

WATER PERMIT NO. 6328-3

Name of Applicant: Roger & Pamela Schwartz

Address: Box 153, Estelline SD 57234 Phone: 605 873-

Amount of Water Claimed: no add'l Total Acres: 135

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Brookings

Type of Waste Disposal System:

Location: 5 miles E of Lake Poinsett

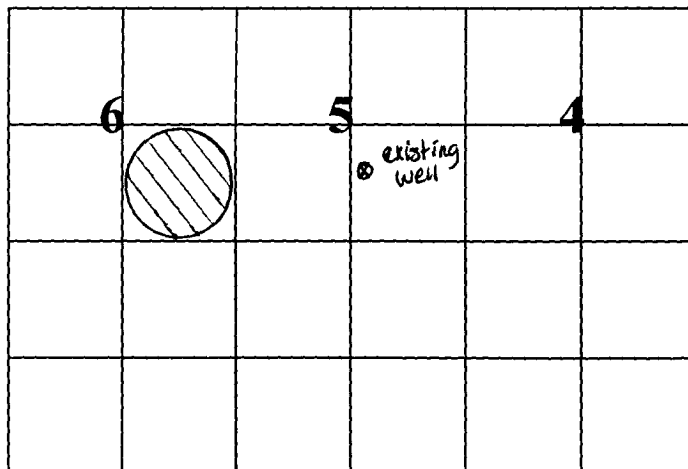
PRIORITY Date Received: 6-11-2002 Application/License Fee: \$300

Corrected Application Received: Period of Annual Use: April 1 – October 31

Remarks: Using one of the wells authorized by Water Right No. 2496A-3.

Diversion Point: NW ¼ SE ¼ Sec 5-T112N-R51W

Land to be Irrigated: SE ¼ Sec 6-T112N-R51W



Depth of Well: 70 feet

Well Driller: : Ed Lacey & Sons

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-12-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6328-3**

Date of first receipt of application June 11, 2002.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6328-3 to Roger and Pamela Schwartz, Box 153, Estelline SD 57234 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. 6328-3 authorizes irrigation of 135 additional acres. Water Right No. 2496A-3 appropriates 3.76 from two wells (Big Sioux:Brookings Aquifer) 70 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 to irrigate 264 acres located in the S $\frac{1}{2}$ Section 5; all in T112N-R51W. This permit authorizes irrigation of 135 additional acres located in the SE $\frac{1}{4}$ Section 6 using the well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5-T112N-R51W. This permit does not authorize any increase in the developed diversion rate.
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: April 1 – October 31.
3. The date from which applicant may claim right is June 11, 2002.
4. The date of approval of Permit No. 6328-3 is September 9, 2002.
5. One-fifth of the construction is to be completed on or before March 9, 2005.
6. All construction is to be completed on or before September 9, 2007.
7. Water is to be put to beneficial use on or before September 9, 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

SEP 17 2002

date



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6328-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Sioux River</u>	
	Newspaper <u>Brookings Register, PO Box 177, 57006-0177</u>	
	<u>605 692-6271</u>	

RECEIVED

JUN 11 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.)

land once authorized by cancelled WP No. 5419-3

- Name of Applicant Roger and Pamela Schwartz Phone 605 823-2392
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address Box 153 (Street, RR, or Box and City) Estelline State SD 57234 (Zip Code)
- Amount of water claimed perm't 2496A CFS or no add'l **GPM 200 ***AF Total Acreage 135A
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply From permit # 2496A
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) same
NW1/4 SE1/4 Sec 5-T112N R51W
- County Brookings
- County or counties where water will be used Brookings
- Annual period during which water is to be used Summer April 1 - October 31
- 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)

<u>Section 6 T112N R51W</u>		
<u>SE1/4</u>	<u>135</u>	

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

We are adding 135A to the west of permit # 2496A
know additional water

STATE OF SOUTH DAKOTA)

County of Hamlin

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, Roger Schwartz, 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 Roger Schwartz

Subscribed and sworn to before me this 16th day of June 20 02

Gladys Johnson
Notary Public signature

Comm. Expires 6-9-07

Form 2A

Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter Same as Depth _____
- b) Casing Type permit 2496A Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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 permit 2496A On property owned by others _____

