

1. Considered 5-27 1981
2. Name of Applicant BRIAN W. SCHMIDT
3. Post Office Address RR 1, Box 23, Marion 57043
4. Amount of Water Claimed 2.28
5. Source of Water Supply 300' well
6. Water to be used for IRR.
7. Acres to be irrigated 160 maximum
acre feet
8. Water to be diverted and used in Turner County
about 4 N, 2W miles west of Marion
Dutton
9. PROOF OF PUBLICATION Received 1/27 5-26-81

Not Received

APPLICATION Approved 5-28-51

Subject to WT--I8

Not Approved

Action deferred

Priority	Date Received	4/27/81	Application Complete	yes	no	FEE	250.00
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Remarks

Date Information and/or
fee or corrected Application received _____
Period of Annual use April - November

WATER
QUALITY

Received yes 5/9/41 no APPROVED CONDITIONAL (Circle one)

WI-1	Description same as application	yes	no	Remarks

Disapproved

Returned _____

Diversion Point

SW1 SW4 12-100-55

Lands to be irrigated _____

SW# 12-100-55

A 5x5 grid of squares. The bottom-left square (row 5, column 1) is shaded and contains a small star. To its right, in the first square of row 5 (column 2), is the number 12.

LEVEL
LOG

Remarks	
---------	--

Driller Schimelfing Licensed yes **XX** no

Depth 300 feet deep

MAP Map No. 3958-3 Map located in Water Right 1- Map file
 Type of Map Aerial Prepared by Rezek, DC

+++++

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 5-8-81

[Signature]
 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes no Remarks

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

Remarks

No. 4747-3Map No. 3958-3 Water Division No. 3 VERMILLION RIVER DistrictAbove for Office Use 10170102

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

Now ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Brian W. Schmidt Phone No. 648-3445Post Office Address Marion, S. D. RR 1 Box 23 57043 State S. D.
(Street, RR, or Box) (Town) (Zip Code)

If a corporation show date and place of incorporation _____ n/a

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Brian Schmidt System #14. Amount of water claimed (cubic feet per second) 2.285. Source of water supply well6. Location of point of diversion 52 rods, 34°E of the SW corner of the Sec. 12-100-55County Turner7. Annual period or periods during which water is to be used April-November8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, 160 Total number of acres to be irrigated 160

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

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-100-55	40
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 12-100-55	40
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 12-100-55	40
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 12-100-55	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water New Era, Parker SD 5705

12. Principal Features of the Proposed Water Supply System.

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

Diesel pump

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

Buried Pipeline

C. Works proposed to apply water to beneficial use.

C. P. SprinklerEstimated Total Cost \$ 65,000.00

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 Turner) ss.I, Brian W. Schmidt the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Brian W. SchmidtSubscribed and sworn to before me this 16 day of April, 1991Bruce K. Newman

Notary Public (or other qualified officer).

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4747-3
BRIAN W. SCHMIDT (Applicant) R.R. #1, Box 23, MARION (Post Office Address)
SOUTH DAKOTA (State) 57043 With the following qualifications

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

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

Date of first receipt of application April 27 19 81
Date of return to applicant for correction, amendments or changes required April 27 19 81
Date of receipt of corrected application May 8 19 81
Approved May 27 19 81, Recorded in Book 22 Page 201

WATER RIGHT PERMIT NO. 4747-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4747-3 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 27 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 27 19 82
3. The whole of said work is to be completed on or before May 27 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27 19 86
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 2.28 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-seventh (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 27 19 86; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 3rd day of June 19 81

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

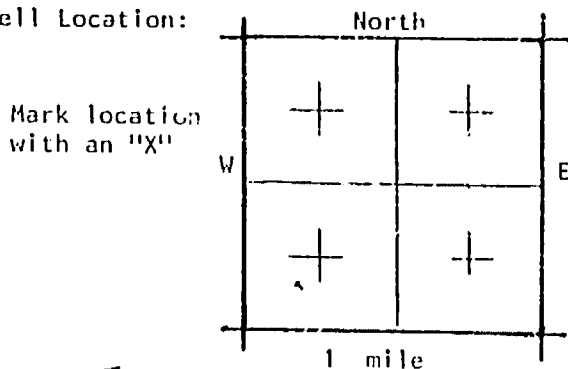
PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner:
Name Brian W. Schmidt
Address RR 1 Box 23, Marion S.D.
57093

Well Location:



County Turner
NE 1/4 SW 1/4 SW 1/4 Sec. 12 Twp. 100 Rg. 55

Proposed Use:

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

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole _____
Depth _____
Casing ☐ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify _____

Was casing end left open _____

Was a well screen installed _____

Describe Well Screen _____

Diameter _____ Material _____

Slot size _____

Was well gravel packed _____

Was well grouted _____

Was water sample taken _____

Remarks:

