

1. Considered: _____, 19____ Water Right No. 4747-3A
2. Name of Applicant Brian W. Schmidt
3. Post Office Address RR 1, Box 23, Marion 57043
4. Amount of Water Claimed no add'l (2.28) maximum acre feet _____
5. Source of Water Supply 270' well (additional diversion on 4747-3)
6. Water to be used for IRR acres to be irrigated no add'l (160)
7. County Turner about _____ miles _____ of _____
8. PROOF OF PUBLICATION: Received 1/8/82 9-10-82 Not Received _____
- APPLICATION: Approved 10-7-82 Subject to WI - IQ
- Not Approved _____ Action Deferred _____

PRIORITY Dated Received 1/20/82 Application complete-yes _____ no _____ FEE 150.00

Remarks needed log of well

Corrected Application received _____ Period of Annual Use April 1-Nov 1

TER ALITY Received yes 5/9/81 no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes X no _____ Remarks _____

Add'l only 400 feet from well approved no water quality approval

needed in the same aquifer and within SCC standards

Disapproved _____ Returned _____

Diversion Point SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12-

T100N-R55W

Land to be irrigated _____

SW $\frac{1}{4}$ Section 12-T100N-R55W

11 LOG Driller Schimelfeny Licensed - yes X no _____

Depth 270' deep (log says 300' deep)

Remarks _____

MAP Map No. 3958-3 Map located in Water Right xx Map file x
 Type of Map Aerial Prepared by dc scs

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

8/11/82

Billy Westlund & Sigs
 (Signed)

+++++

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

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

No. 6747-3AMap No. 3958-3A 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 _____

No Additional Water
No Additional Acres

1. Name of Applicant Brian W. Schmidt Phone No. 648-3445
Post Office Address Marion, L. D. RR 1 Box 23 State S. D. 57043
(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 Brian W. Schmidt System #14. Amount of water claimed (cubic feet per second) no additional (2.28)5. Source of water supply well6. Location of point of diversion SW 1/4 SW 1/4 12-100-55 (400 feet from existing well on 4747-3) byCounty 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, surface Total number of acres to be irrigated 160 ^{irrigated} acres

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

SW 1/4 Land Description	No. Acres Irr.
NW 1/4 12-100-55	40
NE 1/4 12-100-55	40
SE 1/4 12-100-55	40
SW 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 25 years. Additional time required to complete application of water to the proposed beneficial use 34 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water The New Era, Pierre, SD 57053

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source

Electric Motor

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

Buried Pipeline

C. Works proposed to apply water to beneficial use.

C. R. 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 19th day of January, 1982L. W. Stettin

Notary Public (or other qualified officer) .

WATER RIGHT APPLICATION APPROVAL

4747-3A

The Water Management Board hereby approves Water Right Application No. _____

BRIAN W. SCHMIDT

(Applicant)

RR #1, Box 23, Marion

(Post Office Address)

South Dakota

57043

(State)

With the following qualifications.

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

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

Date of first receipt of application _____ January 20 _____, 19 82

Date of return to applicant for correction, omissions or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved _____ October 7 _____, 19 82, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4747-3A

The Water Management Board hereby grants and issues this Water Right Permit No. 4747-3A 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. Two equivalent of at least one-fifth of the work above specified is to be completed on or before April 7 _____, 19 85
3. The whole of said work is to be completed on or before October 7 _____, 19 87
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 7 _____, 19 91
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 NO ADDITIONAL 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 October 7 _____, 19 91, said water to be used during the following described annual period: April 1 to November 31 _____

Witness my hand this 12th day of October _____, 19 82

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Water Rights Division - DWR
Telephone Reference Sheet

NAME OF PERSON (Last Name Calling):

Brian W. Schmidt

ADDRESS:

Marion

COUNTY:

Jarner

DATE:

11/5/81

TELEPHONE:

648-3445

RE:

4747-3 add'l well (help)

COMMENTS:

'400' away & in same aquifer told him he did not need soil water compatibility from SCC as well is within 2000' feet. We get appln order by Nov 11 or can advertise for Dec. Mtg in Soc. Falls. Send Buck sheet to SCC

4-5-82

Brian Schmidt called
He will do not have
a log for this well -
Paid it was drilled
last fall - Will get on
Thorp.

