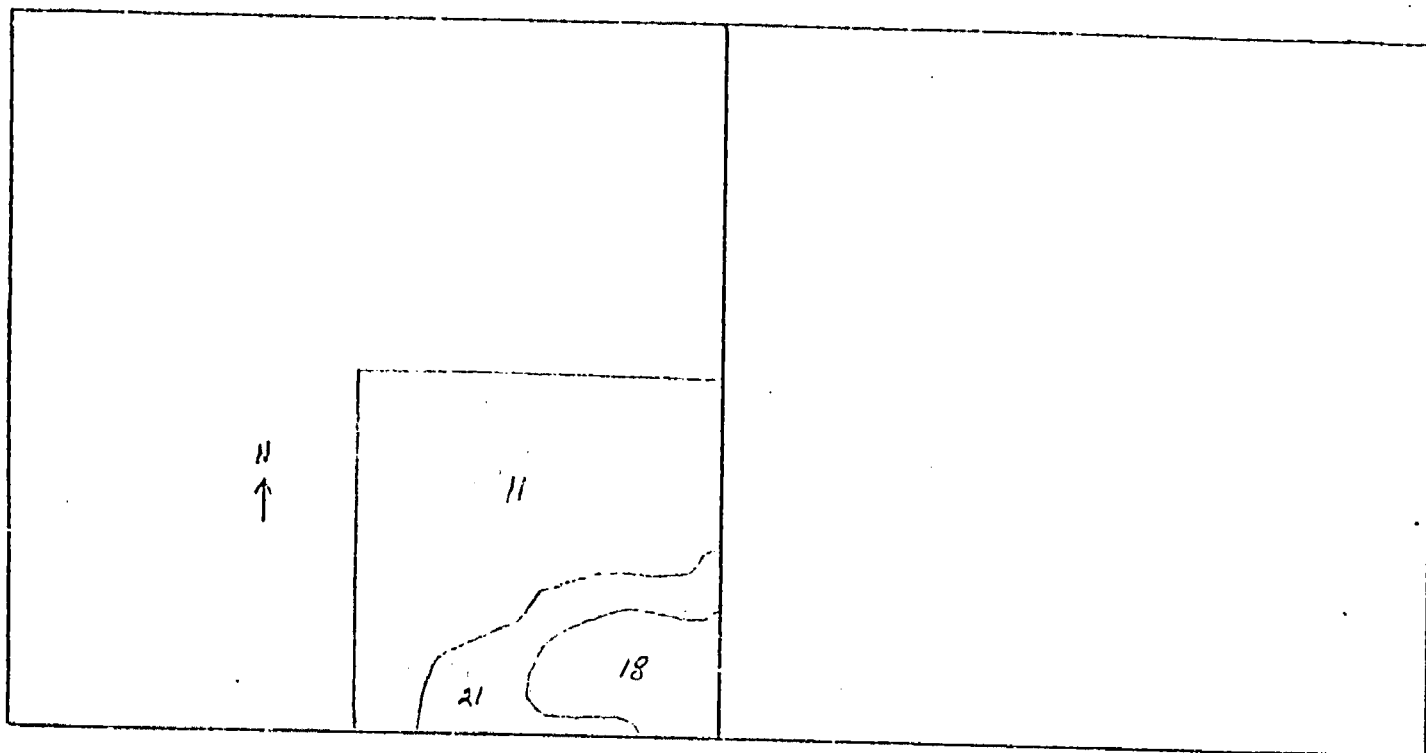
Lucille E. McComick
My commission expires September 1, 1977

(TITLE OR SEAL)

APPROVED
Lucille E. McComick
APPROVED/DISAPPROVED

(SOILS INFORMATION ON REVERSE SIDE)

MAP



NARRATIVE

- | | | |
|----|--------------------------|---|
| 11 | Modale silt loam | Seasonal water table - Subsidence - Moderate intake rate - Very slow permeability in substratum. |
| 21 | Lakeport silty clay loam | High available water capacity - Slow water intake. Level. |
| 18 | Blencoe silty clay | Somewhat poorly drained - Very slow intake rate - Moderate permeability below 2 feet. |
| 20 | Forney silty clay | Poorly drained - Very slow intake rate. |

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Don V. Schmitz
 Address: 2312 S. Phillips Ave.
Sioux Falls, SD

Date Rec'd: November 12, 1976
 Sample No.: 76-1093
 Identification: 1011
1011, Rec. 23, T. 91N, R. 49E

WATER ANALYSIS

Calcium (Ca)	209	ppm*	10.45	me/l**
Magnesium (Mg)	50	ppm	4.20	me/l
Sodium (Na)	62	ppm	2.70	me/l
Potassium (K)	3	ppm	0.68	me/l
Sulfate (SO ₄)	130	ppm	2.70	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	17	ppm	0.43	me/l
Bicarbonate (HCO ₃)	778	ppm	12.76	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	638	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1290	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.00			
Sodium	15.57	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.28			

