

Considered: _____

WATER PERMIT NO. 5300-3

42

HAP No. Same 873-2415

Name of Applicant Rex Schwartz

Post Office Address Rt 2, Box 57 Bruce, SD 57220

Amount of Water Claimed 2 cfs Total Acres 132

Source of Water Supply groundwater - 1 well

Water to be used for irrigation County Hamlin

About 4 miles SW of Estelline

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Mar 13, 1989 Fee \$250⁰⁰ Remarks _____

2 cfs > 1 cfs / 70 acres

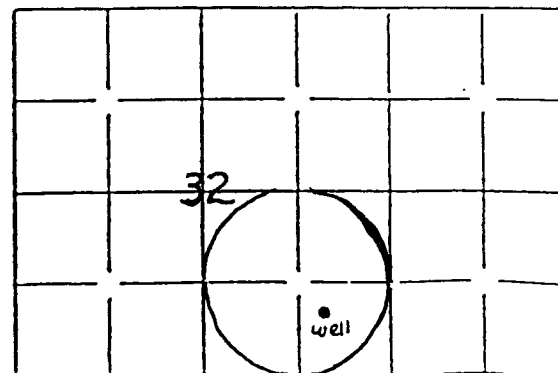
Corrected Application Received Mar 22, 1989 Period of Annual Use Apr 1 - Oct 31

WATER QUALITY APPROVAL RECEIVED _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES NO REMARKS _____

Diversion Point SE 1/4 SE 1/4 Section 32-T113N-R51W

Land to be Irrigated SE 1/4 Section 32-T113N-R51W



Well Log: Driller Pullman Drilling Licensed YES X NO _____

Depth of Well 75' REMARKS Test Hole

Type of Map _____ PREPARED BY Alan Bender Reviewed and the Number

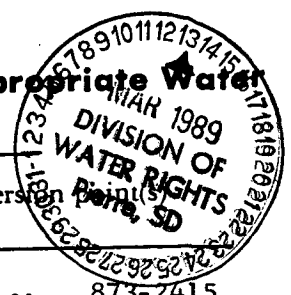
assigned on March 23, 1989 By Dwain A. Bowser



Mail to: Water Rights Div.
523 E. Capitol
Pierre, SD 57501
(605) 773-3352

No. 5300-3 Hydrologic Unit 10170202
Basin Big Sioux
Newspaper Hayti/Hamlin Co. Herald - Enterprise
Box 207 57241 (Wed)

Application For Soil/Water Compatibility Permit and Permit To Appropriately Water



Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant Rex Schwartz Phone No. 873-2415
Post Office Address R. R. 2, Box 57, Bruce State SD 57220
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s) 2 cfs Total acres irrigated 132
3. Source of Water supply Well
4. Location of point of diversion From corner of 1/4 section
1045 ft North and 1045 ft West from the SE corner of SE 1/4 S32 T113N R51W
(SE 1/4 SE 1/4 Sec 32-T113N-R51W) County Hamlin
5. Counties where water will be used Hamlin
6. Annual period during which water is to be used April¹ to October 30
7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 SE 1/4 S32 T113N R51W	33		
NW 1/4 SE 1/4 S32 T113N R51W	33		
SW 1/4 SE 1/4 S32 T113N R51W	33		
SE 1/4 SE 1/4 S32 T113N R51W	33		

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
(Specify) _____
9. Crops to be Irrigated: Corn, Soybeans, Small Grains

10. Give a description of proposed project. (Attach sheet if more space is needed)
Propose to irrigate the SE 1/4 of S32 T113N R51W of Hamlin County total 132 acres.
Will use center pivot irrigation system located at the center of the quarter section. The water supply will be from a well located just SE of the center of the quarter.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Hamlin)^{ss}

I, Rex Schwartz, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Rex Schwartz

Subscribed and sworn to before me this 7th day of March 1989

[Signature]
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5300-3 FOR IRRIGATION

Date of first receipt of application March 13, 1989.

Date Soil/Water Compatibility Permit received March 30, 1989.