For Water Rights
Log of assist
well or well No. 2
similar in nature
to main well on
Well No. 1. If
you have any
further questions
phone 648-3445

Thank You

Brian W. Schmidt

File in Per
other part

PLEASE COMPLETE
ENTIRE FORM

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

Well Owner:

Name

Brian W. Schmidt

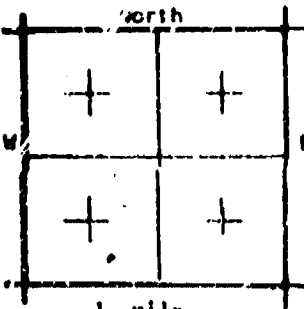
Address

RR 1 Box 27, Marion, SD 57043

Well Location:

North

Mark location
with an "X"



County

Zimmerman

SW 1/4 Sec. 12 Twp. 100 Rq. 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

5 1/2 in.

Depth

Casing

☐

Steel

☐

Concrete

☒

Plastic

☐

Other

If other, specify

Was casing end left open

No

Was a well screen installed

Describe Well Screen

Diameter

5 1/2 in.

Material

Slot size

Was well gravel packed

Was well grouted

Was water sample taken

Water Level Information

Static water level 2 1/2 feet below land surface

If flowing, closed cylinder pressure

Rate of flow

Controlled by

☒ Valve ☐ Reducers ☐ Other

If other, specify

Well Test Data:

☒

Pumped

☐

Galley

Describe:

☐

Other

Pumping Level Below Land Surface

ft. After

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

"

Well Log:

Depth

Formation

From

To

8 ft. sand

0

8 ft.

4 ft. clay

8

12 ft.

4 ft. clay

12

16 ft.

2 ft. sand

16

18 ft.

2 ft. sand

18

20 ft.

2 ft. sand

20

22 ft.

2 ft. sand

22

24 ft.

2 ft. sand

24

26 ft.

2 ft. sand

26

28 ft.

2 ft. sand

28

30 ft.

2 ft. sand

30

32 ft.

2 ft. sand

32

34 ft.

2 ft. sand

34

36 ft.

2 ft. sand

36

38 ft.

2 ft. sand

38

40 ft.

2 ft. sand

40

42 ft.

2 ft. sand

42

44 ft.

2 ft. sand

44

46 ft.

2 ft. sand

46

48 ft.

2 ft. sand

48

50 ft.

2 ft. sand

50

52 ft.

2 ft. sand

52

54 ft.

2 ft. sand

54

56 ft.

2 ft. sand

56

58 ft.

2 ft. sand

58

60 ft.

2 ft. sand

60

62 ft.

2 ft. sand

62

64 ft.

2 ft. sand

64

66 ft.

2 ft. sand

66

68 ft.

2 ft. sand

68

70 ft.

2 ft. sand

70

72 ft.

2 ft. sand

72

74 ft.

2 ft. sand

74

76 ft.

2 ft. sand

76

78 ft.

2 ft. sand

78

80 ft.

(Use Back if Necessary)

Date Completed:

11/16/1981

Driller:

Driller's or Firm's Name

License NO.

Address

Signed By

Date

Remarks:

received
5-8-81

Donated
House well

6/60

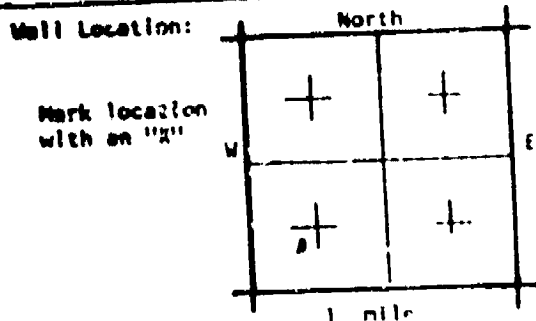
(Use Back if Necessary)

Date _____

PLEASE COMPLETE
ENTIRE FORM

WELL DRILLING REPORT
Division of Water Control
Department of Water & Natural Resources

Well Owner:
Name Brian Schimide
Address RR Marion, S.D.