Water Level Information:

Static water level 10.4 below land surface
if flowing: closed in pressure _____ PSI
rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☐ Pumped

☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM
_____ " " _____ " " _____ "
_____ " " _____ " " _____ "

Well Log:

Formation	Depth	
	From	To
<u>Topsoil</u>	<u>0</u>	<u>18 inch</u>
<u>Yellow Clay</u>	<u>18 in</u>	<u>28 ft</u>
<u>Blue Clay</u>	<u>28</u>	<u>215 feet</u>
<u>Gravel</u>	<u>215</u>	<u>300 feet</u>

(Use Back if Necessary)

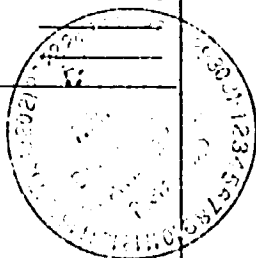
Date Completed: 4 2 1981

Driller:

Schmidt Co. 372
Driller's or Firm's Name License NO.

Turner S. Sch
Address

7401 S. Sch
Signed By Date



D. Well Information

- (1) Drill Hole, Diameter 18", Depth 300'
- (2) Casing, Type steel, Diameter 1 1/4", Thickness 3/8
(wood, concrete, steel, etc.)
- (3) Screen, Type stainless steel, Diameter 1 1/4", Length 50'
- (4) Gravel Pack, Thickness 2", Length of gravel pack 290'

E. Dugout Information or Estimates

- (1) Surface dimensions, n/a, 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 attached

Depth to bottom of water bearing material

Depth to water (ground surface to water level)

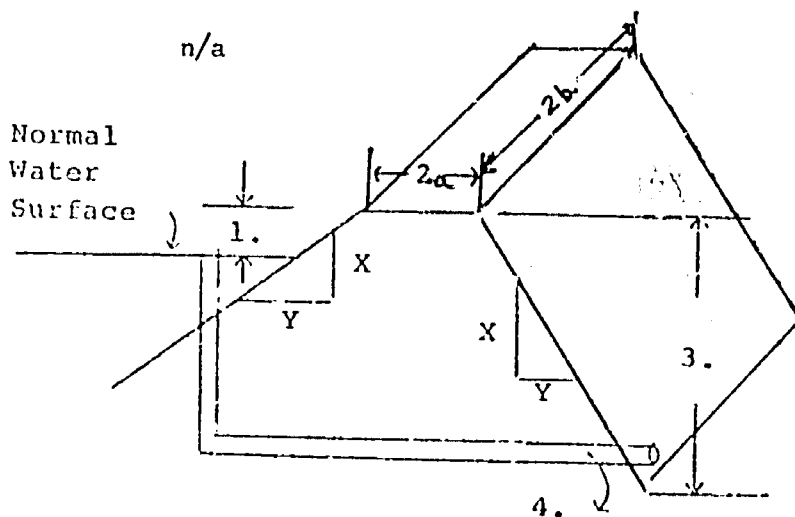
- (2) Distance to nearest existing household or livestock watering well

On same owner's property 100 rds.

On property owned by others 120 rds.

G. Water Storage Dams

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



1. Freeboard
- 2a Crest width , b, length
3. Height of Dam
4. Outlet dimensions:
 - 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

Office Use Only

4865-711

OWNERS NAME: Brian W. Schmidt OWNERS ADDRESS: Marion, S. D. 57013

COUNTY LAND LOCATED IN: Turner PHONE: _____

TEHANT'S NAME AND ADDRESS: (If Other Than Owner) Same

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)

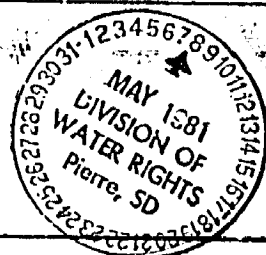
1. WELL LOCATION OR DIVERSION POINT: 52 rods, 75% of the SW corner Sec. 12-100-55
2. SURFACE WATER SOURCE: well
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
SW 12-100-55	160		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: x GUN: _____ OTHER: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: corn, soybeans, alfalfa
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEA. OBTAINED: none
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: 81-362
8. SALINITY (EC X 10⁶): 1500
9. SODIUM (SAR): 3.74
10. ADJUSTED (SAR): 10.03



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 7:00 a.m./p.m., on April 16, 1981, at the following location: well site shown above by myself (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

16 DAY OF April, 1981.

[Signature]
(NOTARY PUBLIC)

[Signature]
APPLICANT'S SIGNATURE

[Signature]
Director, Division of Conservation

APPROVED _____
DISAPPROVED _____
X CONDITIONALLY APPROVED

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.

