

WATER PERMIT NO. 5913-3

Name of Applicant: Roger L. Schmidt

Address: Box 117, Freeman SD 57029

Phone: 605 925-4981

Amount of Water Claimed: 0.38 cfs

Total Acres: 27 acres

Source of Water Supply: groundwater (two existing wells)

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System: NA

Location: 1/2 mile northeast of Freeman

PRIORITY

Date Received: 3-4-96

Fee: \$150

Corrected Application Received:

Period of Annual Use: March 1 - October 31

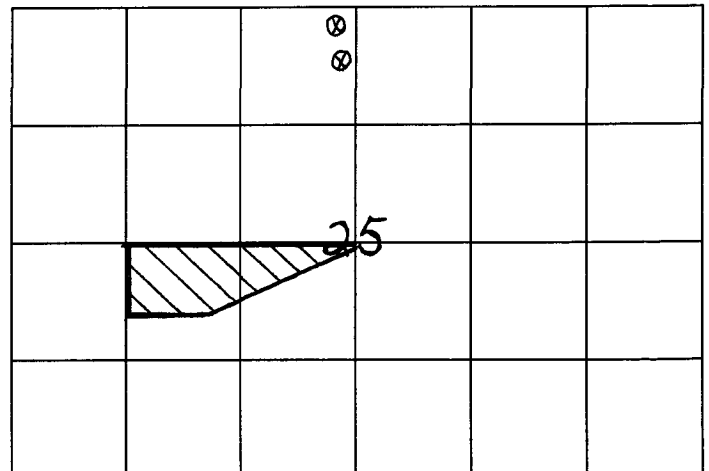
Remarks: Using the two existing wells authorized by Water Permit No. 4679-3

Diversion Point: NE 1/4 NW 1/4 Sec 25-

T99N-R56W

Land to be Irrigated: N 1/2 SW 1/4 Sec 25-

T99N-R56W



Depth of Well: 263 and 273 feet deep

Well Driller: Pullman Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Robert A ?, District Conservationist

Reviewed and the Number Assigned on: 3-5-96

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5913-3

Date of first receipt of application March 4, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5913-3 to Roger L Schmidt, Box 117, Freeman SD 57029 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. 5913-3 authorizes irrigation of 27 additional acres. Water Right No. 4679-3 appropriates 0.77 cubic feet of water per second from two existing wells (Niobrara Formation) located in the NE 1/4 NW 1/4 Section 25 to irrigate 96 acres located in the NW 1/4 Section 25-T99N-R56W. This permit authorizes irrigation of 27 additional acres located in the N 1/2 SW 1/4 Section 25-T99N-R56W. No increase in the diversion rate is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: March 1 - October 31.
3. The date from which applicant may claim right is March 4, 1996.
4. The date of approval of Permit No. 5913-3 is April 22, 1996.
5. One-fifth of the construction is to be completed on or before October 22, 1998.
6. All construction is to be completed on or before April 22, 2001.
7. Water is to be put to beneficial use on or before April 22, 2005.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

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.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996
date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to:
Water Rights Division
Joe Foss Building
523 E Capitol
Pierre SD 57501-3181
605 773-3352

No. 5913-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Freeman Courier, Freeman, SD
(office use only)



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.) _____

- Name of Applicant Roger L Schmidt Phone 605-925-4981
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address Box 117 Freeman State S.D 57029
(Street, RR, or Box) no add'l (City) (Zip Code)
- Amount of water claimed _____ *CFS or ~~300~~ **GPM _____ ***AF _____ Total Acreage 27
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply 2 Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 2 wells in
NW 1/4 25-99-56 (NE 1/4 NW 1/4)
- County Hutchinson
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used March - October 31
- List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

N/2 Land Description	Acres	Land Description	Acres
<u>North RR SW 1/4 25-99-56</u>	<u>27</u>		

- Give a description of the project. (Attach sheet if more space is needed)
This is an application to add an additional 27 acres to an existing permit. (4679-3)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Hutchinson)^{SS}