County

NE, SW, SW Sec. 12 Twp. 111. Rq. 55

Proposed Use:

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

Method of Drilling:

☒ Forward Rotary ☐ Borad ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 1 7/8
Depth 300 ft
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify

Was casing end left open no

Was a well screen installed yes

Describe Well Screen

Diameter 1 3/4 Material steel

Slot size 60

Was well gravel packed yes

Was well grouted yes

Was water sample taken

Remarks:

pump installed by
owner - pump

Water Level Information

Static water level 6 ft below land surface
Flowing water level PSI
Rate of flow gpm

Controlled by

☒ Valve ☒ Release ☐ Other
If other, specify

Well Test Data:

☒ Pump

☐ Bailer

☐ Other

Pumping Level Below Land Surface

ft. After hrs. pumped gpm
" " " " " "
" " " " " "

Well Log:

Formation	From	To
top soil	0 in	5 in
yellow clay	5 in	25 ft
blue clay	25 ft	15 ft
fine sand	25 ft	300 ft

(Use Back If Necessary)

Date Completed

June 1981

Driller:

Dr. [Signature] License # 372
Address [Address]
City [City] State [State] Zip [Zip]

Address

Control By

Date

D Well Information

- (1) Drill Hole, Diameter 18", Depth 270'
- (2) Casing, Type plastic (wood, concrete, steel, etc), Diameter 8", Thickness 1/2 inch
- (3) Screen, Type slotted plastic, Diameter 8", Length 100'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 270'

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 attached

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

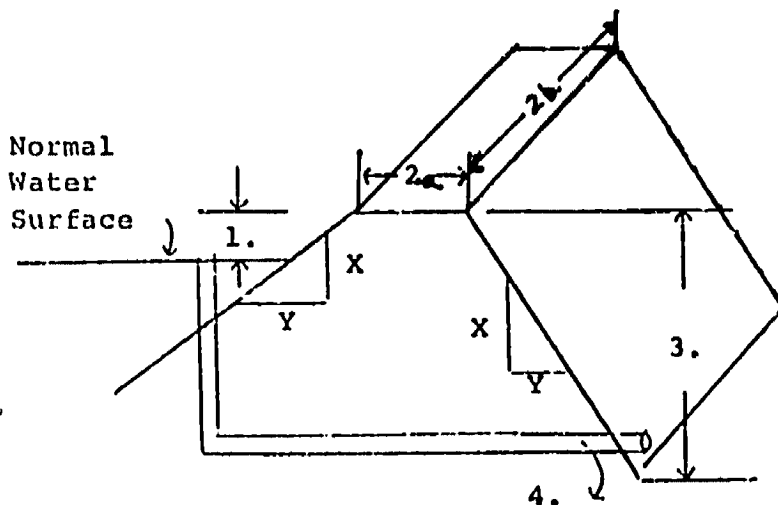
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 100. rds.

On property owned by others 110 rds.

G Water Storage Dam.

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

2865-TU

OWNERS NAME: Brian W. Schmidt

OWNERS ADDRESS: Marion, S. D. 57043

COUNTY LAND LOCATED IN: Turner PHONE:

TENANT'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 the 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, 31ST 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 1/4 12-100-55	160		

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: ☒ SUN: OTHER: (Specify)

5. CROPS TO BE IRRIGATED: corn, soybeans, alfalfa

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: none
LEGAL DESCRIPTION:
IN WHAT NAME:

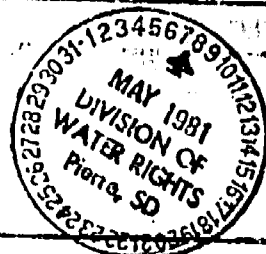
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

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 1:00 a.m./p.m., on April 16, 1981, at the following location: well site shown above, by mesall (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

17 DAY OF April, 1981.

(NOTARY PUBLIC)

APPLICANT'S 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

NAME OF APPLICANT Brian W. Schmidt

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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

- #11 - Tetooka silt loam
#13 - Crossplains Clay loam

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

These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

Affidavit of Publication

STATE OF SOUTH DAKOTA)
COUNTY OF TURNER) ss.