Date of return to applicant for required corrections, amendments or changes March 17, 1989.

Date of receipt of corrected application March 22, 1989.

The Water Management Board approved Water Permit Application No. 5300-3 on May 10, 1989 for Rex Schwartz, Rt #2 Box 57, Bruce, SD 57220 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5300-3 appropriates 1.88 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 75 feet deep to be located in the SE1/4 SE1/4 to irrigate 132 acres in the SE1/4; all in Section 32-T113N-R51W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to October 31.
3. The date from which applicant may claim right is March 13, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) Permit No. 5300-3 is approved for a diversion rate of 1.88 cfs.
- 2) The well authorized by Permit No. 5300-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
- 3) 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.
- 4) This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

John H. H. H.
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

SEP 12 1989

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 16" Depth 68'
- b) Casing Type Plastic Diameter 16" Thickness
- c) Screen Type Johnson Diameter 16" Thickness
- d) Gravel Pack Thickness 4.5" Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 10'
- f) Depth of Water (ground surface to water level) 10'
- g) Distance to nearest existing domestic well:
 On applicants property 2500' + On property owned by others 2500' +

2. Dugout Information Estimates

- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard

c) Crest Width

Crest Length

d) Height

e) Outlet Dimensions:

Pipe diameter

Spillway width

f) X & Y Slope

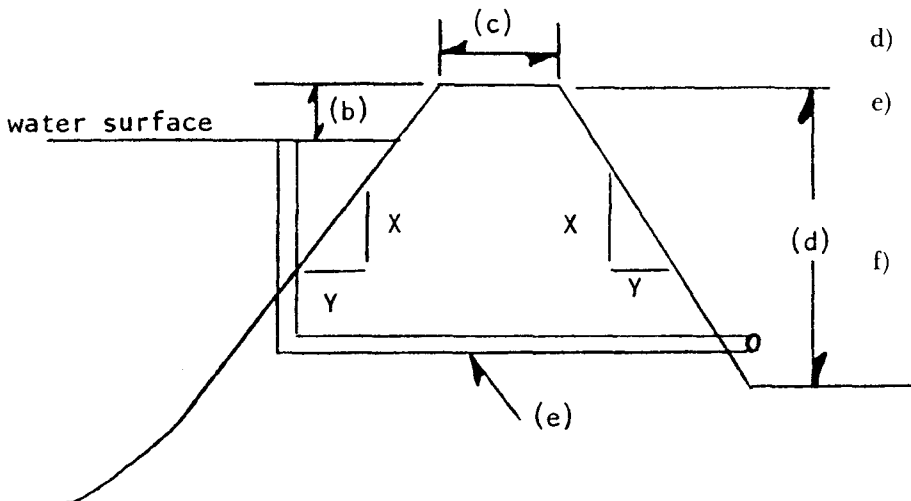
Upstream

Downstream

Surface Area of Impoundment

Storage acre feet

Drainage area above dam



Ken Stewart
 Signature of Applicant

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 17, 1989

Rex Schwartz
Rt. 2, Box 57
Bruce, SD 57220

Dear Mr. Schwartz:

This letter is in response to the water permit application received from you on March 13, 1989.

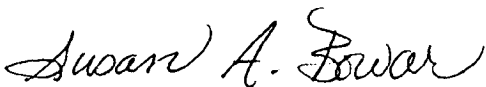
The application is not complete for the following reason(s):

- (1) The enclosed application forms need to be **notarized**.

The Water Management Board cannot consider a water permit application until it is complete. Please notarize your application forms and return them to begin processing of your water permit application.