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 _____

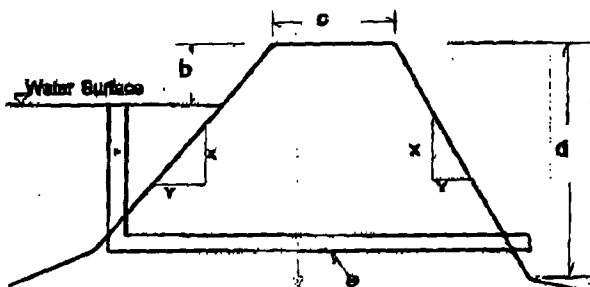
3. Dugout Information

- 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

NOTICE OF WELL CONSTRUCTION

#3 WELL
to water SW 4
SECTION 5 112-57W

(1) WELL CONSTRUCTION

Location of well: S14 1/4 SE 1/4 Section FIVE Township 11N Range 5E-4W
Well owner Howard Haywood Estherville, Iowa
(Name) (Address)
Date well drilling completed 5-7-76 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing aquifer	ft.
0-3	Topsoil	34	ft.
3-10	12' static CLAY GRAVEL MIXED	30	ft.
10-20	CLEAN GRAY SAND		
20-34	30' static BLUE CLAY		
34-69	MEDIAN COARSE GRAVEL	69	ft.

Name of producing aquifer (if known) _____
Total depth of drill hole _____ ft.
Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
54' x 14" x 1/2" #11 STEEL CASING

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
15' x 100 slot x 14" Johnson
irrigator

If a flowing well, flow of completed well _____ G.P.M.

Attach sheet if more space is needed

Ed H. Lacey & Sons
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump Valley Pump HP 75
Type of pump Turbo Capacity of installed pump 750 G.P.M.
Depth of pump placement 55 ft., Date of pump installation 5-20-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.409 of Chapter 46 4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



Ed H. Lacey & Sons
Name of Pump Installation Contractor

NOTICE OF WELL CONSTRUCTION

#2 WELL
to water
SE 1/4 SE 1/4 T12N
R12E S1W

1) WELL CONSTRUCTION

Location of well: SE 1/4 SE 1/4 Section 5 Township 112 Range 51W
Well owner Harold Haywood Ellenville, Iowa
(Name) (Address)
Date well drilling completed 4-29-76 Purpose of well water
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Feet, top to top in feet	Description of layer
0-2	Black top soil
2-4	Clay + limestone
4-29	fine grey sand
29-41	Blue clay
41-50	uniform sand
50-58	coarse sand
58-70	coarse gravel

Depth to top of water producing aquifer 41' ft.
Depth to static water level 31' ft.
Name of producing aquifer (if known) _____
Total depth of drill hole 76 ft.
Depth to bottom of casing 76 ft.

Casing information in the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
1 1/2" x 5/8" wall steel (56')

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.
15' of 1 1/2" Johnson Turbator - WELL SCREEN

If a flowing well, flow of completed well _____ G.P.M.
E. H. Lincoln & Sons
Name of Drilling Contractor Jim Perry

(2) PUMP INSTALLATION

Company name and size of pump Valley Pump HP 75
Type of pump vertical Capacity of installed pump 750 G.P.M.
Depth of pump placement 50 ft., Date of pump installation 5-20-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-right water surface measuring tube is required: See Section 46.406 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.
Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____

E. H. Lincoln & Sons
Name of Pump Installation Contractor



MAR 20 2001

NOT TO SCALE

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Listed in
Hamlin Co.

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Listed in
Hamlin Co.

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Eric Kentland
Water Rights Program

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6328-3

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

417181

Pierre, June 12, 20 02

RECEIVED OF Farmers Implement & Irrigation Inc., PO Box 29, Brookings, SD 57006

the following amount in fees for services rendered as provided for by law: (Roger & Pamela Schwartz)

Fee for Application for Permit No. _____ 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. _____	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 Ehlert

Chief Engineer

gm

Telephone (605) 692-6153

New Holland
Valley
Kinze

Farmers

Implement and Irrigation

BROOKINGS, SO. DAK.
57006

P.O. Box 29
East Highway 14 Bypass

Ford
Versatile
DMI

6-10-02

The signed & notarized
application will be faxed
& mailed on Tues. 6-11-02

Dave Galliehan

RECEIVED

JUN 12 2002

WATER RIGHTS
PROGRAM

Water Rights Program - File Documentation

NAME: Farmers Implement & Irrigation, Inc.

ADDRESS: Brookings

DATE: 6-12-2002 **COUNTY:** BG **TELEPHONE:** 605 692-6153

RE: Application for Roger Schwartz

COMMENTS:

Called Farmers Implement & Irrigation, Inc. Dave Gullickson was out but I talked with Tom. I told Tom that existing Water Right No. 2496A-3 authorized irrigation from two wells. Tom indicated that Mr. Schwartz was proposing to use the west well of the two wells which is located in the NW ¼ SE ¼ Section 5-T112N-R51W for the irrigation of the SE ¼ Section 6.

