

WATER PERMIT NO. 6301-3

Name of Applicant: David Smit

Address: 28386 460th Ave, Davis SD 57021

Phone: 605 238-5450

Amount of Water Claimed: 1.89 cfs

Total Acres: 160

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Turner

Type of Waste Disposal System:

Location: ½ west of Davis

PRIORITY

Date Received: 2-19-2002

Fee: \$250

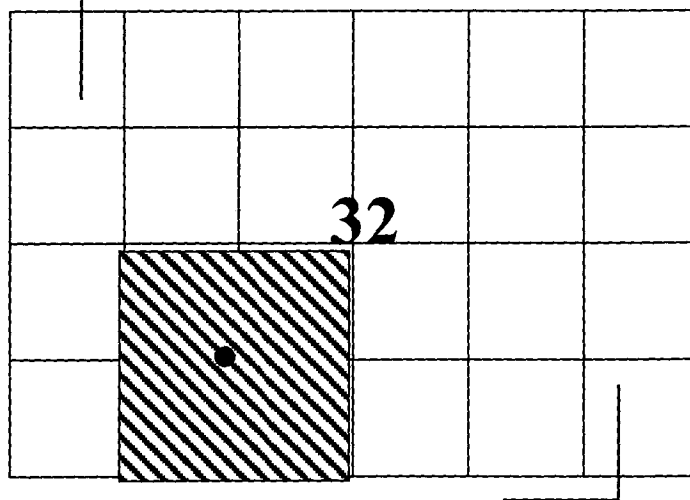
Corrected Application Received:

Period of Annual Use: March 1 – November 30

Remarks: Water Right No. 3267-3 irrigates a portion of the requested acreage. This application requests water from a deeper water formation.

Diversion Point: center SW ¼ Sec 32-T98N-R52W

Land to be Irrigated: SW ¼ Sec 32-T98N-R52W



Depth of Well: 200 feet deep

Well Driller: :

Remarks:

Type of Map: aerial

Prepared by: Loren Froehlich, FSA

Reviewed and the Number Assigned on: 2-19-02

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6301-3

Date of first receipt of application February 19, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6301-3 to David Smit, 28386 460th Ave, Davis SD 57021 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. 6301-3 appropriates 1.89 cubic feet of water per second (cfs) from one well (Upper Vermillion:Missouri Aquifer) 200 feet deep located in the center of the SW ¼ Section 32 to irrigate 160 acres located in the SW ¼ Section 32; all in T98N-R52W.
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- November 30.
3. The date from which applicant may claim right is February 19, 2002.
4. The date of approval of Permit No. 6301-3 is April 15, 2002.
5. One-fifth of the construction is to be completed on or before October 15, 2004.
6. All construction is to be completed on or before April 15, 2007.
7. Water is to be put to beneficial use on or before April 15, 2011.
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 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. The well authorized by Permit No. 6301-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Right No. 3267-3 is cancelled and the well constructed into the Parker Centerville Aquifer which was authorized by No. 3267-3 shall be plugged in accordance with Well Construction Rules.

WATER MANAGEMENT BOARD

By: Garland Erbele
Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 31 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6301-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>The New Era, Parker SD 57053</u>	

RECEIVED
FEB 19 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

- Name of Applicant David Smit Phone 238-5450
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 28386 460 Ave Davis S.D. State S.D. 57021
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in the center of the SW 1/4 of 32-98-52
County Turner
- County or counties where water will be used Turner
- Annual period during which water is to be used Mar. 1 - Nov. 30
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 of SW 1/4 of 32-98-52	40		
NE 1/4 of SW 1/4 of 32-98-52	40		
SW 1/4 of SW 1/4 of 32-98-52	40		
SE 1/4 of SW 1/4 of 32-98-52	40		

8. Give a description of the project. (Attach sheet if more space is needed)

To irrigate additional 80 acres to existing water right no. 3267-3, plan to drill new deeper well.

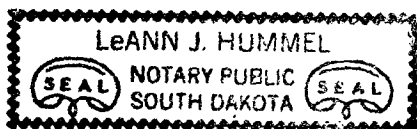
STATE OF SOUTH DAKOTA) SS
County of Turner

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)

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

Applicant's signature David Smit

Subscribed and sworn to before me this 14th day of February 2002



LeAnn J. Hummel
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 200'
- b) Casing Type PVC Diameter 16" Thickness $\frac{1}{2}$ " schedule 80
- c) Screen Type PVC Diameter 16" Thickness $\frac{1}{2}$ " schedule 80
- d) Gravel Pack pea rock Length of Gravel Pack 50'
- 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 none On property owned by others $\frac{3}{8}$ Mile