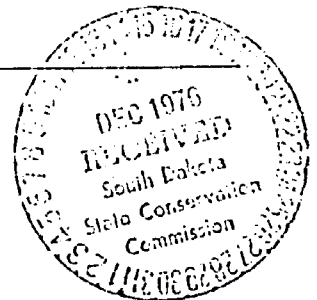
Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: Total cations 17.33 me/l
 Total anions 15.94 me/l



By: Shirley Hittan

Service Performed	Amount Due
Irrigation analysis	\$8.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-1093

Amount Enclosed \$

Signed

December 13, 1976



Mr. D. V. Schmitz
2312 S. Phillips Ave.
Sioux Falls, SD 57105

Dear Mr. Schmitz:

Your water sample (Lab. No. 76-1893) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

(1) It will be used no more than 3 times (preferably less) in any growing season.

(2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.

(3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.

(4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "L. O. Fine".

L. O. Fine
Water Quality Lab

LOF:ckb

Enclosures

cc: State Conservation Commission

P.S. These soils have very low intake rates in the subsoil in some areas. Be careful to get application rates consistent with the intake rates of the soils.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 3353-3

(1) WHEREAS, On the 29th day of November A. D. 1976
D. V. Schmitz

made Water Right Application No. 3353-3 for a permit to use 1.71 cubic feet per second of the waters
of groundwater (one well)

County of Union State of South Dakota for irrigation

purposes, and

(2) WHEREAS, On the 27th day of January A. D. 1977

Permit No. 3353-3, with a date of priority of November 29, 1976

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 27th day of January A. D. 1978 and for the
application to beneficial use of said water on or before the 27th day of January A. D. 1979

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.29 cubic feet
per second of water for beneficial use and,

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

for irrigating a 90 acre circle in the S $\frac{1}{2}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 28,

T91N, R49W

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

of Sioux Falls

the holder _____ and owner _____ of said permit No. 3353-3 a water right, dating from November 29, 1976

to use of 1.28 cubic feet per second of the waters of groundwater (one well)

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the purposes hereinafter mentioned, to be diverted at a point 1160'E and 990'N of the W $\frac{1}{2}$ Corner, Section 28, T91N, R49W

and conduct to and upon a 90 acre circle in the S $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{4}$ N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 28, T91N, R49W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3353-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 9th day of November A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer JOHN HATCH

Permit No. 3353-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That D. V. Schmitz

_____ the holder of
Permit No. 3353-3, issued upon Application No. 3353-3, bearing date of priority of November 29, 1976 authorizing the diversion of 1.71 cu. ft. per second of the waters of groundwater (one well) County of Union, State of South Dakota at a point 1160'E and 990'N of the W $\frac{1}{2}$ Corner, Section 28, T91N, R49W

_____, for irrigation

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit, that said works are found in satisfactory condition for diverting and conveying to the place of intended use 1.66 cu. ft. per second of water

Date November 9, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WMD

Form 6 - Notice of Intent to Appropriate Water

No. 3353-3

Publish first publication, on or before January 13, 1977

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 21, 1976

Notice is hereby given that D. V. Schmitz

whose post office address is Sioux Falls, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.71 cubic feet of water per second of time from the groundwater through the

D. V. Schmitz & 1st, the point of diversion of which is to be located in the

SW 1/4 NW 1/4

of Section 28, Twp. 91N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

NW 1/4, Section 28, 191N, R49W

This application No. 3353-3 will be considered by the Water Rights Commission at their office at Pierre upon the 26th day of January, 1977, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: D. V. Schmitz, 2312 S. Phillips Ave., Sioux Falls, SD 57105

No. 3353-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E. Emerson, hereby

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

Water was taken from the The Leader-Courier.

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

city of Elk Point

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

January 13, 1977

January 20, 1977

Lester E. Emerson
(Signature)

publisher
(Title)

January 20, 1977
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Pierre, South Dakota 57501
December 21, 1976

Notice is hereby given that D.
V. Schmitz whose post office
address is Slow, Falls, South
Dakota, has made an application
in accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.71 cubic feet
of water per second of time from
ground water through the D.V. Schmitz #1A, the point of diver-
sion of which is to be located in
the SW 1/4 NW 1/4 of Section 28, Twp.
91N, Range 49W. Said water to
be used for the purpose of pro-
viding irrigation on portions of
the following described land:

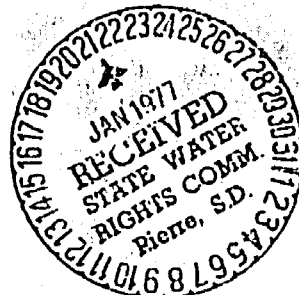
N 1/2, Section 28, T91N, R49W,
This application No. 3353-3
will be considered by the Water
Rights Commission at their off-
ice at Pierre upon the 20th day
of January, 1977, at 10:00 A.M.
All interested persons may ap-
pear and be heard.