Karen Schlaak

Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6328-3
For Roger and Pamela Schwartz
July 31, 2002

Application No. 6328-3 proposes to irrigate an additional 135 acres. Water Right No. 2496A-3 appropriates 3.76 cfs from two wells approximately 70 feet deep located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 5 to irrigate 264 acres located in the S $\frac{1}{2}$ of section 5; all in T112N R51W in Brookings County. This application proposes to irrigate 135 additional acres located in the SE $\frac{1}{4}$ of section 6 utilizing the well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 5, T112N R51W. This application, if approved, does not authorize any increase in the developed diversion rate.

AQUIFER – BIG SIOUX BROOKINGS (BS-B)

The Big Sioux Brookings is a predominantly surficial outwash (sand and gravel) but at this site is buried and under artesian conditions. The aquifer underlies 74,500 acres and contains an estimated 245,850 acre-feet of recoverable water in Brookings County (Hedges, 1982). The aquifer extends into Hamlin County to the north, Kingsbury County to the west and is hydraulically connected to the Big Sioux River. Ground water movement is probably from west to east across the area of this application (Hamilton, 1989).

The well log filed with the application (well # 3) indicates two layers of sand and gravel, the first beginning at about 10 feet and extending to a depth of 20 feet followed by a layer of clay from 20 feet to a depth of 34 feet followed by gravel from 34 feet to 69 feet all below land surface. The driller indicated the well was capable of producing 750 gpm.

The Water Rights Program monitors three observation wells within a one-mile radius of the well for this application. These are observation well BG-76E (located about $\frac{3}{4}$ mile northeast), BG-76AR (located about $\frac{1}{2}$ mile southeast) and BG-76F (located about one mile southeast of this application. Hydrographs for these three wells are included with this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

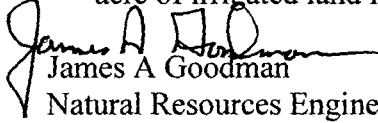
REVIEW OF EXISTING WATER PERMITS/RIGHTS

This land was covered by Water Permit No. 5419-3. This permit was never developed and was subsequently cancelled. This application will simply use an existing well and pipe water about another $\frac{1}{2}$ mile to the west to supply a center pivot. Nothing else will change in the area. These wells have been in use for many years with no apparent problems. Interference is not a concern.

CONCLUSIONS

1. Water is available from the Big Sioux Brookings aquifer.

2. The aquifer is confined and under slight artesian conditions at this site. Drawdown will be created by this is not significant nor does it cause any adverse effects. Interference is not a concern.
3. This is an existing well and has been used for many years with no apparent problems.
4. No additional diversion rate is requested but an additional volume of 2 acre-feet per acre of irrigated land is appropriated.