I, Roger L. Schmidt, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Roger L. Schmidt
Subscribed and sworn to before me this 11 day of March 19 96

James Michael Staley
Notary Public
My Commission Expires: 8/17/02

Supplemental Information

(type or print in ink)

Darry

Both Wells are
on record

Page 46

1. Well Information - Proposed Construction

- a) Drill Hole Diameter_____ Depth_____
- b) Casing Type_____ Diameter_____ Thic
- c) Screen Type_____ Diameter_____ Thic
- d) Gravel Pack Thickness_____ Length of Gravel Pack
- e) Depth to Top of Water Bearing Material_____
- f) Depth to Water (ground surface to water level)_____
- g) Distance to nearest existing domestic well:

On applicants property_____ On property owned by oth_____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

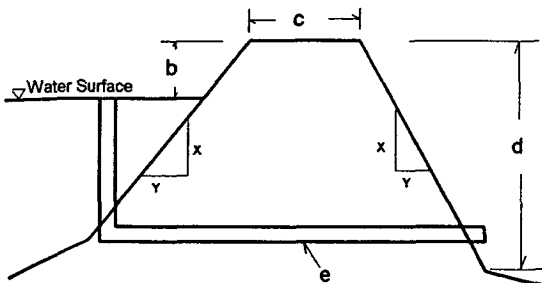
3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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:



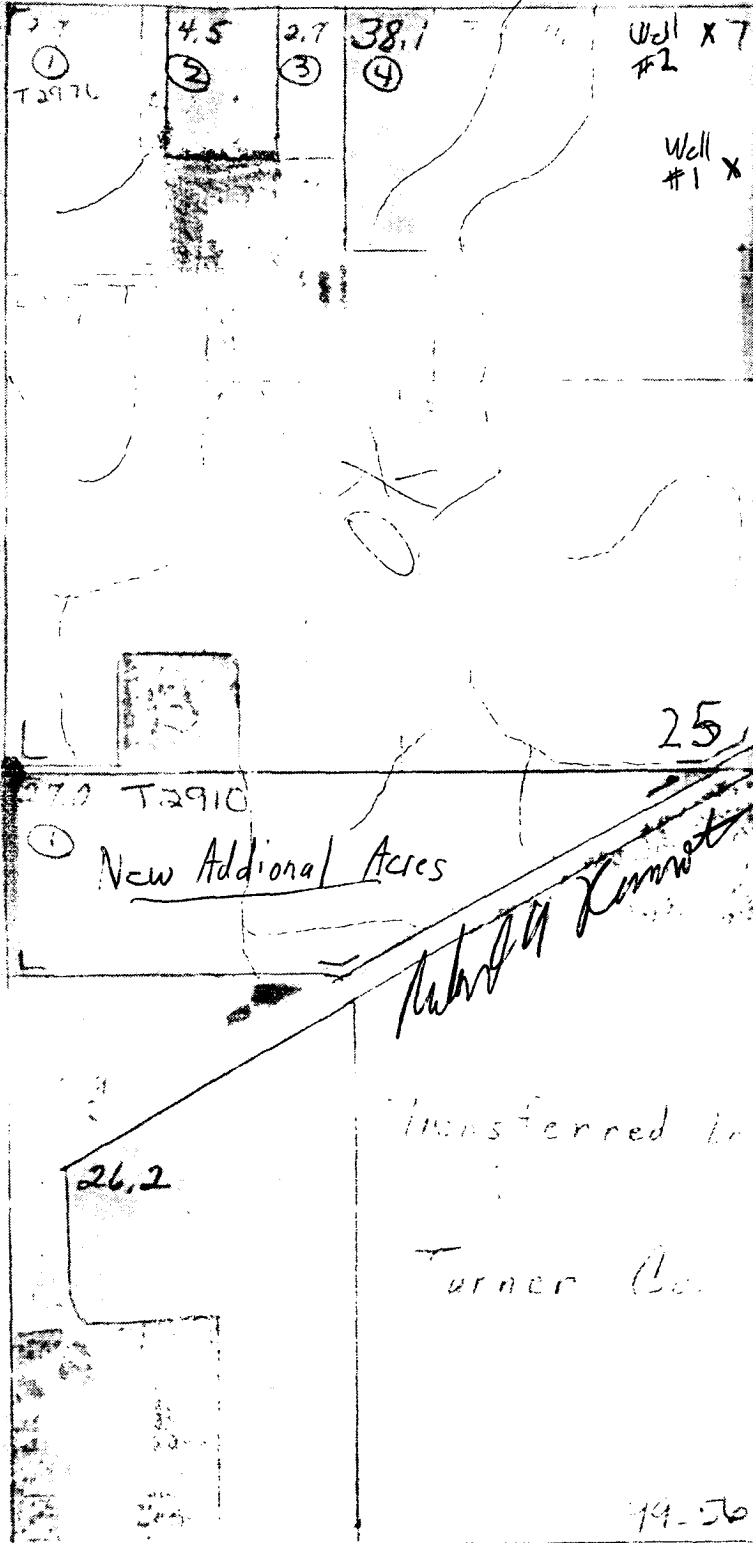
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres



Roger L. Schmidt
(maintaining ditches)

NOT TO SCALE

Robert Q. Kennel DC 2-28-96
31-L



Transferred to
Turner Co.

Transferred to
Turner Co.

Transferred to
Turner Co.

142.2 T2971
①

176.6 T2975
①

17.0 31-L
①



5913-3

RECEIPT

414834

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, March 5, 19 96

RECEIVED OF Roger or Nancy Schmidt, 913 S. Walnut, RR 1, Box 52, Freeman, SD 57029

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

Fee for Application for Permit No. <u>5913-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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 _____		

(Any Other Work Provided by Law)	Total	150 00

By John Hatch
Chief Engineer

copies from
4679-3



TRAIL KING

KOLMAN

INGERSOLL RAND

Roger Schmidt Freeman SD

well no 1 263 ft in deep.

8 in PVC Blain 203 ft
8 in PVC Slotted 40 ft

113 ft. water head

well no 2 273 ft deep.

8 in PVC Blain 153 ft.
8 in Slotted 121 ft.

113 ft. water head

@ Barry
Ballman well Pulling

J.D. EVANS, INC.

4000 North Cliff Avenue
Sioux Falls, SD 57101

336 2595

AFTER HOURS

SALES

PARTS

SERVICE

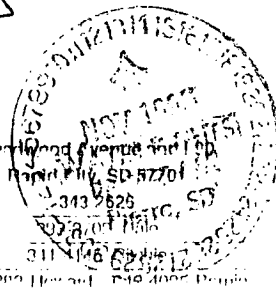
338 6952 Jack 334 9788 Dan 336 15211 Roger
582 6782 Russ 331 2050 Mike 336 0721 Jeff
361 2595 Vern 361 1800 Dennis

Northland Avenue and 10th
Sioux Falls, SD 57201

343 2626

311 1466

311 1466





TRAIL KING



KOLMAN



INGERSOLL-RAND

well no. 2

9 stage 6 M H O sub Bowl assembly

20 H.P. 6 in Franklin motor

460 V 3 phase

170 GPM

well no 1

9 stage 66 SL 85 sub Bowl assembly

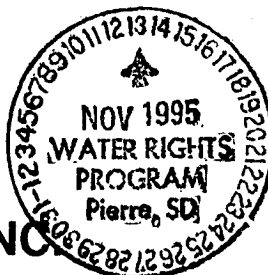
10 H.P. 6 in Franklin motor

460 V 3 phase

90 GPM.

Roger Schmidt Freeman

@ Barry



J.D. EVANS, INC.