WATER RIGHTS COMMISSION

By Burton F. Jones

Water Rights Specialist

Pub. Jan. 13, 2



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7064

PIERRE, October 1

RECEIVED OF D.V. Schmitz, 1404 Cedar Lane, Sioux Falls, SD 57103

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for Inspecting Construction, and Issuing Cert. of Construction No. 3353-3		50.00
Fee for Inspecting Beneficial Use, and Issuing Water License No. 335303		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		50.00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH

gy

Permit No. 3353-3Water Division 3 Big Sioux River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by D.N. Schmalzof SIOUX FALLS holder.of Permit No. 3353-3, bearing date of priority of NOVEMBER 29, 1976authorizing the diversion of 3.71 cu. ft. per second of the waters of GROUNDWATERfor IRRIGATION purposes, in Union County.

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

The Water Use System consists of,

A. Works used to divert the water:

110' DEEP WELL WITH 14" ASBESTOS CEMENT CASING

JOHNSON PUMP CO - 8" PUMP # TK16141

POWERED BY 75HP GE ELECTRIC MOTOR

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

25' OF 8" ALUMINUM PIPE TO CENTER OF PILOT

C. Works used to apply water to beneficial use.

6 TOWER ELECTROGATOR CENTER PILOT SYSTEM,
MODEL 2-6ES, SERIAL # 127604010 WITH END GUNThe system is in the following condition: GOODThe point of diversion is located 1160' E AND 990' N OF THE W 1/4 CORNER,
SECTION 28, T9N, R49WThe works are capable of diverting and conveying to the place of use 1.66cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN SECTION 28, T9N, R49WFOR IRRIGATING A 90 ACRE CIRCLE IN THE S²NW⁴ AND
S²N²NW⁴ SECTION 28, T9N, R49Wcomprising a total of 90 acres of land.Date SEPTEMBER 11, 1979Morton Jones
(Signature)

Betty
call

RE. - 3 53-3

Don Scamitz

from

Snow Falls

Phone # 332-8241

called 11/28/79 - is irrigating
more land - waiting for
his 11/30/79 correct W/L
I'd said will come 11/11
up on him to do it.

No. 3353-3

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501

Phone (605) 773-3352

January 5, 1983

Mike Schmitz
RR 1, Box 55
Jefferson SD 57038

Dear Mr. Schmitz:

Please find enclosed a copy of our Form 20, Notice of Transfer of Water Permit. This must be signed by the owner before a notary public and returned to this office with a fee of Two Dollars and Fifty Cents (\$2.50).

Upon receipt of the Form 20 and the \$2.50 filing fee the permit will be transferred to the proper name.

Please advise this office if you have any questions.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosure

NOTE: This transfer notice is being sent to you as was requested on the 1982 Irrigation Questionnaire submitted to this office.