2. Wastewater Disposal System Information

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

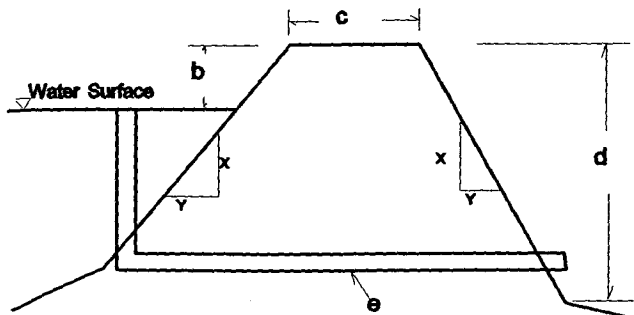
3. Dugout Information

- 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

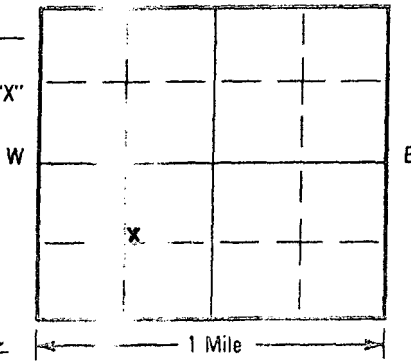
63013

07-92

Location NE 1/4 SW 1/4 Sec 32 Twp 98N Rg 52W

County Turner

North



Please mark well location with an "X"

Well Completion Date

May 20, 2002

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1250 ft. from Abandoned well (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

casing DATA: ☐ Steel ☒ Plastic ☐ Other

Other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5DR21 LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>138 FT</u>	<u>22 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout	From	To
<u>Bent Grout</u>	<u>66</u>	<u>710</u>	<u>20</u> gal	<u>130</u> ft
<u>Red Cement</u>	<u>20</u>	<u>714</u>	<u>0</u> gal	<u>20</u> ft

Describe grouting procedure Tremie

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 16 in Length 60 FEET

Material PVC

Slot Size .060 Set From 138 Feet to 198 feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion? ☒ YES ☐ NO

Laboratory sent to for water quality analysis _____

Well Owner: DAVE SMIT

Business Name: 28386 460th Ave

Address: DAVIS, SD

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Sand, V. Coarse, pebbly</u>	<u>0</u>	<u>30</u>
<u>Clay, GRAY, pebbly (thin)</u>	<u>30</u>	<u>55</u>
<u>Sand, V. Coarse, pebbly</u>	<u>55</u>	<u>84</u>
<u>Clay, GRAY, pebbly, sand</u>	<u>84</u>	<u>135</u>
<u>losses from 110-135'</u>		
<u>GRAVEL, Fine, Sandy</u>	<u>135</u>	<u>205</u>
<u>Clay, gray</u>	<u>205</u>	<u>215</u>
<u>GRAVEL, Fine to Medium</u>	<u>215</u>	<u>224</u>

STATIC WATER LEVEL 6 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

22 ft. After 10 Hrs. pumped 1100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 800 GPM

REMARKS

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm HAMMOND-WATER WORKS, LLC

Signature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

RECEIVED

JAN 30 2003

WATER RIGHTS PROGRAM

1-30-03

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 417085

Pierre, February 19, 20 02

RECEIVED OF David Smit, 28386 460th Ave., Davis, SD 57021-6122
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6301-3</u> to Appropriate Water, to construct 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. <u>6301-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	300 00

