

275

Water Right No. 4679-3

1. Considered MAY 1 19 81
2. Name of Applicant ROGER L. SCHMIDT
3. Post Office Address RR # D - Box 28 FREEMAN 57029
4. Amount of Water Claimed 2.92
5. Source of Water Supply 168' well
6. Water to be used for IRR
7. Acres to be irrigated 205 maximum 205 acre feet
8. Water to be diverted and used in HUTCHINSON County
about 1/4 E 1 miles NORTH of FREEMAN
9. PROOF OF PUBLICATION Received 4-23-81

Not Received _____

APPLICATION

Approved _____

Subject to _____

Not Approved _____

Action deferred _____

Priority

Date

Received 4-2-81 Application Complete yes _____ no _____ FEE _____Remarks Need 275 fee

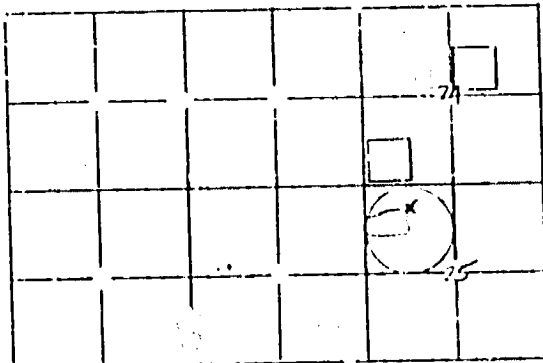
Date information and/or
fee or corrected Application received
Period of Annual use APRIL - OCTOBER

WATER
QUALITYReceived yes 3/5/81 no _____ APPROVED CONDITIONAL (Circle one)W-1 Description same as application yes no _____ Remarks _____

Disapproved _____

Returned _____

Diversion Point _____



approximate center of
N 1/2 NW 4 25 - T99N -
R56W

Lands to be irrigated _____
SW 1/4 SW 4 & SW 1/4 NE 4
Sec 24 and NW 1/4 Sec.
25 - T99N - R56W

WELL
LOG

Remarks _____

Driller _____ Licensed yes _____ no _____

Depth _____

MAP Map No. 3891-3 Map located in Water Right X Map file _____

Type of Map Aerial Prepared by Le Agunt
de Boer

+++++

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 May 1, 1981.

Daly Westlund
(Signed)

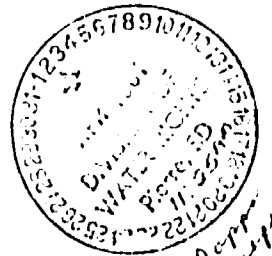
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PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

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

Remarks _____

65

No. 4679-3Map No. 3891-3 Water Division No. 3 VERMILLION RIVER District
Above for Office Use 10170102

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 _____

275

1. Name of Applicant ROGER L. SCHMITT Phone No. 725-4981
 Post Office Address RR "D" Box 28 FREEMAN State SD 57029
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work ROGER L. SCHMITT IRRIGATION PROJECT #14. Amount of water claimed (cubic feet per second) 2.92 CFS5. Source of water supply GROUND WATER - WELL6. Location of point of diversion 1500' N 119° E OF NW CORNER OF
SEC 25, T99N, R56WCounty HUTCHINSON7. Annual period or periods during which water is to be used APRIL - OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 205.00

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.
NW 1/4, NW 1/4, SEC 25, T99N, R56W	21
NE 1/4, " " " "	35
SE 1/4, " " " "	34
SW 1/4, " " " "	34

Land Description	No. Acres Irr.
SW 1/4, SW 1/4, SEC 24, T99N, R56W	40
SW 1/4, NE 1/4, " " " "	40

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 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 FREEMAN12. 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 PLASTIC LINE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT IRRIG
BIG GUNSEstimated Total Cost \$ 90,000

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 DEBBINGS) ss.I, ROGER L. SCHMITT 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 Roger L. SchmittSubscribed and sworn to before me this 30th day of MARCH, 1981Harvey W. DeBor
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4679-3

ROGER L. SCHMIDT (Applicant) RR# D, Box 28 FREEMAN (Post Office Address)
SOUTH DAKOTA (State) 57029 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 or 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 APRIL 2, 1981
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application APRIL 6, 1981
 Approved MAY 1, 1981, Recorded in Book 22 Page 125