EARL J. BORMANN

of said County and State, being duly sworn, on his oath says:
THE NEW ERA is a weekly newspaper of general circulation, printed and published in Parker, in Turner County and State of South Dakota by Earl J. Bormann, and has been such a newspaper during the times hereinafter mentioned; that the said newspaper is a legal newspaper, that it has a bonafide circulation of more than 200 copies weekly, that it has been published within said county of Turner in the English language for more than fifty-two successive weeks next prior to the publication of the notice hereinafter mentioned, and has been printed during said period and at the present time in whole or in part in an office maintained at the said place of publication; and that I, the undersigned, am

owner

of said newspaper, in charge of the advertising department thereof, and have personal knowledge of all facts stated in this affidavit; that the advertisement headed Notice of Hearing On Application

To Appropriate Water--No. 4747-3A

a printed copy of which is hereto attached, was printed and published in the said newspaper for two weeks; that said notice was published in the issues of said newspaper on the dates as follows, to-wit:

The first publication being made on Thursday, August 19, 1982;
the second publication on Thursday, August 26th, 1982;
the third publication on 19.....;
the fourth publication on 19.....;
the fifth publication on 19.....;
the sixth publication on 19.....;
and the last publication on 19.....;

that \$25.53, the full amount of the fee charged for publication of the annexed notice, insures solely to the benefit of the publishers of the said newspaper; that no arrangements or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Earl J. Bormann

Subscribed and sworn to before me this 26th
day of August, 1982

Garry J. Munsbrack
Notary Public, Turner County, South Dakota.
Comm Exp 3-30-90

No. 4747-3A

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

Notice is hereby given Brian W. Schmidt whose post office address is RR #1, Box 23, Marion, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-9 thru 46-2-11; 46-2-11; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41, 46-6-3 thru 46-6-5, 46-6-6, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for buried use no additional cubic feet of water per second of time from ground water (2 wells - 1 existing) through the Brian W. Schmidt System #1 to add an additional, the point of diversion on an existing permit of which is to be located in the SW 1/4 SW 1/4 of Section 12, Twp. 110N, Range 55W. Said water to be used for purpose of providing irrigation on portions of the following described land: SW 1/4, Section 12, T110N, R55W (land covered under existing permit).

This Application No. 4747-3A will be considered by the Water Management Board at Meeting Room #1, Knapp Building, Church & Illinois, Pierre, South Dakota upon the 7th day of October, 1982 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board
SIGNED: Betty Westlund
BETTY WESTLUND
Water Rights Specialist

Applicant
WNE-906-2/82
(2tc22 - August 19 & 26, 1982)

4747-3A
PR10

No. 4747-3A

Publish first publication, on or before August 25, 1982

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 16, 1982

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address is RR #1, Box 23, Marion, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-14; 46-2-2 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-25, 46-5-41 (~~ground~~) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future use~~) 46-5-38, (~~transfer lands~~) 46-5-39 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future use~~) 74:02:01:23 thru 74:02:01:25 (10,000 APA) ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

~~no additional~~ cubic feet of water per second of time from groundwater (2 wells - 1 existing) additional on an existing permit of through the Brian W Schmidt System #1 to add 27/, the point ~~(s)~~ of diversion, which is (~~are~~) to be located in the SW 1/4 SW 1/4

of Section 12, Twp. 110N, Range 55W. Said water to be used for purpose of providing irrigation on portions of the following described land:

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For the Water Management Board

cc: applicant
WNR-806-2/82

BETTY WESTLUND, Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8701

PIERRE, February 5, 1982

RECEIVED OF Brian W. Schmidt, Route 1, Box 23, Marlon, SD 57043

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

Fee for Application for Permit to Appropriate Water No. 4747-3A (examination, processing, recording and filing)	150	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 filling		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Marion

Date _____

TO: Water Rights
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

4747-3A

Water Right Permit No. 4747-3A states that the diversion system is to be constructed by _____, and that the water is put to beneficial use by _____.