Feel free to contact us if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division
(605) 773-3352

enclosure

cc: Alan Bender (w/o enclosure)
Dave Gullickson

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4358

WR#

OWNERS NAME: Rex Schwartz OWNERS ADDRESS: Rt 2, Box 57
Bruce, SD 57220

COUNTY LAND LOCATED IN: Hamlin PHONE: 873-2415

LEGAL DESCRIPTION:

☒ Well

☐ Surface

1. LOCATION: 1045 ft W & 1045 ft W from SE corner of Sec. 32-T113N-R51W

Depth: _____

Legal Description	Acres	Legal Description	Acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32-T113N-R51W	33		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	33		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	33		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ " "	33		
		TOTAL ACRES =	132

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: corn, soybeans, small grains

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0028 7. ADJUSTED (SAR): 0.40
5. SALINITY (EC X 10⁶): 600 8. PERCENT SODIUM: 4.95
6. SODIUM (SAR): 0.18

Requirements:



Otto Amick
Director, Division of Conservation

Date

3/29/89

☒ APPROVED
☐ DISAPPROVED
☐ WAIVER
☐ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411679

Pierre, March 15, 19 89

RECEIVED OF Rex Schwartz, Rt #2, Box 57, Bruce, SD 57220

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

Fee for Application for Permit No. <u>5300-3</u> to Appropriate Water, to construct works and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	250 00