WATER RIGHT PERMIT NO. 4679-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4679-3 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 APRIL 2, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 1, 1983
3. The whole of said work is to be completed on or before MAY 1, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 1, 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 2.92 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 MAY 1, 1986 said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 18TH day of MAY, 1981

THE WATER MANAGEMENT BOARD

By: John H. Hatt
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name Bogert Schmidt Date 5-12-81
Address FREEDEN S.D.
County Hutch Sec. 25 Twp. 99 Range 56

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>250</u>	<u>4 3/4"</u>	<u>3.50</u>	<u>---</u>	

BALANCE DUE:

#1/ 0 ft. to 2 ft. Topsoil
2 ft. to 19 ft. Brown & Grey Clay
19 ft. to 70 ft. Blue Clay
70 ft. to 84 ft. Blue Clay w/ sand streaks
84 ft. to 110 ft. Harder Blue Clay
110 ft. to 112 ft. very fine sand streaks
112 ft. to 155 ft. Blue Clay
155 ft. to 168 ft. Sand w/ coal & Blue clay
168 ft. to 192 ft. Mainly Clay - 1.0c shale
Continued on next log

STATIC WATER LEVEL _____ ft.

REMARKS:

E. of BARN 200 yds.

well 10'

GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name ROYER SCHMIDT Date 3-12-81

Address FREEMAN S.D.

County Hutch Sec. 25 Twp. 9E Range 56

NO. FT.	DIA.	RATE	CASING	TOTAL

BALANCE DUE:

[Continued]

#1
192 ft. to 193 ft. Limestone layer
193 ft. to 204 ft. Harder clays
204 ft. to 220 ft. shale like clays
220 ft. to 240 ft. white chalk w/ clays
240 ft. to 250 ft. blue clay - drills like shale
 _____ ft. to _____ ft. _____
 _____ ft. to _____ ft. _____
 _____ ft. to _____ ft. _____
 _____ ft. to _____ ft. _____

STATIC WATER LEVEL _____ ft.

REMARKS:

Larry M. Wold
OWNER

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

D. Well Information

- (1) Drill Hole, Diameter 24 IN., Depth 168 FT.
- (2) Casing, Type PLASTIC, Diameter 16 IN., Thickness -
(wood, concrete, steel, etc)
- (3) Screen, Type STAINLESS STEEL, Diameter 16 IN., Length 3 15 FT.
- (4) Gravel Pack, Thickness 1/2 IN., Length of gravel pack 20 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 155'

Depth to bottom of water bearing material 168'

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

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

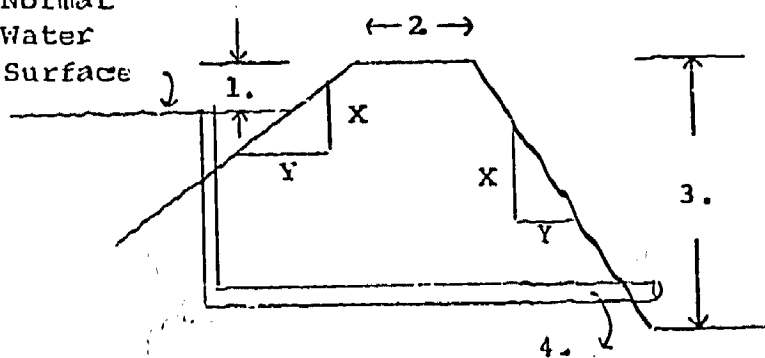
On same owner's property 600 FT. rds.

On property owned by others 2000 FT. 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 dimension:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
Drainage area above dam _____

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

no appl.

OWNERS NAME: ROGER SCHIMM OWNERS ADDRESS: Reeman, SD

COUNTY LAND LOCATED IN: Hutchinson PHONE: 925-4981

TENANT'S NAME AND ADDRESS: (If Other Than Owner) called 3/6/81

Wright & Soudan

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: Sec 25-99-56
2. SURFACE WATER SOURCE: N/A
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
NW 1/4 of Sec. 25-99-56	160		
SW 1/4 of SW 1/4 of Sec. 24-99-56	40		
SW 1/4 of NE 1/4 of Sec. 24-99-56	40		
Total	240		