James A Goodman
Natural Resources Engineer

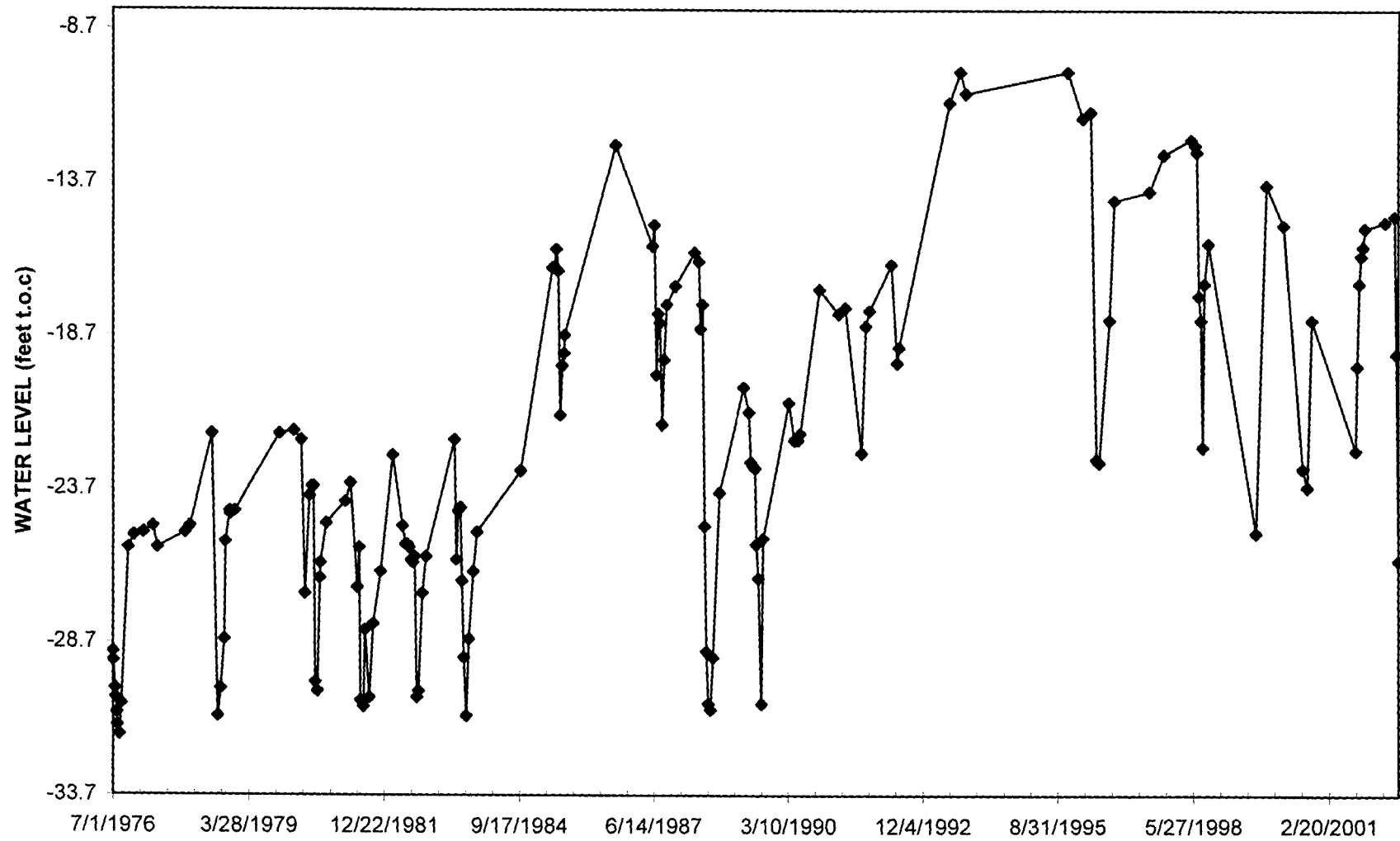
BIBLIOGRAPHY

Hamilton, L.J., 1989, Water Resources of Brookings and Kingsbury Counties, South Dakota, WRI 88-4185, USGS, Huron, SD, 57350.

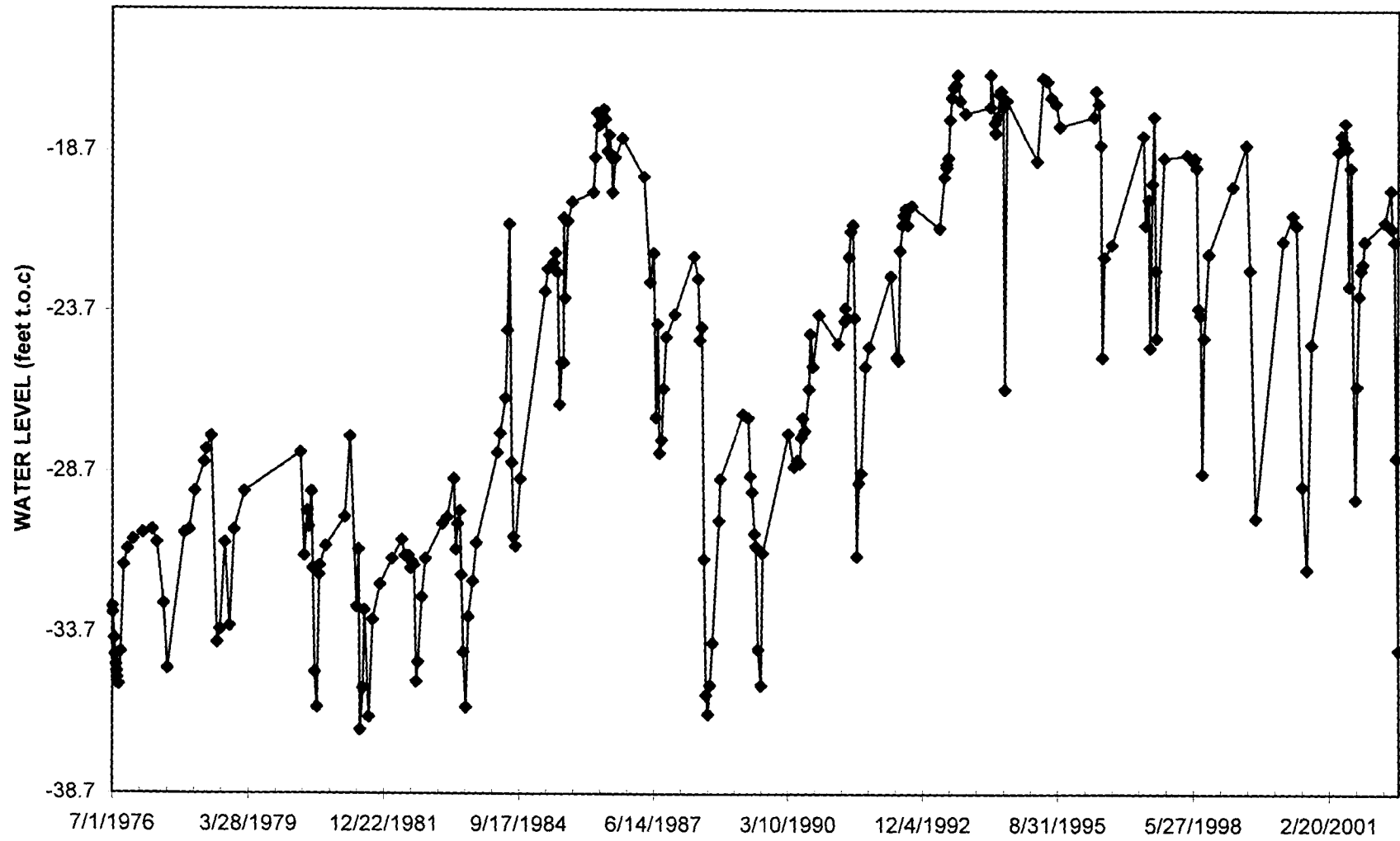
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