The diversion system was completed on June - 83. Applying the water to beneficial use was completed on June - 83.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Brian W. Schmidt
(Signature)

P.R-1 Box 23

WNR-B10-7/79

Notice of Completion of Works and/or
Application of Water to Beneficial Use

4747-3

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4747-3A

(1) Brian W. Schmidt, 44534 269th St. Marion SD 57043-5019 made Application No. 4747-3A. January 20, 1982 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well). Turner County, South Dakota for irrigation purposes. Permit No. 4747-3A, with a priority date of April 27, 1981 was approved October 7, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 7, 1987 and for the application to beneficial use of said water on or before October 7, 1991.

Water Permit No. 4747-3A authorized an additional well to irrigate the land authorized under Water Permit No. 4747-3. Permit No. 4747-3A did not allow for an increase in the diversion rate or acres irrigated. The applicable portions of Water Permit No. 4747-3 have been incorporated into this Water License No. 4747-3A.

Water Permit No. 4747-3A was revised on October 19 and 26, 1995 to correct the legal description of the diversion points and lands being irrigated.

(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 0.89 cubic feet of water per second for beneficial use. The location of the diversion points are: Well No. 1 - 957 feet east and 462 feet north and Well No. 2 - 158 feet east and 145 feet north; both from the southwest corner of Section 12-T100N-R55W (both in SW 1/4 SW 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 12-T100N-R55W	NW 1/4 SW 1/4	33 acres
	SW 1/4 SW 1/4	33 acres
	NE 1/4 SW 1/4	33 acres
	SE 1/4 SW 1/4	11 acres
Total		110 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brian Schmidt, 44534 269th St. Marion SD 57043-5019 the holder and/or owner of Incorporated Water Permit No. 4747-3A is issued a license to appropriate water, the right to use 0.89 cubic feet of water per second from groundwater (two wells) with a priority date of April 27, 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 Incorporated Water Permit No. 4747-3A and subject to South Dakota State Law.

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

JUL 2 1996
date

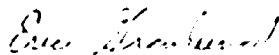


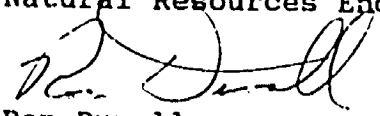
REPORT ON WATER PERMIT NO. 4747A-3
BRIAN W SCHMIDT
JUNE 23, 1992

Water Permit No. 4747-3A appropriates no additional water from one additional well located in the SW 1/4 SW 1/4 Section 12-T100N-R55W to irrigate 160 acres authorized by Water Permit No. 4747-3 located in the SW 1/4 Section 12-T100N-R55W. Readvertisement of the notice of hearing published on August 19 and 26, 1982 is needed to correct the legal description of the diversion point and the irrigated acres. The location of the additional diversion point and the irrigated acres were incorrectly advertised as being located in the Section 12-T110N-R55W. The correct location of the diversion point is the SW 1/4 SW 1/4 Section 12-T100N-R55W. The correct location of the irrigated acres is the SW 1/4 Section 12-T100N-R55W. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 4747-3A.
2. This readvertisement is necessary to correct the legal description of the diversion point and lands being irrigated prior to issuance of the water license. The correct location of the diversion point and lands being irrigated was identified on the permit application.
3. The correct legal description of the diversion point is the SW 1/4 SW 1/4 Section 12-T100N-R55W. The correct location of the irrigated acres is the SW 1/4 Section 12-T100N-R55W.