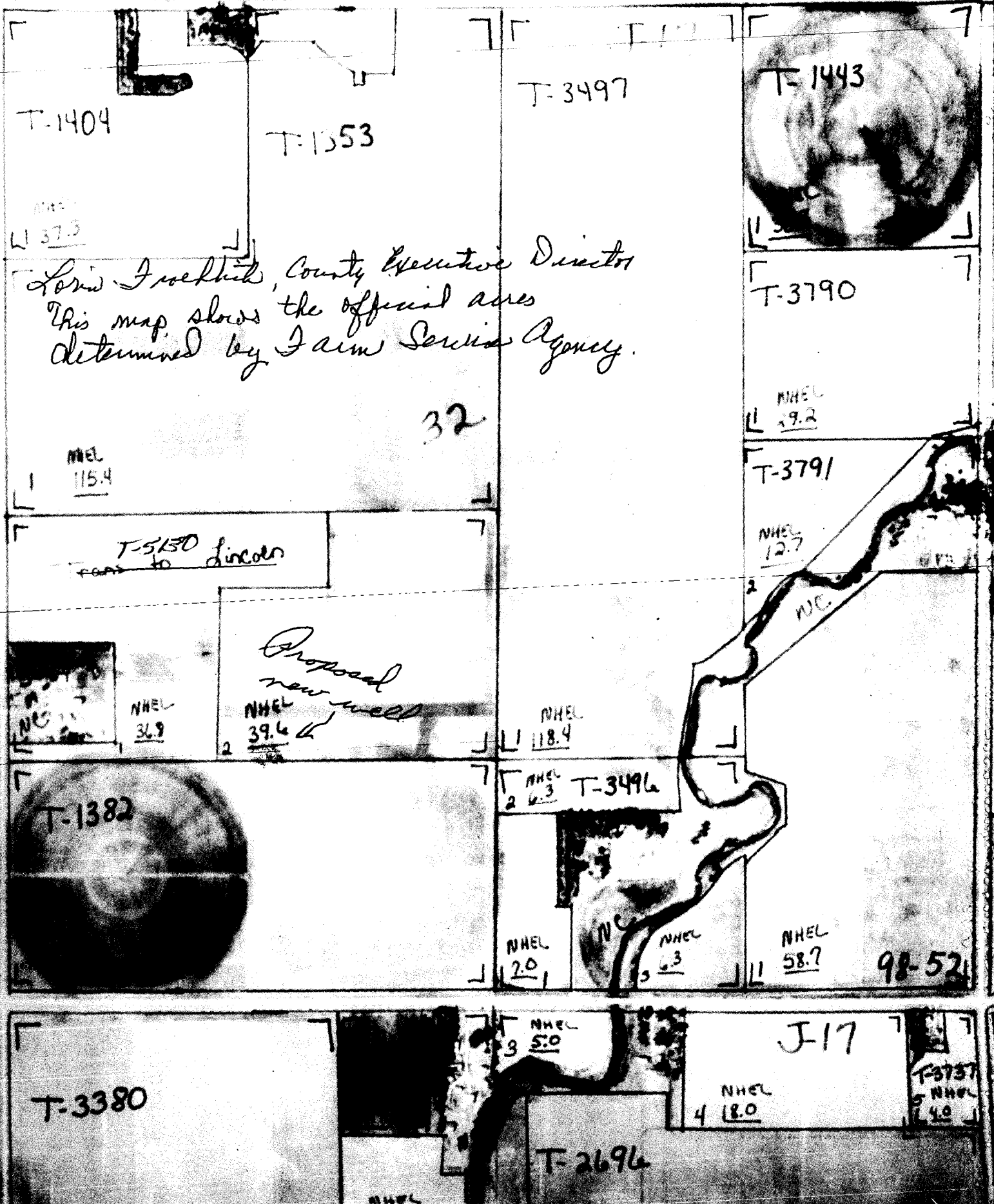
By

Darland Ebele

Chief Engineer

gm

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP.



REPORT ON WATER PERMIT APPLICATION NO. 6301-3

For David Smit

March 14, 2002

Application No. 6301-3 proposes to appropriate 1.89 cfs (850 gpm) from one well approximately 200 feet deep located in the center of the SW $\frac{1}{4}$ of section 32 to irrigate 160 acres located in the SW $\frac{1}{4}$ of section 32; all in Turner County.

AQUIFER – UPPER VERMILLION MISSOURI (UVM)

The Upper Vermillion Missouri is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. The aquifer underlies 207 square miles and contains an estimated 1.8 million acre-feet of water in storage in Turner County and Hutchinson Counties (Lindgren, 1990). Nearly all of the ground water storage in the Upper Vermillion Missouri aquifer is in Turner County. Ground water movement is basically from north to south in the area of this application. No test well log was filed with this application, however, there is sufficient information available from other irrigation wells in the immediate area, water right observation wells and information from the Turner County Study to evaluate this application.

The Water Rights Program monitors four observation wells located within a mile radius of this application. Two of these observation wells, TU-77H and TU-77I, are completed into the Upper Vermillion Missouri aquifer. The other two wells are completed into the overlying Parker Centerville aquifer. Water levels for these wells show good response to climatic conditions and to nearby irrigation pumping. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002). Hydrographs for these two wells are included with this report.

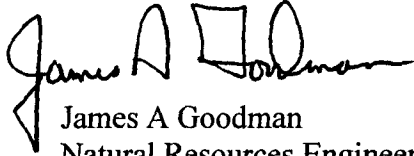
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water right Nos. 5259-3 568-3 and 3248-3 that are located within $\frac{1}{2}$ mile of this application and obtain water from Upper Vermillion Missouri aquifer. However, the wells for the later two rights appear to tap the overlying Parker Centerville aquifer, also. Interference is not a concern. Although drawdown created by pumping will extend and overlap between these permits/rights, it will not cause adverse effects. All the other area permits/rights obtain water from either the overlying Parker Centerville aquifer or the deeper Upper Vermillion Missouri aquifer, which do not appear to be hydraulically connected in this area. In other parts of Turner County these aquifers are in hydraulic connection.

CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The aquifer is buried and under confined conditions at this site. Pumping will create drawdown. This is shown by the observation well hydrographs. Interference is not expected to be a concern.

3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. A portion of the lands (S1/2 of SW 1/4 of section 32) is covered by Water Right No. 3267-3. This application is for a different water source and additional lands and the existing water right will be abandoned.



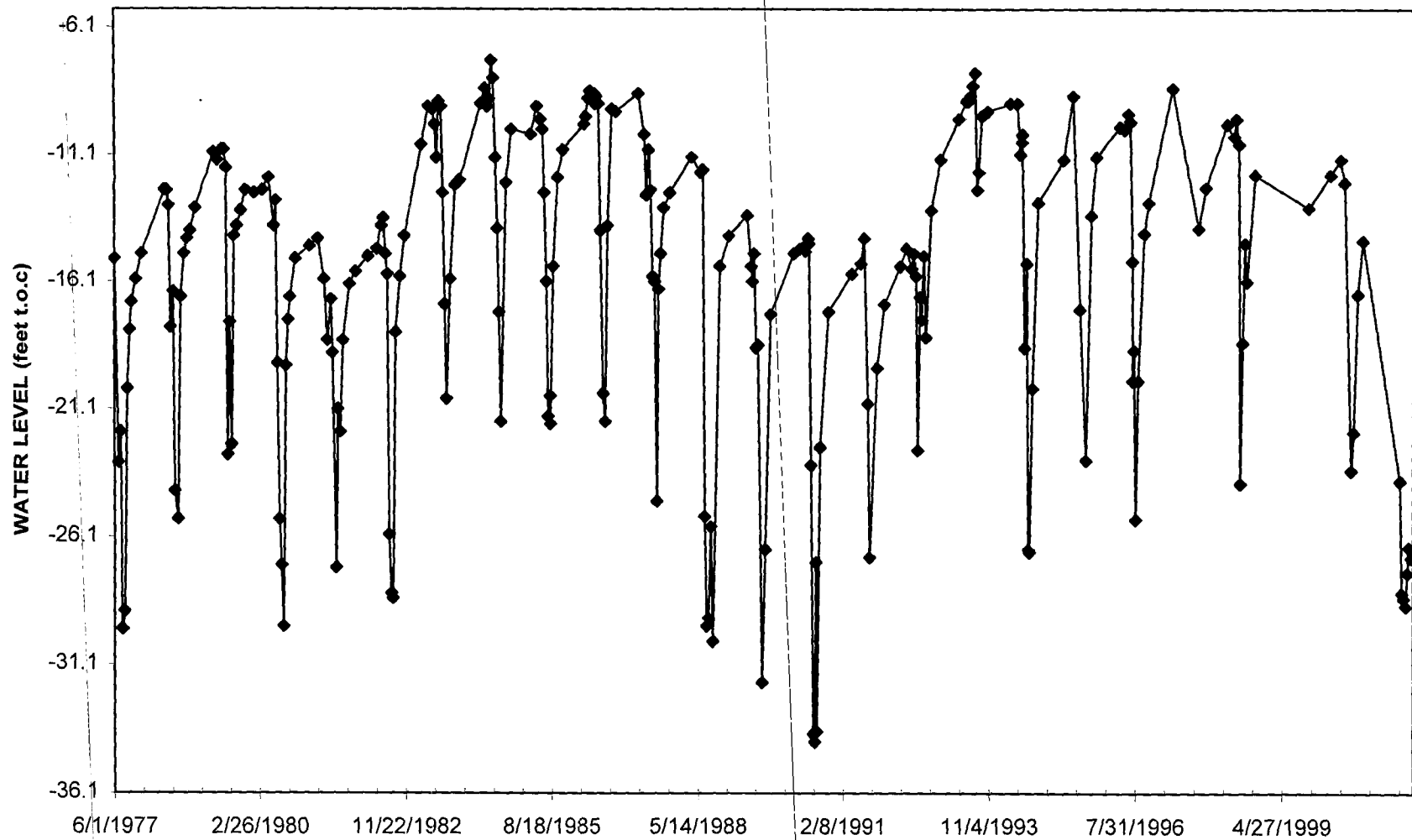
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

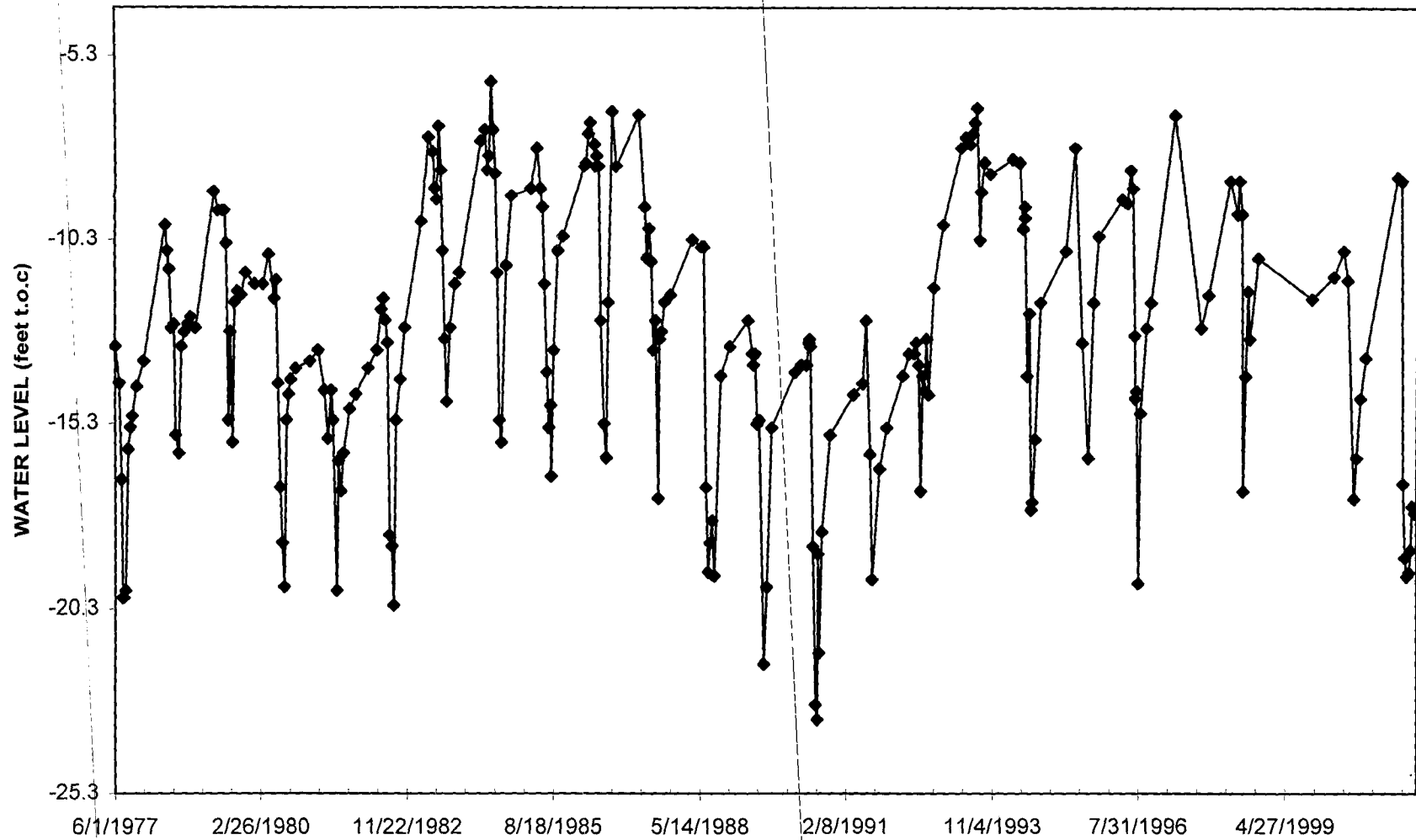
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, WRI 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2002, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
TU-771



WATER RIGHTS' OBSERVATION WELL
TU-77H





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6301-3, David Smit**

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. 6301-3, David Smit, 28386 460th Avenue, Davis SD 57021-6122.

The Chief Engineer is recommending APPROVAL of Application No. 6301-3 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) 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. The well authorized by Permit No. 6301-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
4. Water Permit No. 3267-3 is cancelled and the well constructed into the Parker Centerville Aquifer which was authorized by No. 3267-3 shall be plugged in accordance with Well Construction Rules.

See report on application for additional information.

Garland Erbele, Chief Engineer
March 20, 2002



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 21, 2002

David Smit
28386 460th Ave.
Davis, SD 57021

Dear Mr. Smit:

Water Permit Application Nos. 6301-3 and 6307-3 for irrigation use have 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 The New Era printed at Parker, SD (Ph # 605-297-4419). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the applications 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. Upon receiving authorization, 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 also 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 57501-3182
www.state.sd.us/denr

March 21, 2002

The New Era
PO Box 579
Parker, SD 57053-0579

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application Nos. 6301-3 and 6307-3 to Appropriate Water to be published twice. Please publish the first notice on March 28, 2002 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 David Smit, 28386 460th Ave., Davis, SD 57021 (Ph # 605-238-5450).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

~~After the second publication, please send us an affidavit or use the enclosed Proof of Publication form.~~ The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

No. 6301-3 & 6307-3

Date _____

We are in receipt of your letter of March 21, 2002 enclosing Notice of Hearing to Appropriate Water by Application Nos 6301-3 and 6307-3 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 March 28, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6301-3 and 6307-3 to Appropriate Water

Notice is given that David Smit, 28386 460th Ave, Davis SD 57021 has filed the following applications for a water permit.

Application No. 6301-3 proposes to appropriate 1.89 cubic feet of water per second (cfs) from one well (Upper Vermillion:Missouri Aquifer) 200 feet deep located in the center of the SW $\frac{1}{4}$ Section 32 to irrigate 160 acres located in the SW $\frac{1}{4}$ Section 32; all in T98N-R52W.

Application No. 6307-3 proposes to appropriate 1.0 cfs from one well (Parkder Centerville Aquifer) 40 feet deep located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32 to irrigate 40 acres located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32; all in T98N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6301-3 and 6307-3 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 applications or contesting the recommendations are filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

~~Any person interested in opposing or supporting these applications or recommendations 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 15, 2002.~~

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

:ss

COUNTY OF TURNER

I, Sarah Ebeling

of the City of Parker, County of Turner, State of South Dakota, State of South Dakota, being first

duly sworn on oath, deposes and says:

The New Era is a weekly legal newspaper of general circulation, printed and published in the City of Parker, in said County of Turner, by The New Era, Lyon-Sioux Press, publishers, and has been such legal newspaper during the times hereinafter mentioned; that the said newspaper has been in existence as such legal newspaper for more than one year prior to the publication of the notice hereunto attached, and has during all of said publication of the notice hereunto attached, and has during all of said time had, and now has, more than 200 bona fide subscribers; that the

undersigned, the affiant, is the Office Manager of the said newspaper, in charge of the advertisement department thereof and has personal knowledge of all the facts stated in this affidavit and the advertisement headed:

#2764

printed copy of hereto attached, was printed and published in the said

newspaper for one successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 28 day of March, 2002;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

On Thursday, the _____ day of _____, 200____;

That \$ 23.72 being the full amount of the fees for publication of the attached notice insures solely for the benefits of the publishers of the said newspaper; that no arrangement or understanding for a division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

RECEIVED

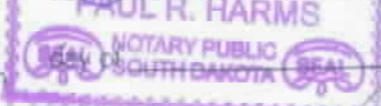
APR 11 2002

WATER RIGHTS
PROGRAM

My Commission
Expires:

02
2006

Subscribed and sworn to before me this 4th



Paul R Harms
Notary Public, Turner County, South Dakota

Notice of Application Nos. 6301-3 and 6307-3 to Appropriate Water

Notice is given that David Smit, 28386 460 Ave., Davis SD 57021 has filed the following applications for a water permit.

Application No. 6301-3 proposes to appropriate 1.89 cubic feet of water per second (cfs) from one well (Upper Vermillion/Missouri Aquifer) 200 feet deep located in the center of the SW 1/4 Section 32 to irrigate 160 acres located in the SW 1/4 Section 32: all in T98N-R52W.

Application No. 6307-3 proposes to appropriate 1.0 cfs from one well (Parker Centerville Aquifer) 40 feet deep located in the NW 1/4NW 1/4 Section 32 to irrigate 40 acres located in the NW 1/4NW 1/4 Section 32: all in T98N-R52W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6301-3 and 6307-3 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 Engineers recommendation. If a petition opposing the applications or contesting the recommendations are filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineers recommendation. The Chief Engineers 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 15, 2002.

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. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

(#2764, 3/28/02, 4/04/02, The New Era)

Publication Fees . . \$ _____

Notary Fees \$ _____

Total . . . \$ 23.72

Received Payment, _____



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 31 2002

David Smit
28386 460th Ave.
Davis, SD 57021

Dear Mr. Smit:

Enclosed are Water Permit Nos. 6301-3 & 6307-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Note: Approval of Water Permit No. 6301-3 cancelled Water Right No. 3267-3.
The well constructed into the Parker Centerville Aquifer which was
authorized by No. 3267-3 shall be plugged in Accordance with Well
Construction Rules.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 11/30/03

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

RECEIVED

DEC - 5 2003

WATER RIGHTS
PROGRAM

FROM:

David Smit
(name)28386 460th Ave.
(address)Davis, So. Dak. 57021
(city, state, zip)238-5450
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

~~6301-3~~
Water Permit No. 6307-3 states that the water use system is to be constructed by

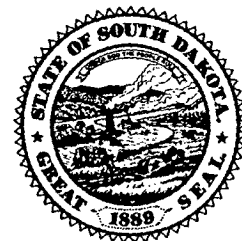
4/15/07, and water is to be put to beneficial use by 4/15/11.
(date) (date)

The water use system was completed on 5/15/02.
(date)

Applying the water to beneficial use was completed on 6/20/02.
(date)

You may schedule an investigation so that the water license may be issued.

David Smit
(signature)



Permit No. 6301-3
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, August 25, 2004, made a thorough examination of the water use system constructed by David Smit of 28386 460th Avenue, Davis SD 57021 holder of Permit No. 6301-3, bearing the priority of February 19, 2002 authorizing the diversion of 1.89 cu. ft. per second of the waters of Upper Vermillion:Missouri Aquifer for irrigation purposes, in Turner County.

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

A. Works used to divert the water:

40 HP motor with a Newman pump/motor

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

A 8" aluminum pipe conveys water the short distance to the pivot point

C. Works used to apply water to beneficial use:

A 1,320 foot Zimmatic low pressure center pivot system.

The system is in the following condition good. The point of diversion is located approximately 1,320 feet north and 1,320 feet east of the SW corner of Section 32, T98N, R52W (Lat/Lon N43.26121 W-097.01878). The works are capable of diverting and conveying to the place of use 2.00 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 32, T98N, R52W

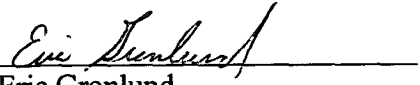
NW ¼ SW ¼	33 acres	NE ¼ SW ¼	33 acres
SW ¼ SW ¼	33 acres	SE ¼ SW ¼	33 acres

comprising a total of 132 acres of land and the license should be issued for 1.89 cfs

Applicable permit qualifications have been complied with: Yes X* No

- There is no plugging record on file but is in my understanding that the well authorized by WR No. 3267-3 has been plugged.

Exceptions to compliance are: none Date Report Completed: January 13, 2005


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

FIELD INVESTIGATION REPORT FOR PERMIT NO. 6301-3, David Smit

DATE OF INVESTIGATION:	August 25, 2005
NAME & ADDRESS OF PERMIT HOLDER	David Smit 28386 460 th Avenue Davis SD 57021
DIVERSION POINT LEGAL LOCATION	<u>approximately 1,320 feet north and 1,320 feet east of the SW ¼ Section 32, T98N, R52W</u> <u>(Lat/Lon N43.26121 W-097.01878)</u>

Other permit(s) associated with the project:

WELL INFORMATION:

- 1) Well Drilling Firm: Hammond-Wetmore
- 2) No. of Wells 1
- 3) Depth(s) 224 feet
- 4) Well log is available Yes
- 5) Comment:

Casing:

- 1) Diameter 16 inches
- 2) Length 138 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 60 feet
- 3) Static water level 6 feet

Pump:

- 1) Make
- 2) Model
- 3) Size
- 4) Capacity 900 GPM*

* according to Mr. Smit

Motor:

- 1) Make Newman
- 2) Model No.
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length approx. 25 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic

- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers approx. 150 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 900 GPM

CHEMIGATION EQUIPMENT:

Has a chem.-valve in place but does not chemigate

PERMIT QUALIFICATIONS:

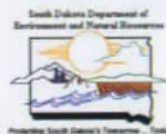
- 1) Special qualifications to permit being abided by Yes**
- 2) All structures, wells and lands on map Yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes

**** There is no plugging record on file but it is my understanding that the well authorized by WR No. 3267-3 has been plugged.**



0 500 1,000 2,000 3,000 4,000 Feet

Well located approximately 1,320 feet north and 1,320 feet east
of the SW corner of Section 32, T98N, R52W
(Lat/Lon N43.26121 W-97.01878)



Eric Gronlund
Eric Gronlund
Water Rights Program, DENR
Licensing Investigation - August 25, 2004

Water Permit No. 6301-3, David Smit



Picture of well and pivot point authorized by Water Permit No. 6301-3, David Smit
Licensing investigation and picture taken on August 25, 2004

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6301-3

(1) David Smit, 28386 460th Ave, Davis SD 57021 made Application No. 6301-3, February 19, 2002 for a water permit to divert 1.89 cubic feet of water per second from groundwater (one well), Turner County, South Dakota for irrigation purposes.. Permit No. 6301-3, with a priority date of February 19, 2002 was approved April 15, 2002 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 15, 2007 and for the application to beneficial use of water on or before April 15, 2011.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on December 5, 2003. The *Notice* stated the diversion system was completed and the water placed to beneficial use in 2002.

(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, the holder and/or owner of Water Right No. 6301-3 is issued a license, bearing a priority date of February 19, 2002 to appropriate 1.89 cubic feet of water per second from groundwater (one well) to irrigate 132 acres.

The diversion point is located: 1,320 feet north and 1,320 feet east of the southwest corner of Section 32-T98N-R52W (center SW ¼). The acres authorized for irrigation are as follows:

Section 32-T98N-R52W	NW ¼ SW ¼	33 acres
	SW ¼ SW ¼	33 acres
	NE ¼ SW ¼	33 acres
	SE ¼ SW ¼	33 acres
Total 132 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6301-3 including the following now applicable qualifications:

- 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.
- The well authorized by Permit No. 6301-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
- Water Right No. 3267-3 is cancelled and the well constructed into the Parker Centerville Aquifer which was authorized by No. 3267-3 shall be plugged in accordance with Well Construction Rules.

Garland Erbele

Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

APR 19 2005

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

APR 19 2005

6301-3

David Smit
28386 460th Ave
Davis SD 57021

Dear Mr. Smit:

Enclosed is Water License No. 6301-3. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures



6301-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 22, 2010

David Smit
45536 283rd St
Hurley SD 57036

RE: Water Permit or Right Nos. 3832-3, 6301-3, 6561-3, 6562-3

Dear Mr. Smit:

Enclosed is a "Notice" dated October 15, 2010 concerning the 2010 irrigation questionnaire.

The notice was originally mailed to 28386 460th Ave, Davis 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
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures



3832-3 3926-3 6301-3
6561-3 8126-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 5, 2023

3832-3
3926-3
6301-3
6561-3
8126-3

David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

Our office is in receipt of the 2023 Irrigation Water Use Questionnaire for multiple Water Rights/Permits. There were notations on the Questionnaires asking that the Water Rights/Permits, held David, Cathy, Brian, and Krista Smit, be transferred to Smit Family Farms.

For your convenience I have enclosed partially completed "Notice of Transfer of Ownership" forms and a postage-paid envelope. Please fill out the highlighted portions of the transfer forms and return them to our office with a check in the amount of \$250.00 (\$50.00/transfer), made payable to the SD Water Rights Program.

If you prefer to pay the \$250.00 transfer fee with a card, you may contact Megan Stephenson in our Fiscal Office at 605.773.4216.

Sincerely,

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

enclosures



6301-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 4, 2024

3832-3
3926-3
6301-3
6561-3
8126-3

Smit Family Farms
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

I have received your "Notice of Transfer of Ownership" forms and the required fees. Enclosed are receipts of payment for your records.

Water Right/Permit Nos. 3832-3, 3926-3, 6301-3, 6561-3, and 8126-3 previously owned by David Smit are now listed under Smit Family Farms.

As a reminder, so long as you use the water beneficially, as stated in the Water Rights/Permits, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Rights/Permits will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

PAID

JAN 03 2024

Ck# 1306

Rec't# 113/24

No. 6301-3

Date: 12/18/2023

I/We request that Water Right No. 6301-3

formerly owned by: DAVID SMIT

be transferred to: (name & address) Smit Family Farms

45536 283rd St. Hurley, So. Dak 57036

Telephone No. 605-310-0640

Title to the following described land(s)/property has been transferred as described above:

33ac NW ¼ SW ¼, 33ac NE ¼ SW ¼, 33ac SW ¼ SW ¼, 33ac SE ¼ SW ¼ all in Sec 32, T98N, R52W

Total 132 ac

I/We understand that the validity of Water Right No. 6301-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Smit Family Farms, the new owner, certify that the above information is true and correct.

David Smit (manager)
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

JAN 03 2024

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 3, 2024

RECEIVED OF Smit Family Farms, LLC 45536 283rd St., Hurley SD 57036

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. _____	\$ _____
Fee for Filing Transfer Form <u>6301-3</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	
TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
Eric



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

May 2, 2024

6301-3

Smit Family Farms
c/o David Smit
45536 283rd St
Hurley SD 57036

Dear Mr. Smit:

I am writing in regard to Water Right No. 6301-3. The water right authorizes diversion 1.89 cfs (approx. 850 gpm) of water from groundwater, one well, completed into the Upper Vermillion Missouri Aquifer, for the irrigation of 132 acres in the SW ¼ Section 32, T98N, R52W, Turner County.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 6301-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 132 acres irrigated
- Reported water use – 372.9 ac-ft of water (approximately 34 inches)
- Authorized water use – 264 acre-feet (132 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

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

NOTE: Water Right No. 6301-3 authorizes a diversion rate of 1.89 cubic feet or water per second (approx. 850 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 900 gpm. A new permit would be required to increase the rate of diversion from 1.89 cfs to 2.0 cfs.

enclosure