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: XX OTHER: (Specify)
5. CROPS TO BE IRRIGATED: Corn, Alfalfa, Soybeans
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LEGAL DESCRIPTION: None
IN WHAT NAME:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)	RECEIVED	RECEIVED
7. WATER SAMPLE NUMBER: <u>81-122</u>		
8. SALINITY (EC X 10 ⁶): <u>1513</u>	MAR 02 1981	MAR 01 1981
9. SODIUM (SAR): <u>3.65</u>	South Dakota	South Dakota
10. ADJUSTED (SAR): <u>9.55</u>	Division of Conservation	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 12:00 a.m./p.m., on 11 Feb., 1981, at the following location:
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

18 DAY OF February, 19 81.

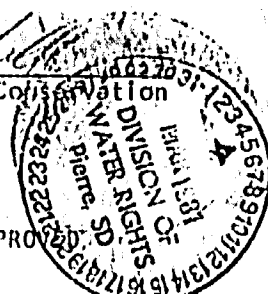
Michael J. Sanders
(NOTARY PUBLIC)

Roger Schimm
APPLICANT'S SIGNATURE

Jack H. V. Smith
Director, Division of Conservation

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

APPROVED
DISAPPROVED
☒ CONDITIONALLY APPROVED



Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Roger Schmidt

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED

Te - Tetonka silty clay loam

Tv - Tetonka and Whitewood silty clay loams

These soils are poorly drained and should be left in grass or be drained to avoid ponding problems.

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT:

Type of irrigation system recommended for use on this application is gun.



No. 4679-3

Publish first publication, on or before April 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 6, 1981

Notice is hereby given that Roger L. Schmidt whose post office

address is Freeman, 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 2.92 cubic feet of water per second of time from groundwater

Roger L. Schmidt
(one well) through the Irrigation Project #1, the point(s) of diversion of

which is (xxx) to be located in the

approximate center of NW 1/4 NW 1/4

of Section 26, Twp. 99 N, Range 56 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4 SW 1/4 and SW 1/4 NE 1/4, Section 24 and NW 1/4, Section 25 all in T99N - R56W

This Application No. 4679-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, upon the 1st day of May 1981
Pierre, SD

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

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

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

WATER MANAGEMENT BOARD

cc: Roger L. Schmidt
RR&D, Box 28
Freeman, SD 57029

BETTY WESTLUND
Water Rights Specialist

WNR-806A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

No. 46-79-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County _____)

I, STEVEN SPRING hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Roger Schmidt home

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

Comer of Freeman, SD

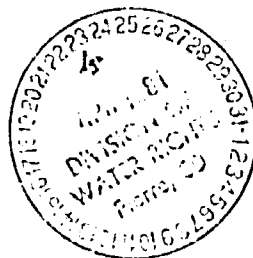
County of Hutchinson and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

April 15, 1981
April 22, 1981

Steven Spring
(Signature)

Publisher
(Title)

April 16, 1981
(Date Signed)



Notice of Hearing
on Application to
Appropriate Water

Pierre, South Dakota 57501
April 6, 1981

Notice is hereby given that Roger L. Schmidt whose post office address is Freeman, 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 2.92 cubic feet of water per second of time from groundwater (one well) through the Roger L. Schmidt Irrigation Project No. 1, the point of diversion of which is to be located in the approximate center of N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, Twp. 99N, Range 56W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24 and NW $\frac{1}{4}$, Section 25 all in T99N - R56W.

This Application No. 4679-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building; Pierre, South Dakota, upon the 1st day of May 1981 at 10:00 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

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

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

Water Management Board
Betty Westlund
Water Rights Specialist

2apr22

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8122

April 6, 1981

PIERRE,

Roger Schmidt, RF#0, Box 28, Freeman, SD 57029

RECEIVED OF

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

Fee for Application for Permit to appropriate Water No. <u>4619-3</u> (examination, processing, recording and filing)	275 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	275 00

WATER RIGHTS COMMISSION

By

Chief Engineer, Executive Officer

JOHN WATSON / *[Signature]*

4679-3

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

De Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 773-3352

May 15, 1981

N O T I C E

TO: Persons Attending May 1, 1981 Water Management Board Meeting
Concerning Water Permit Applications 4679-3, 4704-3 and 4706-3

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

The Water Management Board approved the following Water Permit Applications at the May 1, 1981 meeting.

No. 4679-3 Roger L Schmidt
No. 4704-3 Steven G Friesen
No. 4706-3 Lynell Hofer

with the following qualification:

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.

The Board also determined that Findings of Fact, Conclusions of Law and a Final Decision did not need to be prepared because adequate Findings of Fact had been made in the record. South Dakota Statutes provide that any decision of the Board can be appealed to the Courts.