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

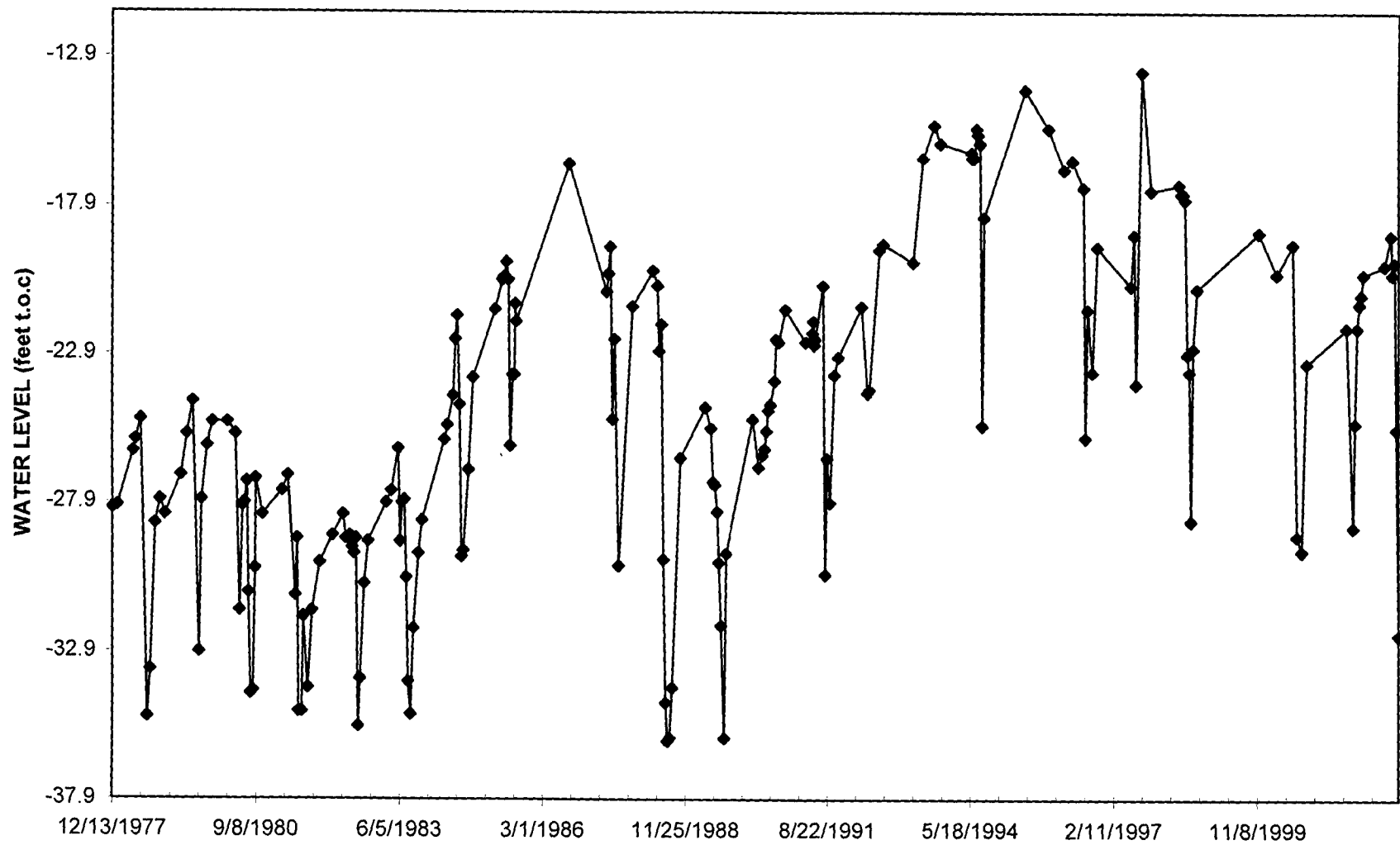
**WATER RIGHTS' OBSERVATION WELL
BG-76F**



WATER RIGHTS' OBSERVATION WELL
BG-76E



WATER RIGHTS' OBSERVATION WELL
BG-76AR





**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. 6328-3, Roger and Pamela Schwartz**

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. 6328-3, Roger and Pamela Schwartz, Box 153, Estelline SD 57234.