Conditional

• , •

NAME OF APPLICANT Erwin G. Schmidt

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

- #11 - Tetonka silt loam
#13 - Crossplain Clay loam

These are poorly drained soils which should be left in permanent vegetation or drained to prevent problems with traction and ponding.

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

[illegible]

Water Rights Division
605 773-3352

April 15, 1981

Brian Schmidt
Rt 1, Box 23
Marion SD 57043

Dear Mr. Schmidt:

Please disregard the letter dated April 14, 1981 from Betty Westlund stating we had received the soil/water compatibility approval to irrigate lands in Turner County.

Your soil/water compatibility was disapproved by the Conservation Commission at their meeting last week.

If you have any questions, please contact this office.

Sincerely,

KAREN WERNSMANN
Administrative Secretary

**Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
605 773-3352

April 14, 1981

Brian Schmidt
Rt 1, Box 23
Marion SD 57043

Dear Mr. Schmidt:

We have received the Soil/Water Compatibility permit approval to irrigate
lands in Turner County from groundwater.

As of this date we have not received your application. In order to advertise
for the May 27 & 28, 1981 Board meeting, your application with all the
required data must be received before May 6, 1981.

If you have any questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:kw

enclosures: Forms 2 & 2A
Instruction sheet

Equal Opportunity Employer

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

no appl

Office Use Only

OWNERS NAME: Brian Schmidt OWNERS ADDRESS: Rt 1 Box 23 Marion, SD 57043

COUNTY LAND LOCATED IN: Turner PHONE: 608-3445

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

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

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

1. WELL LOCATION OR DIVERSION POINT: Water sample from domestic well at farmstead.
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
The SW 12-100-55	160		
The SW 29-100-55	160		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN. _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn, Soybeans, Alfalfa, Wheat
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LEGAL DESCRIPTION: _____
IN WHAT NAME: _____

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

- | | |
|--|---------------------------|
| 7. WATER SAMPLE NUMBER: <u>81-185 (SW 12)</u> | <u>81-186 (SW 29)</u> |
| 8. SALINITY (EC X 10 ⁶): <u>1500</u> | <u>1020</u> |
| 9. SODIUM (SAR): <u>5.78</u> | <u>8.87</u> |
| 10. ADJUSTED (SAR): <u>17.87</u> <u>10.39</u> | <u>19.39</u> <u>13.57</u> |

RECEIVED

MAR 18 1981

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 10:30 a.m./p.m. on Feb. 27, 1981, at the following location: SW 12-100-55 & SW 29-100-55 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

28 DAY OF Feb, 1981.

[Signature]
(NOTARY PUBLIC)

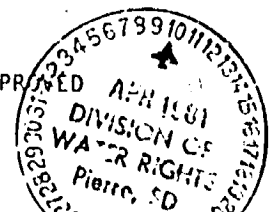
Brian W. Schmidt
APPLICANT'S SIGNATURE

[Signature]
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 _____



Send in new sample for May 7 SCC mtg

No. 4747-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Turner) ss.

I, Earl J. Bormann hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the 1 ground water well

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

New Era of Parker, S. D.

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

THURSDAY, MAY 14th, 1981

THURSDAY, MAY 21st, 1981

Earl S. Bormann (Signature)

owner--publisher
(Title)

5-11-'81
(Date Signed)

Cost of Printing: 17.30 li 8 pt.,

No. 4747-3
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that
Brian W. Schmidt, whose post of-
fice address is Marion, So. 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
2.28 cubic feet of water per second
of time from ground water (one
well) through the Brian Schmidt
System No. 1, the point of diver-
sion of which is to be located in
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Twp.
106N, Range 55W. Said water
to be used for the purpose of
providing irrigation on portions of
the following described land:

SW $\frac{1}{4}$, Section 12, T106N,
R55W.

This Application No. 4747-3 will
be considered by the Water Man-
agement Board at Meeting Room
No. 1, Kneip Building, Church
& Illinois, Pierre, S.D. on the 27th
day of May, 1981, at 10 A.M.
The Board is authorized to make
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 repre-
sented 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, DWNRR,
Joe Foss Building, Pierre, SD,
prior to the hearing date for
assistance to assure access to the
hearing.