	4000 North Cliff Avenue Sioux Falls, SD 57104 336-2595			Deadwood Avenue and I-90 Rapid City, SD 57701 343-2626	
AFTER HOURS					
SALES	338-6952 Jack	334-9788 Dan	996-4534 Roger	393-2709 Dale	
PARTS	582-6782 Russ	334-2060 Mike	339-0724 Jeff	341-4145 Ritchie	
SERVICE	361-2595 Vern	361-1860 Dennis	341-7382 Howard 642-4095 Bernia		

REPORT ON WATER PERMIT APPLICATION NO. 5913-3
for Roger L. Schmidt
March 18, 1996

Application No. 5913-3 proposes to irrigate 27 additional acres. Water Right No. 4679-3 appropriates 0.77 cfs (350 gpm) from two existing wells located in the NE 1/4 NW 1/4 of section 25, T99N R56W to irrigate 96 acres located in the NW 1/4 of section 25, T99N R56W. This application proposes to irrigate 27 acres located in the N 1/2 SW 1/4 of section 25 in T99N R56W in Hutchinson County. No increase in the diversion rate is authorized by this application.

AQUIFER - NIOBRARA FORMATION (NBRR)

The Niobrara Formation consists of a fractured calcareous marl which is interbedded with a calcareous claystone (Lindgren, 1990). The aquifer is confined and under artesian conditions at this site. The aquifer underlies 729 square miles and contains an estimated 6.99 million acre feet of water in storage in Hutchinson and Turner Counties (Lindgren, 1990). The aquifer extends into Turner County to the east and into Yankton County to the south. The area of this application is located in Area C (from the Lindgren Study) and this area is not hydraulically connected to the entire Niobrara Formation. Each of the areas behave as separate units hydraulically.

The Water Rights Program monitors an observation well TU-81A which is completed into the Niobrara Formation and is located about one mile southeast of this application. Water levels for this well show good response to pumping and to climatic conditions. Water levels fluctuate seasonally to irrigation withdrawals (drawdown) and also show the effect of climatic conditions by rising during wet years (recharge) and gradually declining during dry years. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). A hydrograph for this well is included with this report.

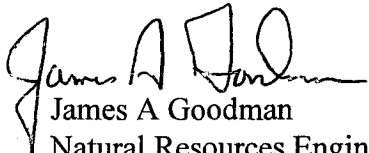
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The closest existing water permit/right is located about 2 miles southeast of this application and is for municipal use for the Town of Freeman. Interference is not expected to be a concern. These wells have been in existence for many years with no apparent problems. The observation well hydrograph enforces this conclusion.

CONCLUSIONS

1. Water is available from the Niobrara Formation.
2. The aquifer is confined and under artesian conditions at this site. Drawdown will occur as a result of pumping. However, the wells for this application already exist and have been in use for many years with no apparent problems. It is not anticipated that this expansion in irrigated acreage will create additional impact.

3. The only potential interference concern is with the existing permitted wells. These wells are about 600 feet apart and drawdown would overlap. Both wells are relatively low yield and this application will not increase the diversion rate.
4. There are domestic wells in the area which also obtain water from the Niobrara Formation. Even though the original application was contested, there have been no problems resulting from this appropriation. Interference is not expected to be a problem.