By John Hatch Iowa
Chief Engineer

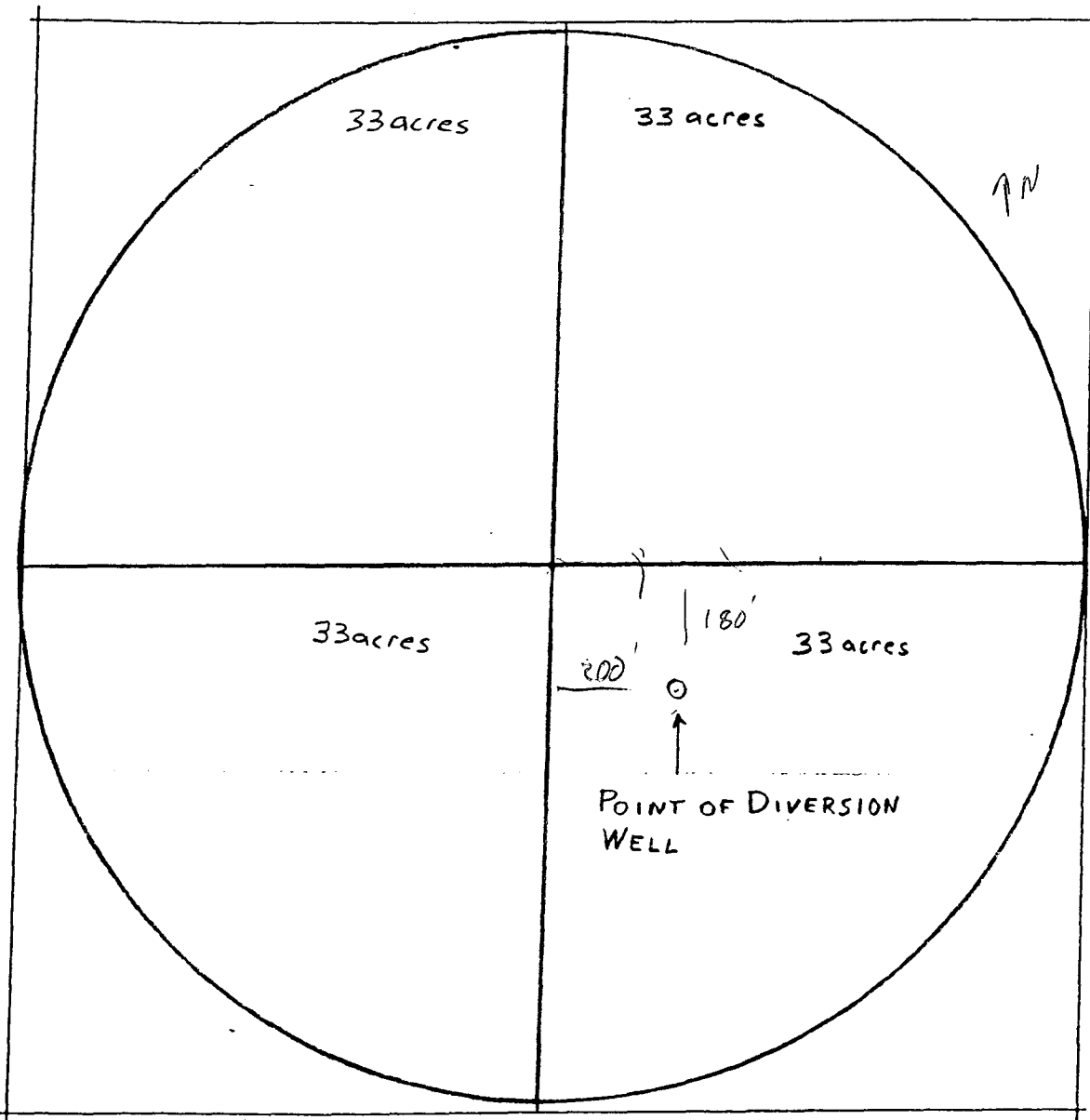
APPLICATION FOR IRRIGATION WATER PERMIT

Name of owner: **REX SCHWARTZ**

Applicant: **REX SCHWARTZ**

Lands to be irrigated and point of diversion:

Legal Description: **SE 1/4 S32 T113N R51W**
County of **HAMLIN**



Certified by Alan R. Bender, P.E.

Signature

Alan R. Bender

Date

9 MAR 89

Appl. No. 5300-3

JLLMAN DRILLING — DRILLERS LOG

Phone: 1-800-451-4884

<i>Rex Schwartz</i>	<i>north quarter</i>	<i>1/20/89</i>		
JOB NAME	LOCATION	DATE	RIG NO.	FOREMAN

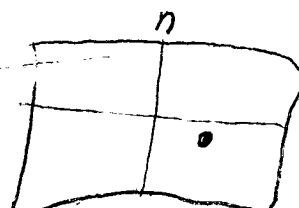
Jt No.	DEPTH	TIME	REMARKS
			<i>Hole 4</i>
1	<i>20</i>		<i>0-5 top soil 5-20 coarse yellow sand</i>
2	<i>40</i>		<i>20-30 blue clay 30-40 coarse sand</i>
3	<i>60</i>		<i>40-60 coarse sand</i>
4	<i>75</i>		<i>60-70 coarse sand 70-75 yellow clay</i>
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Ralph Pullner



SE 1/4 of Sec 32 - T 113-N R 5W

REMARKS:



400' - SE of center

Report on Application 5300-3
Rex Schwartz
April 4, 1989

Water Permit Application No. 5300-3 was submitted for Rex Schwartz of Bruce, South Dakota to appropriate 2.0 cubic feet of water per second (cfs) from one well, 75 feet deep, to be located in the SE1/4 SE1/4 to irrigate 132 acres in the SE1/4; all in Section 32, T113N, R51W, in Hamlin County. The requested diversion rate is greater than one cfs per 70 acres, and the diversion rate should be scaled back to 1.88 cfs.

Aquifer

The well for Application No. 5300-3 is to be drilled into the Big Sioux Aquifer-Brookings Management Unit. It is a surficial aquifer found predominately under water table conditions. The aquifer can be artesian in certain areas (Hedges, 1982). Test hole logs from the applicant, Water Rights Division observation wells, and other wells in the vicinity indicate slightly artesian conditions exist at this site. The area has sand and gravel located a few feet below the surface with a 10-15 foot layer of clay at approximately 20-35 feet below the land surface. Below that is 20-40 feet of saturated sands and gravels (Permit Files & Drillers Logs, 1989).

The Big Sioux-Brookings Aquifer has an estimated average recharge of 4.0 inches of water per year with an average annual use of 0.84 inches. Recharge is from precipitation infiltration, inflow from upgradient portions of the aquifer and through the aquifer's connection with the Big Sioux River (Hedges, 1983). Although confined conditions are found at this particular location, the majority of the aquifer is unconfined and provides most of the recharge water.