WATER MANAGEMENT
BOARD

Burton F. Jones,
Water Rights Specialist.

cc: Brian W. Schmidt,
RR No. 1, Box 23,
Marion, SD 57043
(2tc May 14 & 21, 1981)

*Rec'd
5-26-81
fm*

No. 4747-3

Publish first publication, on or before May 13, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that Brian W Schmidt whose post office

address is Marion, 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 2.28 cubic feet of water per second of time from ground water

(one well) through the Brian Schmidt System #1, the point of diversion of which is ~~(one well)~~ to be located in the SW 1/4 SW 1/4

of Section 12, Twp. 100N, Range 55W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 12, T100N, R55W

This Application No. 4747-3 will be considered by the Water Management Board at Meeting Room #1, Knapp Building, Church & Illinois, Pierre, SD upon the 27th day of May, 1981

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, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Brian W Schmidt
RR #1, Box 23, Marion, SD 57043

BURTON F JONES
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8182

PIERRE, April 27, 19 81

RECEIVED OF Brian Schmidt, RR 1, Box 23, Marion, SD 57043

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

Fee for application for Permit to Appropriate Water No. 4747-3 (examination, ssing, recording and filing)	250	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	250	00

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / *(JH)*

4747-3

SOUTH Dakota Department of
Water & Natural Resources
Joe Foss Building Water Rights Division (605) 773-3352
Pierre, South Dakota 57501

May 29, 1981

N O T I C E

TO: Persons Attending May 27, 1981 Water Management Board Meeting
Concerning Water Permit Applications 4747-3 and 4752-3

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

The Water Management Board approved the following Water Permit Applications
at the May 27, 1981 meeting.

No. 4747-3 Brian W Schmidt
No. 4752-3 Tommy Thomas

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

THOSE IN ATTENDANCE AT THE
MAY 27-28, 1981 BOARD MEETING
ON APPL. 4747-3 Brian W
Schmidt- 4752-3 Tommy
Thomas

Harley Ortman
Marion, SD 57043

Carmi Olfert
RR #1, Box 20
Marion, SD 57043

Lowell Herlyn
RR #1, Box 27
Marion, SD 57043

Darred Unruh
RR #1
Marion, SD 57043

Fred Schoenwald
Marion, SD 57043

Edwin Jantzen
RR #1, Box 16
Marion, SD 57043

Jesse Ortman
Marion, SD 57043

Gary D Blue, Attorney
Box 308
Freeman, SD 57029

Robert C Loof
Marion, SD 57043

Brian W Schmidt
RR #1, Box 23
Marion, SD 57043

Walter B Epp
RR #1, Box 19
Marion, SD 57043

Mr. & Mrs. Tommy Thomas
Box 107
Marion, SD 57043

Willard A Epp
Marion, SD 57043

Konda Brothers
Marion, SD 57043

Edmund Schultz
Marion, SD 57043

CERTIFICATION FOR MAILING NOTICES

I hereby certify that on May 29, 1981, I have personally deposited with the US Mail, postage prepaid envelopes containing the attached NOTICE of Approval of Water Permit Application Nos. 4747-3 and 4752-3 to the persons listed on the attached labels.

Genny Young

Genny Young, Staff Assistant

STATE OF SOUTH DAKOTA)
COUNTY OF HUGHES) SS

Swore to, before me, this 29th day of May, 1981.

Louis L. Ries
Notary

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



4747-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

4747-3A

Brian Schmidt
44534 269th St.
Marion, SD 57043-5019

Dear Mr. Schmidt:

Enclosed is Water License No. 4747-3A. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414720 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. 4747-3A, 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

NOTE: The applicable portions of Water Permit No. 4747-3 have been incorporated into this Water License No. 4747-3A.

R. 76W

28.7

(-61)

17.8
NW $\frac{1}{4}$ NE $\frac{1}{4}$
18 AC

650'

2300'

New City Well

T. 12N

SW $\frac{1}{4}$ NE $\frac{1}{4}$
14 AC

35.6
SE $\frac{1}{4}$ NE $\frac{1}{4}$
34 AC

Well

8
34.1
11.4
NW $\frac{1}{4}$ SE $\frac{1}{4}$
~~Well~~ 36 AC

NE $\frac{1}{4}$ SW $\frac{1}{4}$
8.2
10 AC

NE $\frac{1}{4}$ SE $\frac{1}{4}$
5 AC

BLUNT

2.0

8.5

SW $\frac{1}{4}$ SE $\frac{1}{4}$
13 AC

4.7

112-76

Map prepared by
Soil Conservation Service
at Pierre

Map No. ~~2043~~ 3 April 4747-3
MAP NO. 1449-3 APR 02-2043-3

NOT TO SCALE

Brian W. Schmidt Irrig. System #1
Brian W. Schmidt, Owner
Marion, S. D. 57043

APPL NO 4-74-7-3

MAP NO 39583

150.8

95R

Transferred
to
McCook
County
JW Rezek

2

144.2

158.0

Land to be irrigated:

The SW $\frac{1}{4}$ 12-100-55 - 160 ac.

Irrig. well

52 Rods
34' E
#2 WELL

3.0

1200-55

13

BRIAN SCHMIDT IRRIG. SYSTEM #1
MARION, S.D. 57043

NOT TO SCALE

150.8

95R

Transferred
to
McCook
County

2

144.2

158.0

Location of
Additional
Well

WELL
#2

100-55

3.0