Water Rights Division - DWR

File No. 3353-3

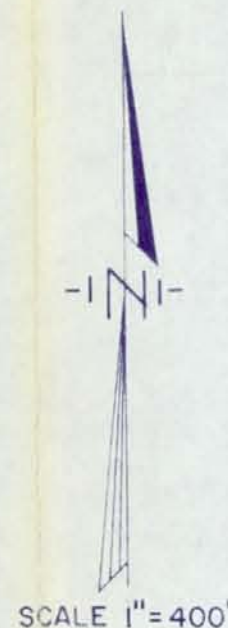
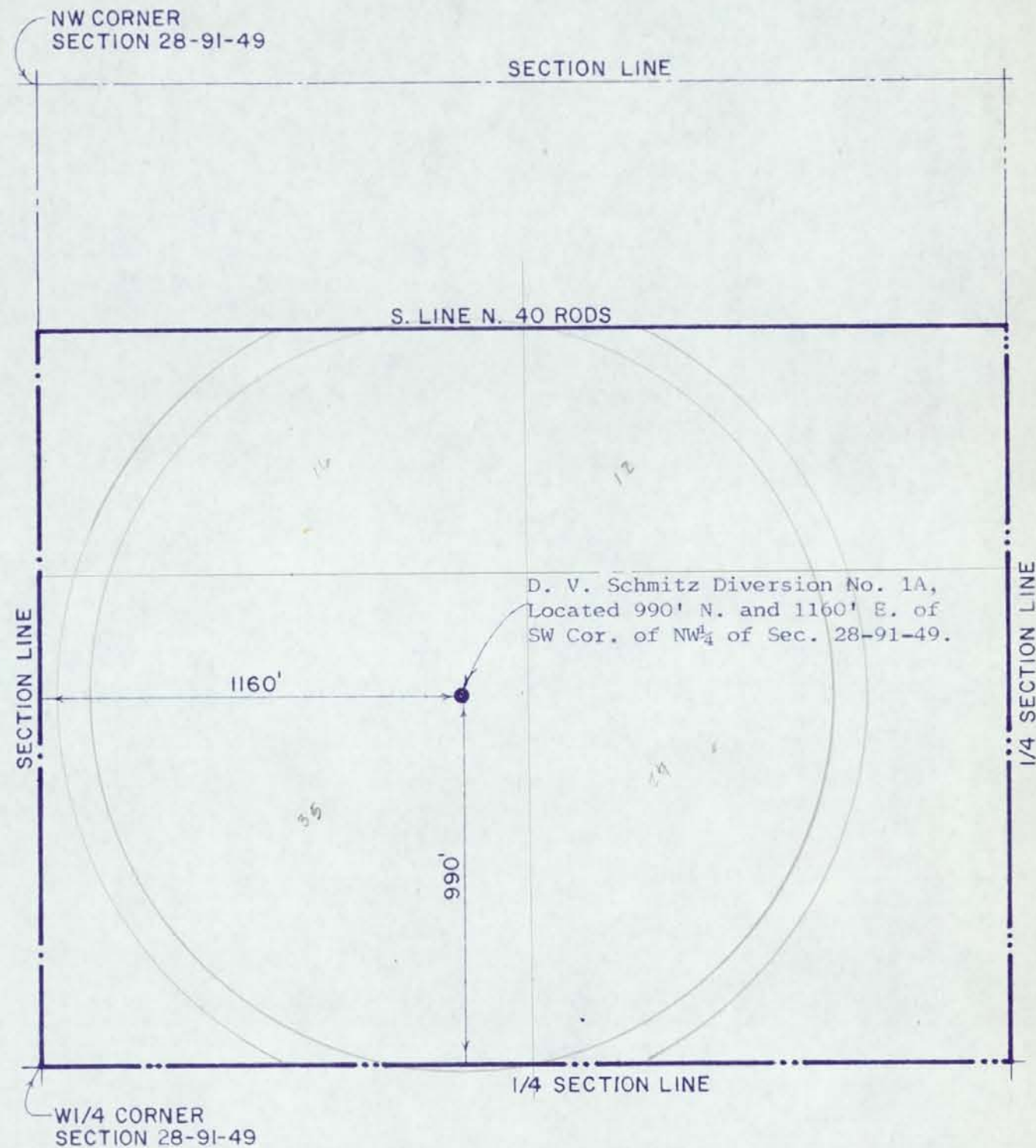
Conversation or File Documentation

NAME OF PERSON OR FILE: Mike SchmitzADDRESS: RR#1, Box 55 Jefferson COUNTY UnionDATE: January 7, 1982 TELEPHONE _____RE: letter to him dated 1-5-83 concerning transfer

COMMENTS:
Mr. Schmitz indicated in a telephone call
to Betty Kestlund that Permit No. 3353-3
was not to be transferred to him. He operates
the system for his father L. V. Schmitz.
Only the questionnaire should be put
in Mike's name. Leave permit as is.

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: Gerry Young



LAND TO BE IRRIGATED

The NW $\frac{1}{4}$ of Section 28, T91N, R49W of the 5th Principal Meridian,
Union County, South Dakota, except the North 40 rods thereof.

Owner - D. V. Schmitz, Sioux Falls, South Dakota

SURVEYORS CERTIFICATE

I, D. V. Schmitz, a Registered Land Surveyor of the State of
South Dakota, do hereby certify that I have mapped the area shown
hereon for the purpose of water appropriation.

Dated this 18th day of November, 1976.

D. V. Schmitz
D. V. Schmitz, Registered Land Surveyor
D. V. SCHMITZ

PROFESSIONAL ENGINEER & LAND SURVEYOR
NO. 69
SOUTH DAKOTA
REG. 1975

STATE OF SOUTH DAKOTA)
COUNTY OF MINNEHAHA)SS

On this 18th day of November, 1976, before me the undersigned,
a Notary Public in and for said County and State, appeared D. V.
Schmitz, well known to me to be the person described in and who
executed the above and foregoing instrument and acknowledged to me
that he executed the foregoing certificate for the purpose contained
therein.

My Commission Expires:

LUCILLE E. McCORMICK
My commission expires September 1, 1983

Lucille E. McCormick
Notary Public, State of South Dakota