Water Availability

There are 5 Water Rights Division observation wells within approximately 2 miles of the applicant's well. Two of them are water table and the other 3 are under slight artesian pressure. Water elevations in the wells ranged from 15 to 40 feet below the land surface with total recorded variations of 15 to 20 feet in any particular well. The observation wells show seasonal fluctuations related to yearly variations in precipitation. Irrigation pumping may cause the wells to fluctuate by a few feet, but recovery occurs following the irrigation season. No long term trends in water levels were detected (Observation Well Files, 1989).

Existing Water Permits

There are a number of water permits located in the vicinity of this application. The closest permits, No. 2594-3 for Kenneth Tesch, No's 2593-3 & 5299-3 for Randall Calleson, and No. 4511-3

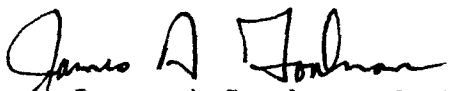
for George Stenehjen are all less than 1/2 mile from the applicant's well. The well under Permit No. 2593-3 is approximately 1/4 mile from the applicant's well. Permit Application No. 5299-3 proposes to utilize the well under Permit No. 2593-3 to run a second center pivot. An additional volume of water may be withdrawn from this well, but the diversion rate will remain the same as the two pivots will not be run concurrently. Application No. 5299-3 has not yet been presented before the Water Management Board for approval. Because of the artesian conditions, some interference could result during dry conditions, but the effects should not be significant (Permit Files, 1989). Other domestic wells are also located in the area that take water from the Big Sioux-Brookings Aquifer. There are records of general complaints in the region during 1976-77 concerning irrigation and low water levels in domestic wells.

Conclusions

1. Permit Application No. 5300-3 will withdraw water from one well located in the Big Sioux Aquifer-Brookings Management Unit. Water is available for this application.
2. The permit authorizes the irrigation of 132 acres, therefore the authorized diversion rate should be 1.88 cfs.
3. A number of other permitted and domestic wells are located in the vicinity of the application. In 1976-77 domestic well owners voiced concern over the effects irrigation would have on their water levels. No significant interference is expected with any other permit holders or any adequately constructed domestic wells.


Thomas M. Brandner
Natural Resources Engineer

Approved by:


James A. Goodman, P.E.
Hydrologist

References

- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Hedges, L.S., J. Allen, and D.E. Holly, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge, Prepared for U.S. Army Corps of Engineers Planning Division by DWNR Geological Survey, Vermillion, SD.
- Water Rights Division, 1989, "Complaint Files, Drillers Logs, Observation Well Files, and Permit Files", DWNR, Joe Foss Building, Pierre, SD.

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5300-3, Rex Schwartz

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5300-3, Rex Schwartz, Rt 2, Box 57, Bruce SD.

The Chief Engineer is recommending APPROVAL of Application No. 5300-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Permit No. 5300-3 is approved for a diversion rate of 1.88 cfs.
2. The well authorized by Permit No. 5300-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted with cement (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:29.
3. 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.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.



JOHN HATCH, Chief Engineer
April 4, 1989

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 5, 1989

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

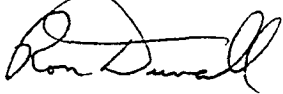
Rex Schwartz
Rt 2, Box 57
Bruce SD 57220

Dear Mr. Schwartz:

Water Permit Application No. 5300-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hamlin Co. Herald-Enterprise printed at Hayti SD. For your information, a copy of the notice is enclosed. The recommendation of the Chief Engineer and a report on the application will be sent later. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures



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

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 5, 1989

Hamlin Co. Herald-Enterprise
Box 207
Hayti SD 57241

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 5300-3 to be published twice. Please publish the first notice on or before April 12, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Rex Schwartz, Rt 2, Box 57, Bruce SD 57220.

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,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before April 12, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5300-3 to Appropriate Water

Notice is given that Rex Schwartz, Rt 2, Box 57, Bruce SD 57220 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 75 feet deep to be located in the SE 1/4 SE 1/4 to irrigate 132 acres in the SE 1/4; all in Section 32-T113N-R51W.