JH/gy

Equal Opportunity Employer

CERTIFICATION FOR MAILING NOTICES

I hereby certify that on May 15, 1981, I have personally deposited with the U.S. Mail, postage prepaid envelopes containing the action taken on Applications 4679-3, Roger Schmidt, 4704-5 attached notice of ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ Steven Freisen & 4706-3, Lynell Hofer addressed to the persons listed below.

Earen Weissmann, Administrative Sec.

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES)SS

Swore to, before me, this 15th day of May, 1981.

John L. Davis
Notary Public

LOIS L. RIES, Notary Public
My Commission Expires
February 3, 1982

LeMoyne Ries
Freeman SD 57029

Roland Sayler
Freeman SD 57029

Homer E Waltner
Freeman SD 57029

Arlo Koerner
RR 1, Box 65
Freeman SD 57029

Johnny J Garber
Marion SD 57043

Dane I Walter
Freeman SD 57029

Roger L Schmidt
Rt D, Box 28
Freeman SD 57029

Harlan Gross
Freeman SD 57029

Kane Patrick, Attorney
305 Security Bldg.
Sioux Falls SD 57101.

Ronald Kirschenman
Freeman SD 57029

John Holswarth
Freeman SD 57029

Lynell Hofer
Freeman SD 57029

Arie Bertsch
RR 1, Box 19
Freeman SD 57029

Gary Blue, Attorney
Freeman SD 57029

Phillip Land
Freeman SD 57029

Steve Friesen
Box 541
Freeman SD 57029

Dear Sirs:

The newspaper stated that you had decided all required statutes have been met and domestic wells were protected. Our father's farm borders one of these applicant's farm. Dad is having enough trouble keeping his stock watered, not to mention water available for his family. Will his well still be protected five years from now - 10 years from now when an enormous amount of this commodity has been mined?

Where is your sense of responsibility to the neighbors of these applicants? Where is their sense of responsibility to their fellow farmers and to the land? Where is your sense of conservation of a very precious resource that is fast disappearing from the Plains States? What is more valuable than water?

Sincerely
Past and future S. Dakotans
Don and Susan Gering
Don and Susan Gering
Box 1167
Hesston, KS 67062

Water Rights Division (605)773-3352

4679-3
4704-3
4706-3

May 29, 1981

Don & Susan Gering
Box 1167
Hesston, KN 67062

Dear Mr. & Mrs. Gering:

The applications referred to in your letter were approved by the Water Management Board with the following qualification:

The irrigation wells approved under this Permit will be located near domestic wells and other 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 wells having prior water rights.

In all of the testimony at the hearing from farmers in the area, it did not appear that there were inadequate wells involved so the domestic wells will be protected. We have drilled observation wells in the area to monitor any affects of the irrigation pumping.

It should be pointed out that your allusion to water problems in western Kansas and parts of Nebraska are not applicable to South Dakota. Under South Dakota water law, we cannot issue permits in excess of the average annual recharge to the aquifer. In other words, we cannot "mine" water in South Dakota. To my knowledge, we are the only state to have such a law.

Sincerely,

BURTON F. JONES
Water Rights Division

BFJ/gy



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

4679-3
Roger L Schmidt
RR D Box 28
Elk Point SD 57025

Dear Sir:

Water Permit No. 4679-3 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



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

August 1, 1983

NOTICE

4679-3

Roger L. Schmidt
RR D Box 28
Elk Point SD 57025

Dear Sir:

July 19, 1983, the Water Management Board passed a motion directing that those persons with water permits that have the qualification:

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

be notified of this requirement.

Our records do not show we have received the 1982 Irrigation Questionnaire for Permit No. 4679-3. The questionnaire was requested on the following dates:

1. September 1982 initial request
2. December 1982 followup request
3. March 22, 1983 Notice that submittal of questionnaire is a qualification to water permit

The Board has directed that owners of permits not in compliance with the Irrigation Questionnaire qualification be given until August 30, 1983 to submit the 1982 questionnaire. Any person not submitting the Questionnaire is to be noticed for hearing before the Board to consider disciplinary action including suspension of the permit.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks

enclosure

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4679-3

(1) Roger L. Schmidt, RR 1, Box 52, Freeman SD 57029 made Application No. 4679-3, April 2, 1981 for a water permit to appropriate 2.92 cubic feet of water per second from groundwater (one well), Hutchinson County, South Dakota for irrigation purposes. Permit No. 4679-3, with a priority date of April 2, 1981 was approved May 1, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 1, 1986 and for the application to beneficial use of said water on or before May 1, 1986.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.77 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 90 feet south and 90 feet west; Well #2 - 790 feet south and 35 feet west; both from the north 1/4 corner of Section 25-T99N-R56W (NE 1/4 NW 1/4).