Eric Gronlund
Natural Resources Engineer


Ron Duvall
Natural Resources Engineer IV

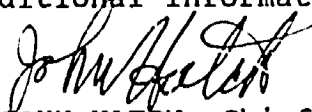
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 4747-3A, Brian W. Schmidt

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 4747-3A, Brian W. Schmidt, RR 1 Box 23, Marion, SD 57043.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 4747-3A because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
July 15, 1992

REPORT ON WATER PERMIT NO. 4747-3A
BRIAN SCHMIDT
October 5, 1995

Water Permit No. 4747-3 appropriates 2.28 cubic feet of water per second from one well located in the SW 1/4 SW 1/4 Section 12 to irrigate 160 acres located in the SW 1/4 Section 12; all in T100N-R55W. Water Permit No. 4747-3A authorized no additional appropriation of water from one additional well to irrigate the land authorized by Permit No. 4747-3. Readvertisement of Permit No. 4747-3A is necessary to correct the location of the wells and the lands irrigated prior to issuance of the water license. The two wells are located in the SW 1/4 SW 1/4 Section 12 and the lands irrigated are located in SW 1/4 Section 12; all in T100N-R55W and were incorrectly advertised on August 19 and 26, 1982 in The New Era as being located in Section 12-T110N-R55W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 4747-3A.
2. This readvertisement is necessary to correct the legal description of the diversion points and lands being irrigated prior to issuance of a water license. The correct location of the diversion points and the lands irrigated were identified on the permit application.
3. The correct legal description of the two diversion points is the SW 1/4 SW 1/4 Section 12 and the correct location of the lands being irrigated is the SW 1/4 Section 12; all in T100N-R55W.


Eric Gronlund
Natural Resources Engineer


Ron Duvall
Natural Resources Engineer IV

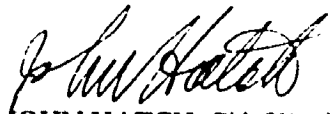
**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 4747-3A, Brian W. Schmidt**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Readvertised Water Permit Application No. 4747-3A, Brian W. Schmidt, RR 1, Box 23, Marion, SD 57043

The Chief Engineer is recommending APPROVAL of readvertised Application No. 4747-3A because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.


JOHN HATCH, Chief Engineer
October 5, 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1992

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

Dear Mr. Schmidt:

The original notice of hearing for Water Permit Application No. 4747-3A was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the The New Era printed at Parker, SD (Ph # 297-4419). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 16, 1992

The New Era
Box 577
Parker, SD 57053-0577

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4747-3A to be published twice. Please publish the first notice on July 23, 1992, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name _____

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181
Newspaper _____

Instruction to Newspaper - Publish first Notice on July 23, 1992, with the second publication 7 days later.

Readvertisement of NOTICE OF HEARING on Application No. 4747-3A to Appropriate Water

Notice is given that Brian W. Schmidt, RR 1 Box 23, Marion, SD 57043 has filed an application for a water permit on January 20, 1982. Water Permit No. 4747-3A appropriates no additional water from one additional well located in the SW 1/4 SW 1/4 Section 12-T100N-R55W to irrigate 160 acres authorized by Water Permit No. 4747-3 located in the SW 1/4 Section 12-T100N-R55W. Readvertisement of the notice of hearing published on August 19 and 26, 1982 is needed to correct the legal description of the diversion point and the irrigated acres. The location of the additional diversion point and the irrigated acres was incorrectly advertised as being located in Section 12-T110N-R55W. The correct location of the diversion point is the SW 1/4 SW 1/4 Section 12-T100N-R55W. The correct location of the irrigated acres is the SW 1/4 Section 12-T100N-R55W. This readvertisement does not authorize any increase in the acreage irrigated or increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of readvertised Application No. 4747-3A because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 10, 1992. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 4747-3A and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 19, 1992, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 19, 1992, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 19, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 10, 1992.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

is application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16;
-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,
-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25,
-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14,
-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary,
partment of Environment and Natural Resources.