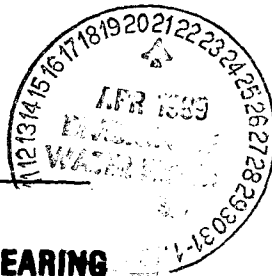
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5300-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD on May 10, 1989 at 10:00 am. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 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, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15...

No. 5300-3



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Hamlin) ss.

I, Lois K. Latt hereby

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

Water was taken from the Hamlin Co. Herald Enterprise

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

Town of Hart

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

April 12, 1989

April 19, 1989

Lois K. Latt
(Signature)

Publisher
(Title)

April 19, 1989
(Date Signed)

Cost of Printing: \$36.74

hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 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, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 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; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

NOTICE OF HEARING

NOTICE OF HEARING on
Application No. 5300-3
to Appropriate Water

Notice is given that Rex Schwartz, Rt. 2, Box 57, Bruce, SD 57220, has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well (Big Sioux Brookings Aquifer) 75 feet deep to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ to irrigate 132 acres in the SE $\frac{1}{4}$; all in Section 32-T113N-R51W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5300-3 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. This application will be considered by the Water Management Board in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD on May 10, 1989 at 10:00 a.m. 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 interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. 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. The time of the



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 3, 1989

Rex Schwartz
Rt 2, Box 57
Bruce SD 57220

Dear Mr. Schwartz:

Enclosed is the Report and the Recommendation of the Chief Engineer for Water Permit Application No. 5300-3 which will be considered at the May 10, 1989 Water Management Board Meeting.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

SEP 12 1989

Rex Schwartz
RR #2 Box 57
Bruce, SD 57220

Dear Mr. Schwartz:

Enclosed is Water Permit No. 5300-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 10-15-89TO: Water Rights Division, DWNH
Joe Foss Building
Pierre SD 57501-3181FROM: Rex Schwartz Rt 2 Box 57 Brace S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5300-3.

Water Permit No. 5300-3 states that the diversion system is to be constructed by Rex Schwartz, and that the water it put to beneficial use by Rex Schwartz.

The diversion system was completed on 6-20-89.
Applying the water to beneficial use was completed on 6-20-89.

You may schedule an inspection so that the Water License may be issued.

Rex Schwartz
signature

Permit No. 5300-3
Big Sioux 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

On, August 15, 1996, I made a thorough examination of the water use system constructed by Rex Schwartz of RR 2 Box 252, Bruce SD holder of Permit No. 5300-3, bearing the priority of March 13, 1989 authorizing the diversion of 1.88 cu. ft. per second of the waters of groundwater, Big Sioux-Brookings Aquifer for irrigation purposes, in Hamlin County.

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

A. Works used to divert the water:

A Western Land Roller pump with an 800 gpm capacity

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

200 feet of 8" PVC pipe.

C. Works used to apply water to beneficial use:

A Valley center pivot

The system is in the following condition good. The point of diversion is located from the SE corner of Sec 32 T113N-R51W: 1140 ft North and 1140 ft West. The works are capable of diverting and conveying to the place of use 1.78 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:

All land located in Section 32 T113N-R51W:

NW1/4 SE1/4 - 33 ac

NE1/4 SE1/4 - 33 ac

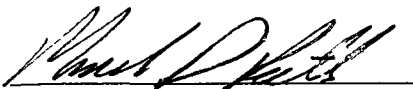
SE1/4 SE1/4 - 33 ac

SW1/4 SE1/4 - 33 ac

comprising a total of 132 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath
Natural Resources Engineer

8/23/1996

Date

REPORT ON INSPECTION OF PERMIT NO. 5300-3

DATE OF INSPECTION: 8/15/1996

Contact Person & Address: Rex Schwartz, RR 2 Box 252, Bruce SD

DIVERSION POINT LEGAL LOCATION: from the SE corner of Sec 32 T113N-R51W:
1140 ft North and 1140 ft West