The Chief Engineer is recommending APPROVAL of Application No. 6328-3 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. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
August 9, 2002

Affidavit of Publication

State of South Dakota

Exhibit "A"

SS

County of Brookings

Michelle Dorn of said county, first duly sworn, on oath, says: That she is the office clerk of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the

Legal #673 Appropriate Water Roger & Pamela Schwartz Brookings and State of South Dakota, for more than one a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part of this affidavit, was published in said newspaper for _____ 2 times, to-wit:

August 21, 2002

August 28, 2002

said Exhibit "A" inures to the sole benefit to the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

Forty eight dollars and seventy-one cents \$48.71

Legal 673, 2x, 8/21,28
NOTICE OF
APPLICATION
NO. 6328-3 to Appropriate
Water

Notice is given that Roger & Pamela Schwartz, Box 153, Estelline SD 57234 have filed an application for a water permit to irrigate 135 additional acres. Water Right No. 2496A-3 appropriates 3.76 from two wells (Big Sioux: Brookings Aquifer) 70 feet deep located in the SE 1/4 SE 1/4 and NW 1/4 SE 1/4 Section 5 to irrigate 264 acres located in the S 1/2 Section 5; all in T112N-R51W. This application proposes to irrigate 135 additional acres located in the SE 1/4 Section 6 using the well located in the NW 1/4 SE 1/4 Section 5-T112NR51W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6328-3 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 September 9, 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.

Subscribed and sworn to before me this

4 day of

September

2002.

Michelle Dorn

Christina Nelson

Notary Public in and for the County of Brookings, South Dakota.
My Commission expires April 27, 2006

RECEIVED

SEP 06 2002

WATER RIGHTS
PROGRAM



**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.**

August 12, 2002

Roger and Pamela Schwartz
Box 153
Estelline, SD 57234

Dear Mr. & Ms. Schwartz:

Water Permit Application No. 6328-3 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 Brookings Register printed at Brookings, SD (Ph # 605-692-6271). 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 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. 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

August 12, 2002

Brookings Register
PO Box 177
Brookings, SD 57006-0177

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6328-3 to Appropriate Water to be published twice. Please publish the first notice on August 21, 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 Roger and Pamela Schwartz, Box 153, Estelline, SD 57234 (Ph # 605-873-2392).

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-----

No. 6328-3

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

Date _____

We are in receipt of your letter of August 12, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6328-3 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 August 21, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6328-3 to Appropriate Water

Notice is given that Roger & Pamela Schwartz, Box 153, Estelline SD 57234 have filed an application for a water permit to irrigate 135 additional acres. Water Right No. 2496A-3 appropriates 3.76 from two wells (Big Sioux: Brookings Aquifer) 70 feet deep located in the SE ¼ SE ¼ and NW ¼ SE ¼ Section 5 to irrigate 264 acres located in the S ½ Section 5; all in T112N-R51W. This application proposes to irrigate 135 additional acres located in the SE ¼ Section 6 using the well located in the NW ¼ SE ¼ Section 5-T112N-R51W. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6328-3 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 September 9, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 17 2002

Roger and Pamela Schwartz
PO Box 153
Estelline SD 57234

Dear Mr. and Ms. Schwartz:

Enclosed is Water Permit No. 6328-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Date 9-28-02

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

RECEIVED
SEP 30 2002
WATER RIGHTS
PROGRAM

FROM: ROGER SCHWARTZ
(name)

Box 153
(address)

ESTELLINE S.D. 57234
(city, state, zip)

(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.

Water Permit No. 6328-3 states that the water use system is to be constructed by

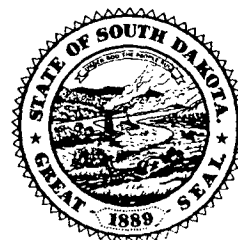
SEPT 9-2007, and water is to be put to beneficial use by SEPT 9-2011
(date) (date)

The water use system was completed on SEPT 1-2002
(date)

Applying the water to beneficial use was completed on SEPT 1-2002
(date)

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

Roger Schwartz
(signature)



Permit No. 6328-3
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

I have this day, **August 22, 2006**, made a thorough examination of the water use system constructed by **Roger and Pamela Schwartz** of **Box 153, Estelline, SD 57234** holder of Permit No. **6328-3**, bearing the priority of **June 11, 2002** authorizing the **Irrigation of 135 additional acres from wells authorized to divert 3.76-cfs of water from the Big Sioux:Brookings Aquifer** in **Brookings** County.