NOT TO SCALE



NO. 4747-3 and 4747-3A

BRIAN SCHMIOT

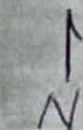
Drawn by: Gregory C. Johnston

Gregory C. Johnston 101-54
Natural Resources Engineer II

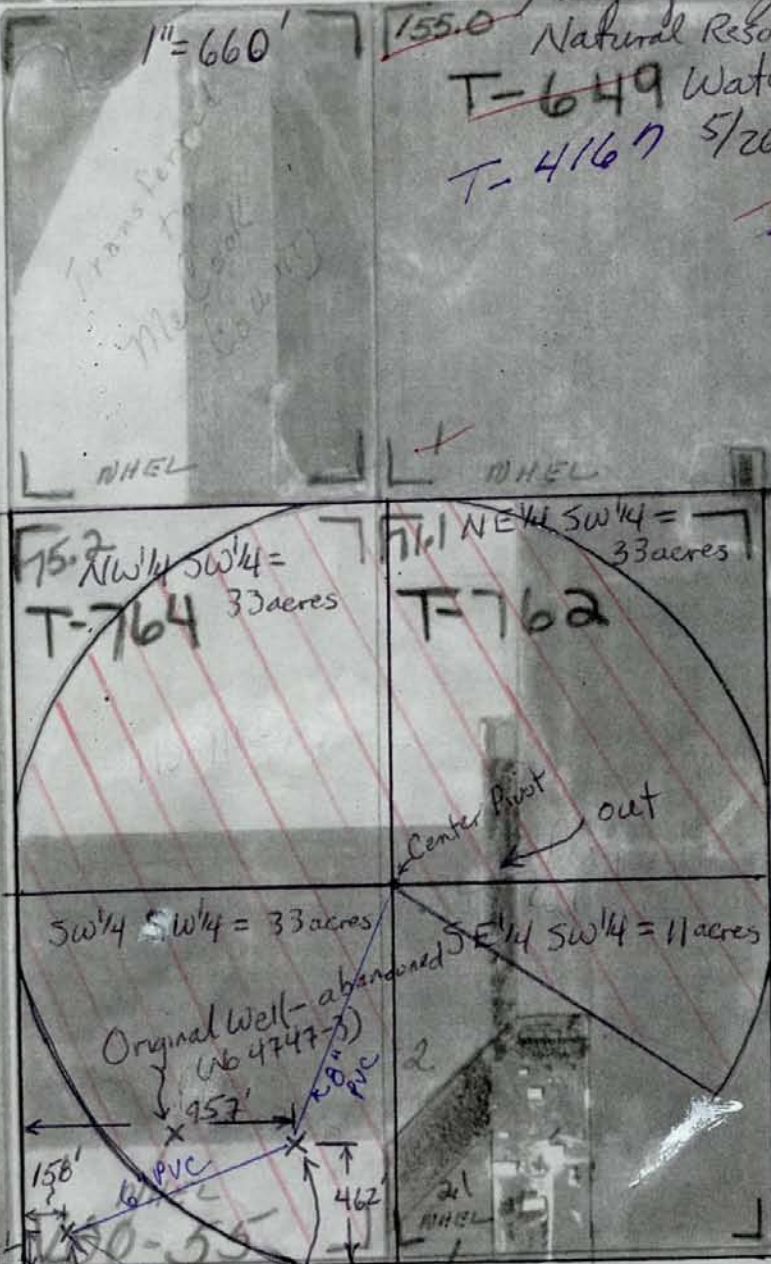
~~T-649~~ Water Rights Division, DENR

T-4167 5/26/93

Trans to McLeod



1" = 660'



12

All in Section 12 - T100N - R55W

158.0

T-613

NW 1/4 SW 1/4 = 33 acres

SW 1/4 SW 1/4 = 33 acres

NE 1/4 SW 1/4 = 33 acres

SE 1/4 SW 1/4 = 11 acres

Total = 110 acres

Well No. 2
(No. 4747-3A)

Well No. 1 - replacement
(No. 4747-3)

4747-3A