WATER SUPPLY Source: groundwater, Big Sioux-Brookings Aquifer

Well Information:

- | | |
|---|-------------------------------------|
| 1) Well Drilling Firm: <u>Pullman Well Drilling</u> | 2) No. of Wells <u>1</u> |
| 3) Depth(s) <u>71</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|--------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>54</u> feet |
| 3) Type <u>PVC</u> | |

Screen:

- | | |
|--------------------------------------|--------------------------|
| 1) Type <u>Slotted Plastic</u> | 2) Length <u>16</u> feet |
| 3) Static water level <u>30</u> feet | |

Pump:

- | | |
|------------------------------------|----------------------------|
| 1) Make <u>Western Land Roller</u> | 2) Model <u>?</u> |
| 3) Size <u>12</u> | 4) Capacity <u>800</u> GPM |

Motor:

- | | |
|-----------------------------------|---------------------------|
| 1) Make <u>US Electrical</u> | 2) Model No. <u>324TP</u> |
| 3) Horsepower rating <u>40</u> hp | |

DISTRIBUTION LINES OR CANALS:

- | | | |
|--------------------|-------------------------|---------------------------|
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>200</u> feet |
|--------------------|-------------------------|---------------------------|

SYSTEM TYPE:

Center pivot:

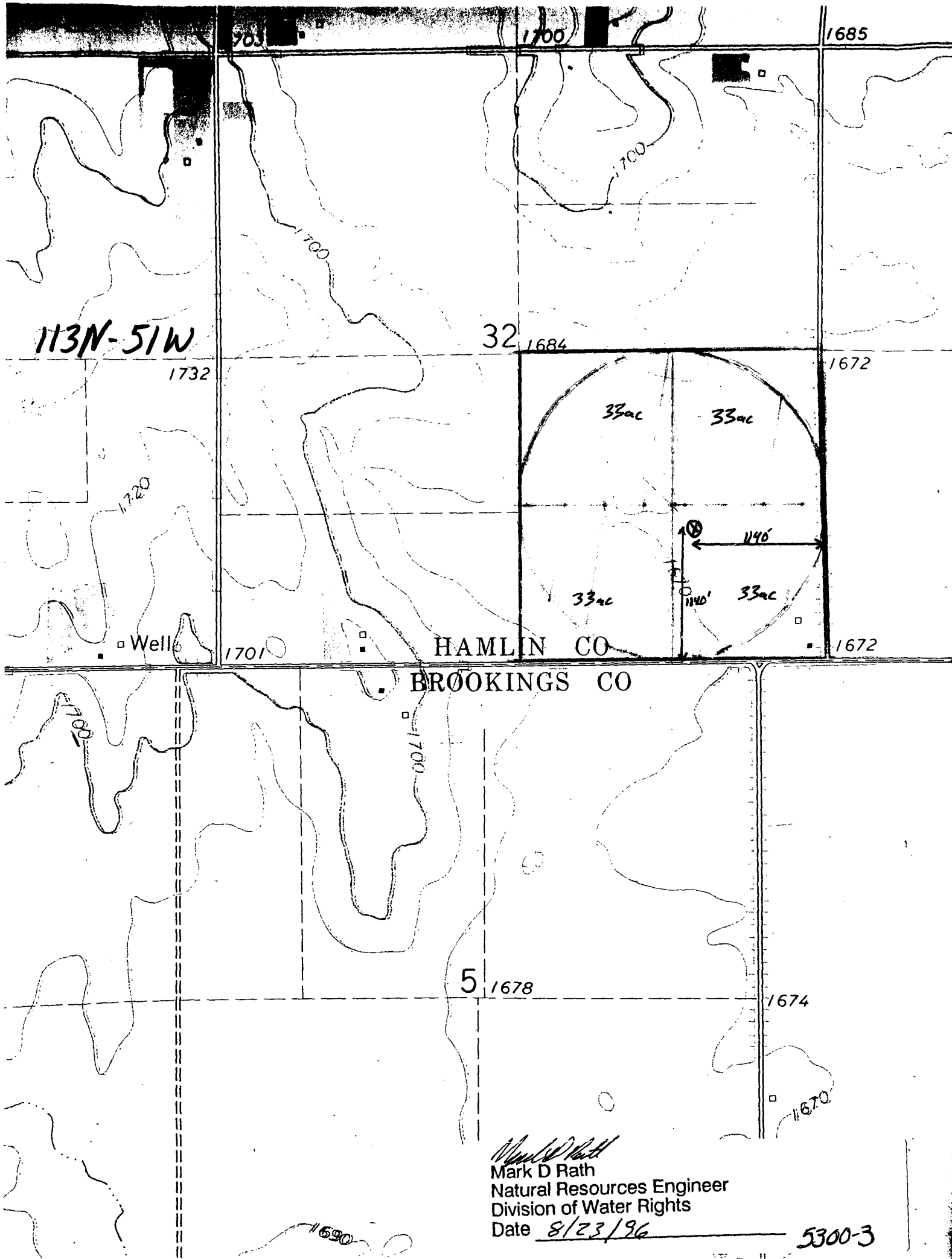
- | | |
|-------------------------------------|------------------------------------|
| 1) Make <u>Valley</u> | 2) Overall length <u>1280</u> feet |
| 3) Number of towers <u>7</u> | 4) End gun <u>yes</u> |
| 5) High or low pressure <u>high</u> | 6) Capacity <u>800</u> GPM |