James A Goodman
Natural Resources Engineer

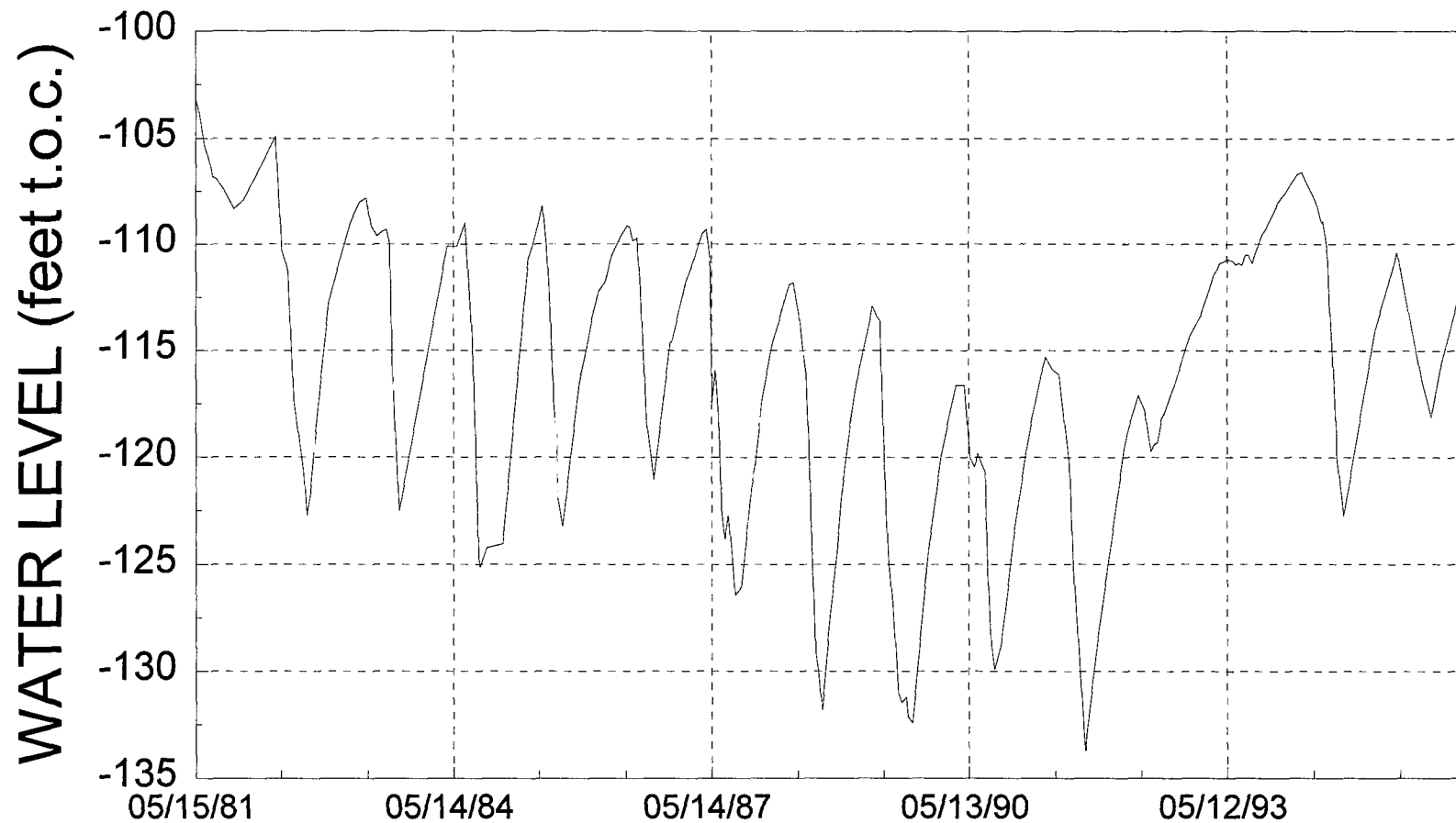
BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 1996, Unpublished Observation Well Data for Turner and Hutchinson Counties, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

TU-81A



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5913-3, Roger L. 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 Water Permit Application No. 5913-3, Roger L. Schmidt, Box 117, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 5913-3 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
March 26, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 28, 1996

Roger L. Schmidt
Box 117
Freeman, SD 57029

Dear Mr. Schmidt:

Water Permit Application No. 5913-3 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 Freeman Courier printed at Freeman, SD (Ph # (605) 925-7033). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. 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 Hearing 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 1996

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5913-3 to be published twice. Please publish the first notice on April 3, 1996, 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 Roger L. Schmidt, Box 117, Freeman, SD 57029 (Ph # (605) 925-4981).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 April 3, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5913-3 to Appropriate Water

Notice is given that Roger L. Schmidt, Box 117, Freeman, SD 57029 has filed an application for a water permit to irrigate 27 additional acres. Water Right No. 4679-3 appropriates 0.77 cubic feet of water per second from two existing wells (Niobrara Formation) located in the NE 1/4 NW 1/4 Section 25 to irrigate 96 acres located in the NW 1/4 Section 25, T99N, R56W. This application proposes to irrigate 27 additional acres located in the N 1/2 SW 1/4 Section 25, T99N, R56W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5913-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 April 22, 1996.