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

Section 25-T99N-R56W	NE 1/4 NW 1/4	33 acres
	SW 1/4 NW 1/4	24 acres
	SE 1/4 NW 1/4	33 acres
	NW 1/4 NW 1/4	6 acres
TOTAL		96 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Roger L. Schmidt, RR 1, Box 52, Freeman SD 57029 the holder and/or owner of Water Permit No. 4679-3 is issued a license to appropriate water, the right to use 0.77 cubic feet of water per second from groundwater (two wells) with a priority date of April 2, 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. 4679-3 and subject to South Dakota State Law.

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 4 1996

date



GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S.D. 57016

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

LARRY WOLD
(605) 489-2182

Name BOGER SCHMIDT Date 3-17-81

Address FREEMAN S.D.

County Hutch Sec. 25 Twp 99 Range 56

NO. FT.	DIA.	RATE	CASING	TOTAL
<u>250</u>	<u>4 3/4"</u>	<u>3.50</u>	<u>—</u>	

BALANCE DUE:

#1 0 ft to 2 ft. Topsoil
2 ft to 19 ft. Brown & Grey Clay
19 ft to 70 ft. Blue Clay
70 ft to 84 ft. Blue Clay w/ sand streaks
84 ft to 110 ft. Harder Blue Clay
110 ft to 112 ft. very fine sand streaks
112 ft to 155 ft. Blue Clay
155 ft to 168 ft. Sand w/ coal & Blue clay
168 ft to 192 ft. Mainly clay - like shale
Continued on next log

STATIC WATER LEVEL _____ ft

DRILLER

REMARKS:

E. of BARN 200 yds.

GRIMSHAW DRILLING CO.

P.O. BOX 81
CHESTER, S. D. 57016

4679-3

LARRY WOLD
(605) 489-2182

DRILLING
LOG

JAY VAN LIERE
(605) 489-2427

Name ROGER SCHMIDT Date 3-12-81

Address FREEMAN S.D.

County Hutch Sec 25 Twp 99 Range 56

NO. FT.	DIA	RATE	CASING	TOTAL

BALANCE DUE: [continued]

#1/ 192 ft to 193 ft limestone layer
193 ft to 204 ft Harder clays
204 ft to 220 ft shale like clays
220 ft to 240 ft white chalk w/ clays
240 ft to 250 ft blue clay - drills like shale
 _____ ft to _____ ft _____
 _____ ft to _____ ft _____
 _____ ft to _____ ft _____
 _____ ft to _____ ft _____

STATIC WATER LEVEL _____ ft

REMARKS:

Larry M. Wold
DRILLER

Permit No. 4679-3
Vermillion River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program. DENR, Foss Bldg., Pierre, SD 57501

I have this day, April 5, 1995, made a thorough examination of the water use system constructed by Roger L. Schmidt of RR #1, Box 52, Freeman, SD 57029 holder of Permit No. 4679-3, bearing the priority of April 2, 1981 authorizing the diversion of 2.92 cu. ft. per second of the waters of groundwater for irrigation purposes. in Hutchinson County.

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

A. Works used to divert the water:

2 submersible pumps with a total pumping capacity of 350 GPM. Well #1: 100 GPM. Well #2: 250 GPM.

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

4000 feet of 6" PVC.

C. Works used to apply water to beneficial use:

A 3 tower towable Valley center pivot rated at 350 GPM.

The system is in the following condition good. The point of diversion is located Well #1: 90 feet S and 90 feet W; #2: 790 feet S and 35 feet W; Both from the N1/4 corner of Section 25; T99N R56W (NE1/4 NW1/4).