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

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



113N-51W

32

HAMLIN CO
BROOKINGS CO

33ac

33ac

33ac

33ac

Well

5

Mark D Rath
Natural Resources Engineer
Division of Water Rights
Date 8/23/96

5300-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 29, 1996

5300-3

Rex Schwartz
RR 2, Box 252
Bruce, SD 57220

Dear Mr. Schwartz:

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. 5300-3, 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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5300-3

(1) Rex Schwartz, RR 2, Box 252, Bruce SD 57220 made Application No. 5300-3, March 13, 1989 for a water permit to divert 1.88 cubic feet of water per second from groundwater (one well), Hamlin County, South Dakota for irrigation purposes. Permit No. 5300-3, with a priority date of March 13, 1989 was approved May 10, 1989 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1988.

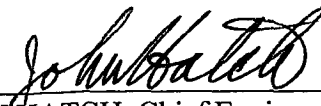
The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 20, 1989. The *Notice* stated the diversion system was completed on June 20, 1989 and the water placed to beneficial use on June 20, 1989.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,140 feet north and 1,140 feet west from the southeast corner of Section 32-T113N-R51W (SE 1/4 SE 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 32-T113N-R51W	NW 1/4 SE 1/4	33 acres
	SE 1/4 SE 1/4	33 acres
	NE 1/4 SE 1/4	33 acres
	SW 1/4 SE 1/4	33 acres
Total		132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rex Schwartz, RR 2, Box 252, Bruce SD 57220 the holder and/or owner of Water Permit No. 5300-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of March 13, 1989 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. 5300-3 and subject to South Dakota State Law.


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

OCT 15 1996

date



RECEIPT

415103

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 17, 19 96

RECEIVED OF Rex Schwartz, RR 2, Box 252, Bruce, SD 57220

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>5300-3</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 Hatch (F)
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 15 1996

5300-3

Rex Schwartz
RR 2, Box 252
Bruce, SD 57220

Dear Mr. Schwartz:

Enclosed is Water License No. 5300-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415103 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. 5300-3, 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: REXFORD SCHWARTZ, 19565 463RD AVE, BRUCE, SD 57220 9302

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2728A-3, 3565-3 & 5300-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2728A-3, 3565-3 & 5300-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2728A-3, 3565-3 & 5300-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: PYAFLC**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 24, 2025

2728A-3, 3565-3 & 5300-3

Rexford Schwartz
19565 463rd Ave
Bruce SD 57220

Dear Mr. Schwartz:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 2728A-3, 3565-3 & 5300-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us