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. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hutchinson) SS

1. Jim L. Waltner

certify that the attached printed Notice was

taken from the Freeman
Courier

printed and published in Freeman

County of Hutchinson and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

April 3, 1996

April 10, 1996

Cost of Printing: 37.71



**Notice of Application No. 5913-3
to Appropriate Water**

Notice is given that Roger L. Schmidt, Box 117, Freeman, SD 57029 has filed an application for a water permit to irrigate 27 additional acres. Water Right No. 4679-3 appropriates 0.77 cubic feet of water per second from two existing wells (Niobrara Formation) located in the NE 1/4 NW 1/4 Section 25 to irrigate 96 acres located in the NW 1/4 Section 25, T99N, R56W. This application proposes to irrigate 27 additional acres located in the N 1/2 SW 1/4 Section 25, T99N, R56W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5913-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the

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Jim L. Waltner
(Signature)

Publisher
(Title)

4-15-96
(Date Signed)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

Roger L. Schmidt
Box 117
Freeman, SD 57029

Dear Mr. Schmidt:

Enclosed is Water Permit No. 5913-3 authorizing construction of your water diversion system and beneficial use of the water, 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 Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

Permit No. 5913-3
Vermillion River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, 30 July 2007, made a thorough examination of the water use system constructed by Roger L. Schmidt of PO Box 486, Freeman, SD. 57029 holder of Permit No. 5913-3, bearing the priority of 04 March 1996 authorizing the diversion of 0.00 cu. ft. per second of the waters of the Niobrara Formation for irrigation purposes, in Hutchinson County.

A. Works used to divert the water:

Two submersible pumps capable of diverting a combined total of 350 gpm.

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

4000 feet of 6" PVC

C. Works used to apply water to beneficial use:

Towable center pivot rated at 350 gpm.

Chemigation Equipment:

- 1) Does chemigate N

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows: NE ¼ NW ¼ Sec25-T99N-R56W, approximately 90 feet south and 90 feet west of the northeast corner of NE ¼ NW ¼ section 25 (well No. 1) and approximately 790 feet south and 35 feet west of the northeast corner of NE ¼ NW ¼ section 25. The works are capable of diverting and conveying to the place of use 0.77 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 25-T99N-R56W:

N ½ SW ¼	27 acres	Permit No. 5913-3
NE ¼ NW ¼	33 acres	License No. 4679-3
SW ¼ NW ¼	24 acres	License No. 4679-3
SE ¼ NW 1/4	33 acres	License No. 4679-3
NW ¼ NW ¼	6 acres	License No. 4679-3

comprising a total of 123 acres of land and the license should be issued for 0.77 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project: **Permit No. 5913-3, priority date 04 March 1996, adds 27 irrigated acres to the existing Water Right No. 4679-3 with a priority date of 02 April 1981. No additional diversion rate has been authorized by Permit No. 5913-3.**



Mark Costello
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: 04 September 2007