Inspection contact & relationship **Roger and Pamela Schwartz (873-2392)**
to permit holder, if applicable:

A. Works used to divert the water:

Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1342 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) High or low pressure Low

Gun:

- 1) Make Nelson 100

Chemigation Equipment:

- 1) Does chemigate N

B. 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.

Water has been put to beneficial use to the maximum extent as follows:

Water Permit No. 6328-3

Section 6-T112N-R51W

NW ¼ SE ¼ - 33.75 acres

NE ¼ SE ¼ - 33.75 acres

SW ¼ SE ¼ - 33.75 acres

SE ¼ SE ¼ - 33.75 acres

Water Right No. 2496A-3

Section 5-T112N-R51W

NW ¼ SE ¼ - 33 acres

NE ¼ SE ¼ - 33 acres

SW ¼ SE ¼ - 33 acres

SE ¼ SE ¼ - 33 acres

NW ¼ SW ¼ - 33 acres

NE ¼ SW ¼ - 33 acres

SW ¼ SW ¼ - 33 acres

SE ¼ SW ¼ - 33 acres

Total: 399 acres

comprising a total of **399** acres of land and the license should be issued for **399 acres and 3.76 cfs diversion rate as authorized by Water Right No. 2496A-3.**

All structures, wells and lands on map **Y**

Comments or other permit(s) associated with the project:

Water Permit No. 6328-3 authorizes irrigation of 135 additional acres with no additional water. Water Right No. 2496A-3 appropriates 3.76-cfs of water from two wells (Big Sioux: Brookings aquifer) located in the SE ¼ SE ¼ and NW ¼ SE ¼ Section 5 to irrigate 264 acres located in the S ½ Section 5; all in T112N-R51W. This permit authorizes the irrigation of 135 additional acres located in Section 6 using the well in the NW ¼ SE ¼ Section 5-T112N-R51W as authorized by Water Right No. 2496A-3. Both wells can be used to irrigate land authorized by Water Right No. 2496A-3 in Section 5. Well locations and diversion rates are taken from reissued Water Right No. 2496-3 into Water Right No. 2496A-3 and Water Right No. 2496B-3. Water Right No. 2496A-3 should be incorporated into Water Permit No. 6328-3 to reflect the 399 total irrigated acres for the 135 acres in SE ¼ Section 6 and 264 acres in the S ½ Section 5 while each retaining their priority dates of June 11, 2002 for Section 6 and December 15, 1975 for Section 5.



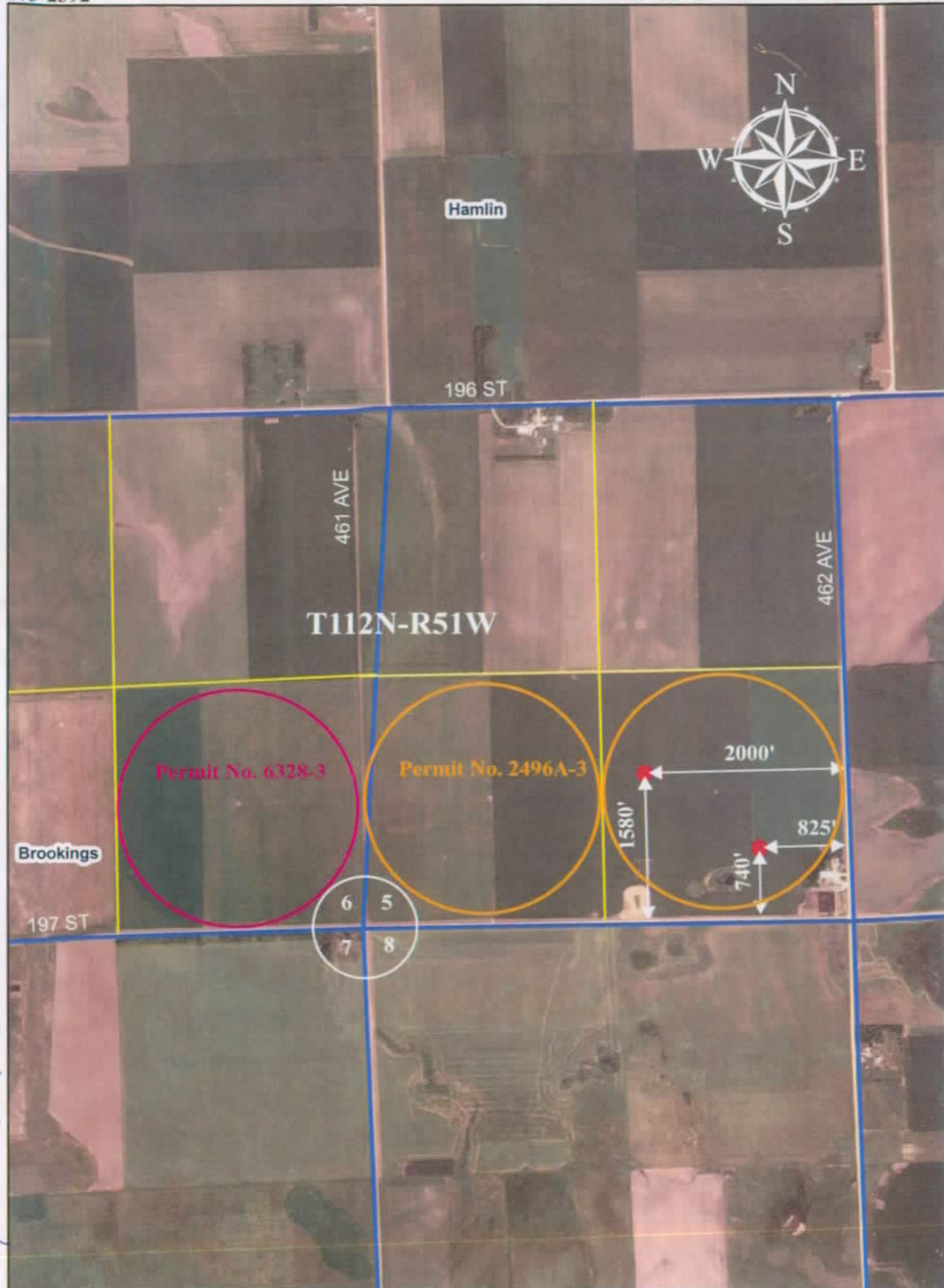
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **June 13, 2007**

Roger Schwartz
Box 153
Estelline, SD 57234
873-2392

Water Permit No. 6328-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
June 13, 2007



0 1,150 2,300 4,600 Feet

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6328-3

(1) Roger and Pamela Schwartz, Box 153, Estelline SD 57234 made Application No. 6328-3, June 11, 2002 for a water permit to irrigate 135 additional acres from groundwater (two wells), Brookings County, South Dakota for irrigation purposes. Permit No. 6328-3, with a priority date of June 11, 2002 was approved September 9, 2002 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before September 9, 2007 and for the application to beneficial use of water on or before September 9, 2011.

Water Right No. 2496A-3, with a priority date of December 15, 1975 authorizes 3.76 cubic feet of water per second (cfs) from two wells to irrigate 264 acres in the S $\frac{1}{2}$ Section 5-T112N-R51W. The applicable portions of No. 2496A-3 are incorporated into Water Right No. 6328-3.

(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 holders and/or owners of Incorporated Water Right No. 6328-3 are issued a license, bearing priority dates of June 11, 2002 (135 acres located in Section 6) and December 15, 1975 (264 acres located in Section 5) to appropriate 3.76 cubic feet of water per second from groundwater (two wells) to irrigate 399 acres.

The diversion points are located: 825 feet west and 740 feet north (SE $\frac{1}{4}$ SE $\frac{1}{4}$) and 2,000 west and 1,580 feet north (NW $\frac{1}{4}$ SE $\frac{1}{4}$); both from the southeast corner of Section 5-T112N-R51W. The well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5 is utilized to irrigate the land located SE $\frac{1}{4}$ Section 6-T112N-R51W. The acres authorized for irrigation are as follows:

Section 5-T112N-R51W	SW $\frac{1}{4}$	132 acres
	SE $\frac{1}{4}$	132 acres
Section 6-T112N-R51W	SE $\frac{1}{4}$	135 acres
Total 399 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6328-3 including the following now applicable qualifications:

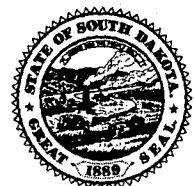
- The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells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

APR 04 2008

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 04 2008

6328-3

Roger & Pamela Schwartz
PO Box 153
Estelline SD 57234

Dear Mr. & Mrs. Schwartz:

Enclosed is Water License No. 6328-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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. 6328-3, 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

Note: The applicable portions of No. 2496A-3 are incorporated into Water License No. 6328-3.

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: ROGER & PAMELA SCHWARTZ, PO BOX 153, ESTELLINE SD 57234
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) 4088A-3 & 6328-3. 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) 4088A-3 & 6328-3 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) 4088A-3 & 6328-3 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: ERVDSZ**

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 30, 2025

4088A-3 & 6328-3

Roger Schwartz
PO Box 153
Estelline SD 57234

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). 4088A-3 & 6328-3. 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