The works are capable of diverting and conveying to the place of use 0.77 cu. 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:

T99N R56W	SECTION 25	NE1/4 NW1/4	33 acres
		SW1/4 NW1/4	24 acres
		SE1/4 NW1/4	33 acres
		NW1/4 NW1/4	06 acres

comprising a total of 96 acres of land and the license should be issued for 0.77 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None Date Report Completed: November 6, 1995

Barry A. McLaury
Barry A. McLaury
Natural Resources Scientist
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 4679-3

Other permit(s) associated with the project: None

DATE OF INSPECTION: April 5, 1995

NAME & ADDRESS OF INSPECTION CONTACT/

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: Roger L. Schmidt, RR #1, Box 52, Freeman, SD 57029

NAME & ADDRESS OF PERMIT HOLDER: Same as above.

DIVERSION POINT LEGAL LOCATION: Well #1: 90 feet S and 90 feet W; #2: 790 feet S and 35 feet W; Both from the N1/4 corner of Section 25; T99N R56W (NE1/4 NW1/4).

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 275 feet
- 4) Well log is available N

Casing:

- 1) Diameter 8 inches
- 2) Length 225 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 50 feet
- 3) Static water level 10 feet

Pump:

- 1) Make Submersible
- 2) Model _____
- 3) Capacity 100 (#1) & 250 (#2) GPM

Motor:

- 1) Make Submersible
- 2) Model No. _____
- 3) Horsepower rating 15 (#1) & 25 (#2) hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC
- 2) Size 6 inches
- 3) Length 4000 feet

SYSTEM TYPE:

Center pivot:

- | | |
|--|------------------------------------|
| 1) Make <u>Valley Towable</u> | 5) End gun <u>Y</u> |
| 2) Overall length <u>660</u> feet | 6) High or low pressure <u>Low</u> |
| 3) Number of towers <u>3</u> | 7) Capacity <u>350</u> GPM |
| 4) Distance between towers <u>220</u> feet | |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate Y/N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM

DATE: November 7, 1995

RE: Change in location of diversion point plus an additional well for Water Permit No. 4679-3, Roger L. Schmidt.

An inspection of Permit No. 4679-3 found one additional well and one original well both in a location not authorized by the permit. SDCL 16-5-13.1 provides that a point of diversion may be changed or additional points of diversion may be approved without application or publication of a notice of hearing if the additional point of diversion is from the same source of water, no additional water is appropriated and the Chief Engineer makes a finding that the change does not increase the potential for interference with existing diversions.

Water Permit No. 4679-3, approved in May 1, 1981, appropriates 2.92 cubic feet of water per second (cfs) from groundwater (Niobrara Formation) to irrigate 205 acres. The diversion point was to be located in the center of the N1/2 NW1/4 of Section 25: T99N R56W. The acres to be irrigated are located SW1/4 SW1/4 and SW1/4 NE1/4 of section 24 and the NW1/4 of section 25. An inspection of Water Permit No. 4679-3 found the works capable of diverting 0.77 cfs from two wells Niobrara Formation located in the NW1/4 NE1/4 of Section 25 to irrigate 96 acres located in the NW1/4 of Section 25: all in T99N R56W.

A review of existing diversions within a one mile radius of Section 25 was conducted based on Water Rights Program records. This review indicates that these well location changes do not change the impact potential to existing diversions from the Niobrara Formation. The diversion points have been in operation at the described locations for several years with no known complaint.

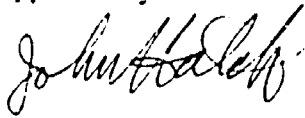
Barry A. McLaury

Barry A. McLaury
Environmental Scientist
Water Rights Program

The Chief Engineer makes a finding that this change in location does not increase the potential for interference with existing diversions. In making the finding "does not increase the potential for interference" is interpreted to mean potential for adverse interference. Water Permit No. 4679-3 may be licensed without requiring an

application or publication of a notice of hearing pursuant to SDCL 46-2A-4 for a change of diversion point. No additional water is appropriated.

Approved by:

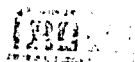
A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

John Hatch, Chief Engineer
Water Rights Program



CHAMPION

TEREX



TRAIL KING

KOLMAN

INGERSOLL

Roger Schmidt Freeman 50

well no 1 263 ft in deep.

5 in Bro. Blain 203 ft
5 in Bro. Blain 40 ft

113 ft. water head

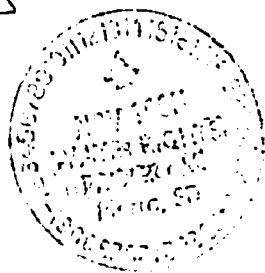
well no 2 273 ft deep.

5 in Bro. Blain 153 ft
5 in Blain 123 ft

113 ft. water head

@ Barry
Ballou Well Pulling

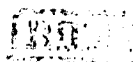
J.D. EVANS, INC.



ANTHONY
1000 S. 10th St.
Phoenix, Ariz. 85001



TEREX



TRAIL KING

KOLMAN

INGERSOLL-RAND

well no 2

9 stage G.M.H.O. sub Seal assembly.

70 H.P. 6 in. Franklin motor

460 V 3 phase

170 H.P.m

well no 1

9 stage G6 SL 45 sub Seal assembly

70 H.P. 6 in. Franklin motor

460 V 3 phase

70 H.P.m.

Roger Schmitt Freeman

(a) Barry

J.D. EVANS, INC.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 16, 1995

Roger L. Schmidt
RR 1, Box 52
Freeman, SD 57029

Dear Mr. Schmidt:

After an inspection of your Water Permit No. 4679-3 on April 5, 1995, I contacted Pullman Well Drilling to get information on the two irrigation wells to complete the inspection. If you recall, you thought the North well contained a 15 HP pump motor capable of pumping 100 GPM while the South well had a 25 HP motor capable of providing 250 GPM for a total combined pumping capacity of 350 GPM (0.77 CFS).

Pullman Well Drilling submitted the information I requested for these wells. Their information shows that the North well contains a 10 HP motor capable of pumping 90 GPM while the South well has 20 HP motor capable of providing 170 GPM for a combined total pumping capacity of 260 GPM (0.57 CFS).

As you can see, there is a difference between your recollection and Pullman's information on the production capability of the two wells. You mentioned during the inspection that the pumps were replaced in both wells. Please let me know which of the figures is correct (350 GPM or 260 GPM). The total amount of water being diverted is important because that amount is what you will be granted on the Water License.

I would appreciate your attention to this matter as soon as possible so we may issue you a Water License for Water Permit No. 4679-3. Please use the postage free envelope to send the needed information or call me at 605-773-3352.

Sincerely,

Barry A. McLaury
Water Rights Program

Conversation or File Documentation

NAME OF PERSON OR FILE: Roger L. Schmidt
ADDRESS: RR1 Box 52 Freeman, SD COUNTY Hutchinson
DATE: December 1, 1995 TELEPHONE _____
RE: PUMP Rates for Permit 4679-3.

COMMENTS:

Roger called me today to verify the pump rates of his two irrigation wells. He said the North well is 15 HP & pumps 100 GPM. The South well is 25 HP & pumps 250 GPM. He also said the reason Pullmans have different pumping capacities on their well logs is because the wells have had work done to them since that time. (see letter in file dated November 16, 1995).

Barry A. McFarley
12-1-95



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 8, 1996

4679-3

Roger L. Schmidt
PR 1, Box 52
Freeman, SD 57029

Dear Mr. Schmidt:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4679-3, has been completed. Your final water right document, the Water License, can now be issued.

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

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 4 1996

4679-3

Roger L. Schmidt
RR 1, Box 52
Freeman, SD 57029

Dear Mr. Schmidt:

Enclosed is Water License No. 4679-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414790 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4679-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

ks
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4677-3
414790

Pierre, _____ February 15, 1936

RECEIVED OF Roger Schmidt, Box 117, Freeman, SD 57029

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4673-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hunter
Chief Engineer

4679-3

Form No. 58.0102C

COUNTY, SOUTH DAKOTA

HutchinsonTOWNSHIP No. 99 N RANGE No. 56 W

(With surrounding tier of sections of adjacent townships)

36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27 Ted Kleinsasser Domestic well 157'	26	25 Mehin T. Lutter Domestic well 186'	30
36	31	32	33	34 Associated Mill Producers, Inc. Industrial well 300'	35	36 Tom Ulmer Domestic well 240'	31
1	6	5	4	3	2 Giles Stern Domestic well 147'	1	6

Roger Schmitt
 Irrigation well
 275'

4679-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 19 2007

5913-3
4679-3

Roger L Schmidt
PO Box 486
Freeman SD 57029

Dear Mr. Schmidt:

Enclosed is your Water License No. 5913-3 and a map prepared by the Staff Engineer who conducted the field investigation. The license is the final water right document completing your process of obtaining a Water Right. Also enclosed is Receipt No. 03161 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5913-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 4679-3 were incorporated into Water License No. 5913-3.