South Dakota

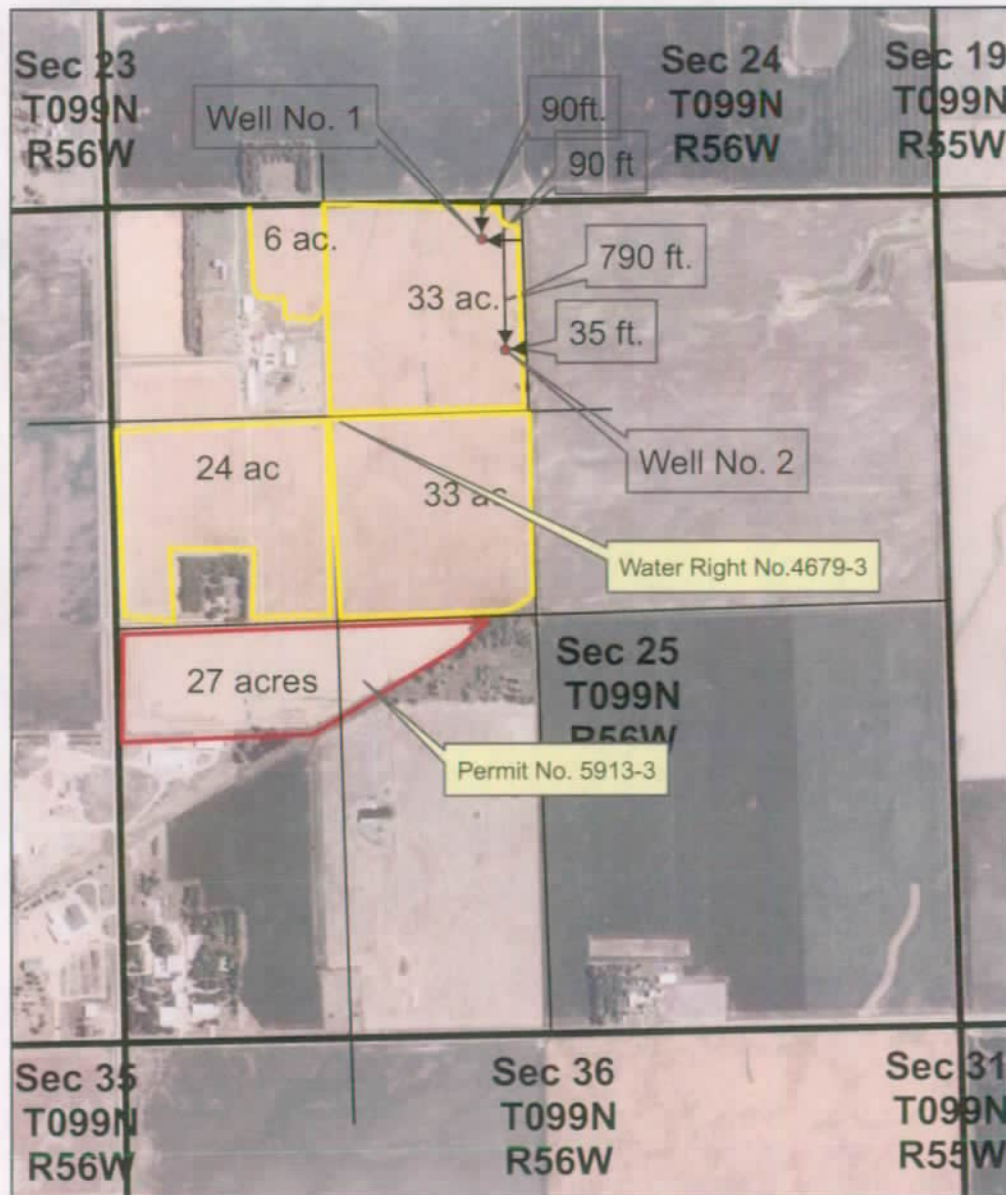
5913-3

Roger L. Schmidt
PO Box 117
Freeman, SD.57029

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



Mark Costello

Mark Costello
Natural Resources Engineer
DENR, Water Rights Program
30 August 2007

0 500 1,000 2,000
Feet



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 5, 2007

5913-3

Roger L Schmidt
PO Box 486
Freeman SD 57029

Dear Mr. Schmidt:

On July 30, 2007 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 5913-3, was completed by Mark Costello, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 9/12, 20 07

RECEIVED OF Roger L Schmidt PO Box 486 Freeman SD 57029

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	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. <u>5913-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

03161

By *Garland Erbe*
Chief Engineer

7

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5913-3**

(1) Roger L Schmidt, PO Box 486, Freeman SD 57029 made Application No. 5913-3, March 4, 1996 for a water permit authorizing an additional 27 acres to Water Right No. 4679-3. Water Permit No. 5913-3 did not allow for an increase in the diversion rate from the two existing wells. The entire irrigation system is located in Hutchinson County, South Dakota. Permit No. 5913-3, with a priority date of March 4, 1996 was approved April 22, 1996 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 22, 2001 and for the application to beneficial use of water on or before April 22 2005.

Water Right No. 4679-3, with a priority date of April 2, 1981, is incorporated into this Water License No. 5913-3. The priority dates as they pertain to the land irrigated are described below.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, Roger L Schmidt, PO Box 486, Freeman SD 57029 the holder and/or owner of Incorporated Water Right No. 5913-3 is issued a license, bearing priority dates of April 2, 1981 and March 4, 1996 to appropriate 0.77 cubic feet of water per second (350 gallons per minute) from ground water (two wells – Niobrara Formation) to irrigate 123 acres.

The diversion points are located as follows:

Well #1 – 90 feet south & 90 feet west of the NE corner of Section 25, T99N, R56W (NE ¼ NW ¼);

Well #2 – 790 feet south & 35 feet west of the NE corner of Section 25, T99N, R56W (NE ¼ NW ¼)

The acres authorized for irrigation are as follows:

Section 25, T99N, R56W	N ½ SW ¼	27 acres	March 4, 1996	Priority Date
	NE ¼ NW ¼	33 acres	April 2, 1981	Priority Date
	SW ¼ NW ¼	24 acres	"	"
	SE ¼ NW ¼	33 acres	"	"
	NW ¼ NW ¼	6 acres	"	"
	Total	123 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 5913-3 including the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner 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.
- This water right is subject to the irrigation water use questionnaire being submitted each year.

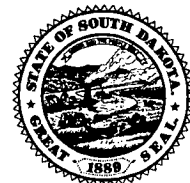
Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 19 2007

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 19 2007

5913-3
4679-3

Roger L Schmidt
PO Box 486
Freeman SD 57029

Dear Mr. Schmidt:

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

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

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

Sincerely,

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

enclosures

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

Gronlund, Eric

From: Gronlund, Eric
Sent: Friday, October 05, 2012 4:57 PM
To: Schlaak, Karen; McMath, Genny
Subject: Roger Schmidt - 5913-3

Mr. Schmidt called about this water right. It incorporated WR 4679-3. The last time it was irrigated was 33 acres in 2003 – it was a 33 acre towable pivot. In 2007, Mark Costello inspected and listed the system in good condition and the two water rights were incorporated into one accordingly. Then looking at the IQ's indicate the pivot tipped over in 2006 and was tipped over in 2007. This led me to believe that somehow Mark erred. The IQ's also indicate sufficient moisture in 2009 and 2010. Based on us licensing in 2007 we probably can't use prior years to that as nonuse. Also the 2009 & 2010 statement probably qualify as legal excuse – at least enough so that DENR wouldn't proceed with cancellation. He wants to get the system up and running again and put up a full sized pivot in the NW ¼ and use the small pivot in the N ½ SW ¼. Although I questioned it he said he could operate under the 350 gpm from the two well so wouldn't need an increase in diversion rate authority.

He also plans to irrigate the 80 acres to the north of the NW ¼ from the two existing wells. I told him that would require a new permit and sent him forms.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

October 28, 2021

5913-3

Roger L Schmidt
PO Box 117
Freeman SD 57029 0117

Dear Mr. Schmidt:

Enclosed is a "Notice" dated October 22, 2021 concerning the 2021 irrigation questionnaire.

The notice was originally mailed to PO Box 486, Freeman SD. The post office notified us that your address has changed, and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures