

WATER PERMIT NO. 6482-3

Name of Applicant: Steve Schmidt

Address: 44847 307th St, Mission Hill SD 57046

Phone: 605 267-2408

Amount of Water Claimed: 1.56

Total Acres: 90

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 2 miles east of Volin

PRIORITY Date Received: 3-8-2004

Application/License Fee: \$275

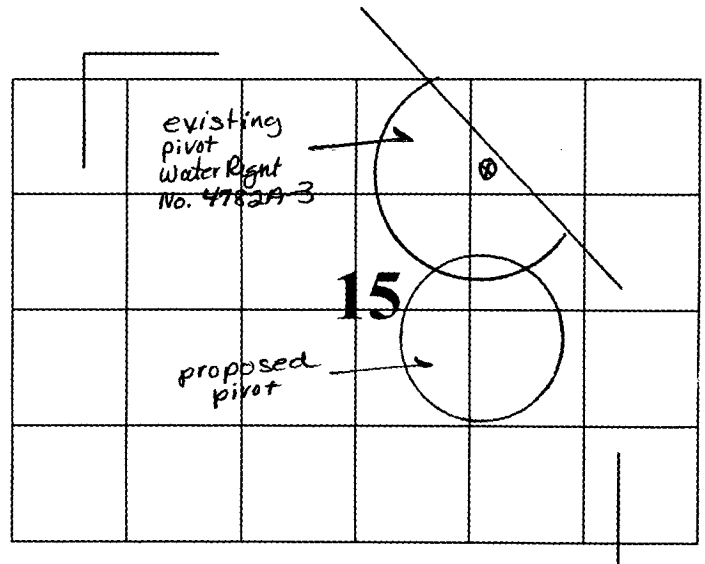
Corrected Application Received: 3-18-2004

Period of Annual Use: March 1 – November 1

Remarks: Using existing well authorized by Water Right No. 4782A-3 to irrigate 90 add'l acres

Diversion Point: NE ¼ NE ¼ Sec 15-T94N-R54W

Land to be Irrigated: SE ¼, S ½ NE ¼ Sec 15-T94N-R54W



Depth of Well: 100 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Richard Schwartz

Reviewed and the Number Assigned on: 3-22-2004

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6482-3</u>	(office use only) Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Daily Press & Dakotan</u>	

RECEIVED
MAR 08 2004
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.)
Using same well as authorized by 4782A-3

- Name of Applicant Steve Schmidt Phone 605-267-2408
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44847-307th St Mission Hill State SD 57046
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 700 **GPM ***AF Total Acreage 90
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Well Water
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
15-94-54 SE-4
(NE1/4 NE1/4) County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used Summer March 1 - Nov 1
- 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
15-94-54-NE4-SE4	33	15-94-54 NW4-SE4	23
15-94-54-SE4-SE4	8	15-94-54 SW4-SE4	6
15-94-54-NE4-NW4-SE4		SW1/4 NE1/4	10
		SE1/4 NE1/4	10

- Give a description of the project. (Attach sheet if more space is needed)
No new well will use old well for both pivots

STATE OF SOUTH DAKOTA)

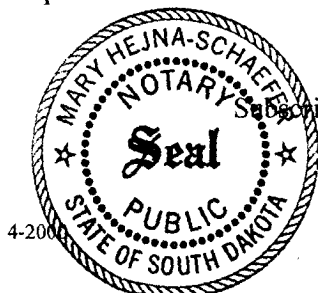
County of Yankton SS

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, Steve Schmidt, 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 Steve Schmidt

Subscribed and sworn to before me this 3rd day of March 2004



Mary Hejna-Schaefer
Notary Expires: 8-28-2009 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6482-3**

Date of first receipt of application March 8, 2004.

Date of return to applicant for corrections, amendments or changes March 9, 2004.

Date of receipt of corrected application March 19, 2004.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6482-3 to Steve Schmidt, 44847 307th St, Mission Hill SD 57046 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. 6482-3 appropriates 1.56 cubic feet of water from one existing well (Missouri:Elk Point Aquifer) 100 feet deep located in the NE ¼ NE ¼ Section 15 to irrigate 90 acres located in the SE ¼, S ½ NE ¼ Section 15; all in T94N-R54W.
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 1.
3. The date from which applicant may claim right is March 8, 2004.
4. The date of approval of Permit No. 6482-3 is May 10, 2004.
5. One-fifth of the construction is to be completed on or before November 10, 2006.
6. All construction is to be completed on or before May 10, 2009.
7. Water is to be put to beneficial use on or before May 10, 2013.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

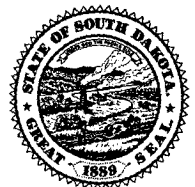
QUALIFICATIONS

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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6482-3 authorizes a maximum diversion rate of 1.56 cubic feet of water per second (cfs) for the irrigation of 90 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. 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

MAY 14 2004
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 100
- b) Casing Type PVC Diameter 16" Thickness 1/2"
- c) Screen Type PVC DOUBLE SLOT Diameter 16" Thickness 1/2"
- d) Gravel Pack ROAD Length of Gravel Pack 80
- e) Depth to Top of Water Bearing Material 20'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well: Irrigation well is already on property
On applicants property NA On property owned by others 4 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

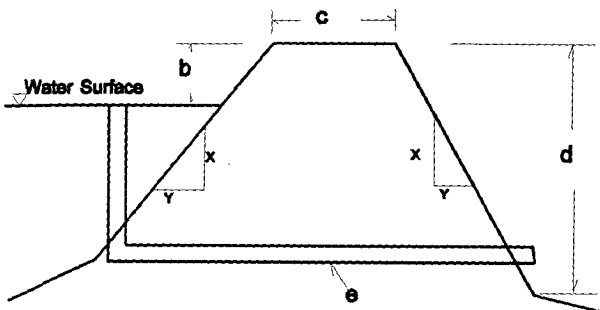
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

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



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date March 8, 2004

RECEIVED OF Steven Schmidt, 89498 558th Ave., Yankton SD 57078-6610

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	300	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 _____		
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	350.00

No.

001223

By

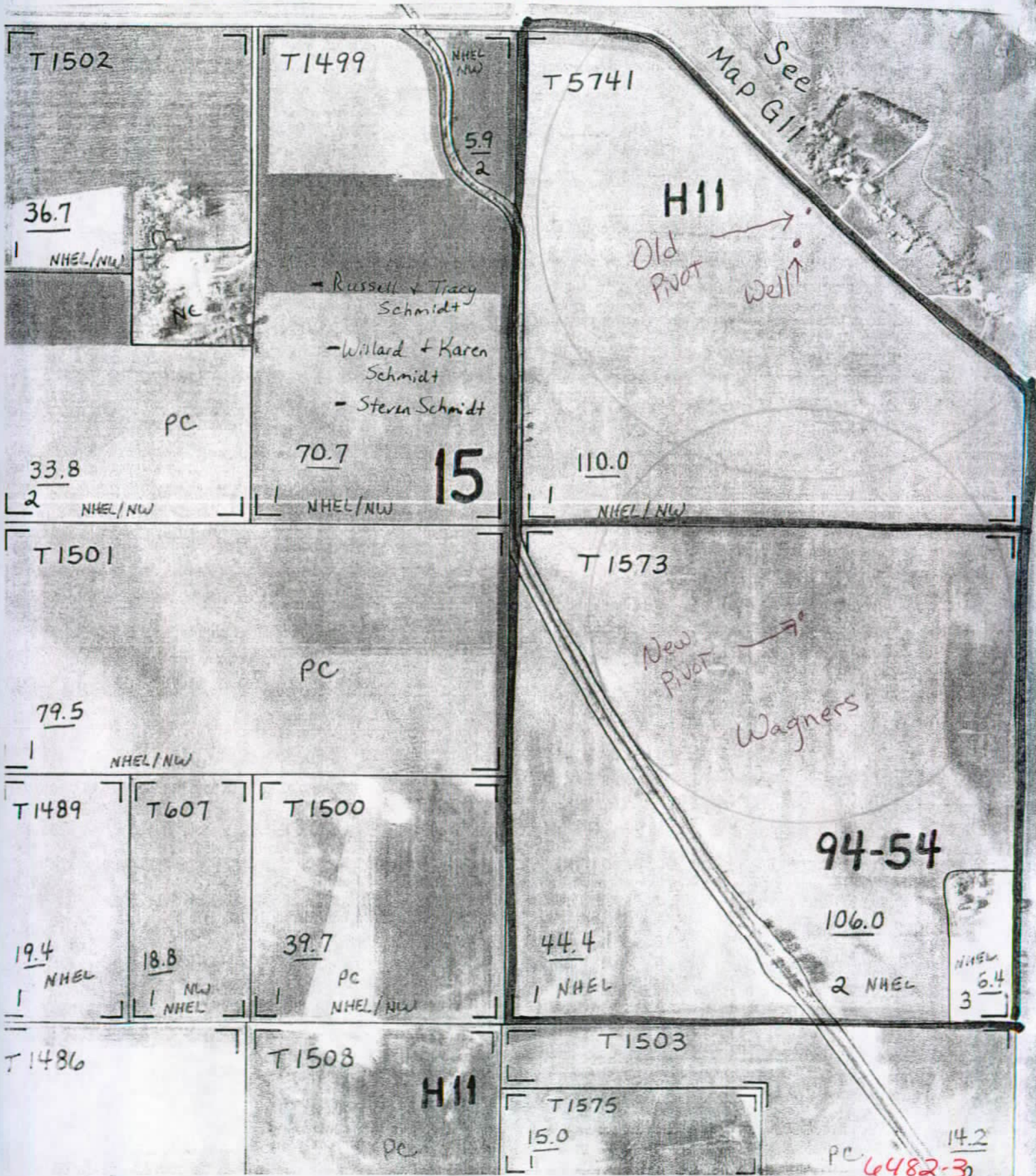
Darland Elshel
Chief Engineer
gm

SCHMIDT

WILLARD

FARM NO

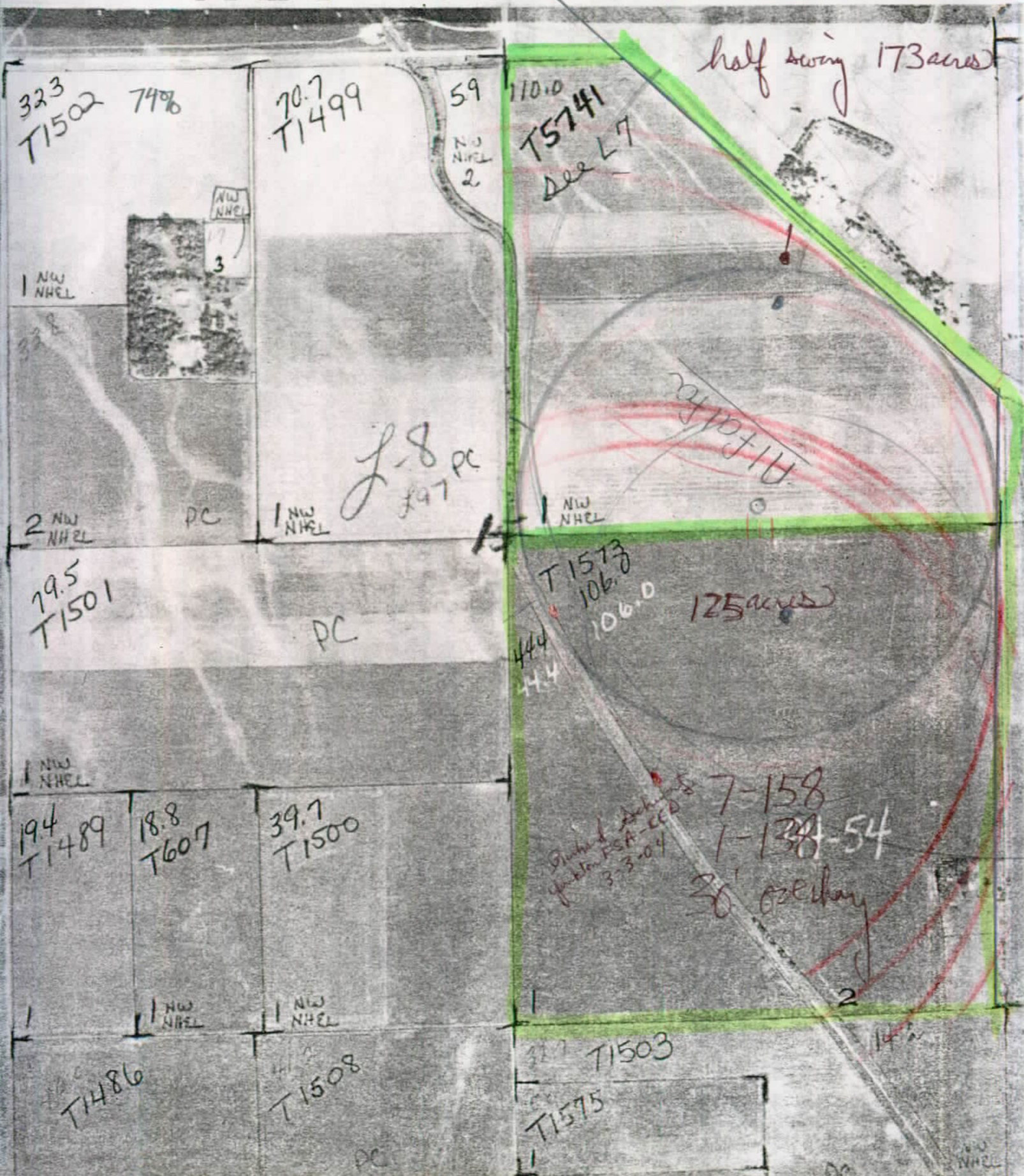
5314

2004**MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP**

~~Charles Schmidt~~

1995

NOT TO SCALE



6/60

Signed By James W. True Date 1-10-81



March 9, 2004

Steve Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Thank you for submitting the four *Applications for a Permit to Appropriate Water* for irrigation. In order to complete the applications, I have listed below what is necessary for each application:

Application to irrigate Section 15-T94N-R54W (Wagner):

- Enclosed is a copy of the map for Water Right No. 4782A-3 which authorizes 1.14 cubic feet of water per second (cfs) (513 gallons per minute) to irrigate 80 acres. From the map submitted with your application, I am uncertain what you are proposing. Clearly mark on the map where the pivots will be located.
- Please complete Item No. 2 of the application, the total new acreage to be irrigated. The acreage breakdown is required in Item No. 7, also.
- Are you proposing to drill an additional well to the one authorized by Water Right No. 4782A-3? If so please mark that location on your map. We can not determine the application/filing fee until we can determine how many new acres will be irrigated.
- Also, Water Permit No. 4782A-3 is listed in the name of Paula & Theodore Schmidt. The new application indicates you are the owner of this land. I have enclosed a partially completed *Notice of Transfer of Ownership* form. Please complete, sign and return the form with a \$2.50 fee.

Application to irrigate Section 9-T93N-R54W (Moores):

- On the map, please mark the proposed well location. Please submit a well log or test hole log signed by a licensed South Dakota well driller.
- Item No. 2 of the application indicates the amount of water claimed to be 700 gpm to irrigate 100 acres. State Statutes limit diversions to 1 cfs (450 gpm) for each 70 acres irrigated. This would mean that you are allowed approximately 1.43 cfs (643 gpm) for the 100 acres to be irrigated. We understand that in order to accommodate certain methods of irrigation, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2004
Steve Schmidt
Page 2

Application to irrigate Section 28-T94N-R54W (Yaggies)

- On the map, please mark the proposed well location. Please submit a well log or test hole log signed by a licensed South Dakota well driller.

Application to irrigate Section 13-T94N-R56W (Willards)

- On the map, please mark the proposed well location. Please submit a well log or test hole log signed by a licensed South Dakota well driller.

We have receipted your check for \$1200. Once all the applications are complete, we will let you know if any additional fee or refund is required.

Mr. Schmidt, I understand this may be somewhat confusing. Hopefully, my breakdown of the applications, makes it clear what is required for each. If you have any questions, please contact me.

Sincerely,



Karen Schlaak
Water Rights Program
.605 773-3352

enclosures

Water Rights Program - File Documentation

NAME: Russ Schmidt

ADDRESS:

DATE: 3-19-04 **COUNTY:** Yankton **TELEPHONE:** 402-357-3360

RE: Four pending applications

COMMENTS:

I talked with Russ Schmidt regarding their four pending applications. Russ stated he was a brother to Willard and Steve Schmidt. Russ indicated that we should proceed with the two applications which are complete (Willards and Wagner). He stated they would like to develop those permits this year.

He indicated they will be sending in the well logs and maps to complete the other two permits (Yaggies and Moores) at a later date.



Karen Schlaak
Environmental Scientist

REPORT ON WATER PERMIT APPLICATION NO. 6482-3

For Steve Schmidt

March 30, 2004

Application No. 6482-3 proposes to appropriate 1.56 cfs (700 gpm) from one existing well approximately 100 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 15 to irrigate 90 acres located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of section 15; all in T94N R54W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit of one cfs per 70 acres.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a alluvium mantled outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). This portion of the aquifer is equivalent to the southern portion of the Lower James Missouri aquifer as described in the Yankton County Study (Bugliosi, 1986). The aquifer extends into Clay County to the east, blends into the Lower James Missouri aquifer to the north and is hydraulically connected to the James and Missouri rivers. The general direction of ground water movement is from north to south with locally movement toward the rivers.

The log of the irrigation well for this application indicates fine sand from 14 to 36 feet followed by coarse sand and gravel from 36 to 80 feet below land surface. The completed well had a static water level of 16 feet below land surface and was capable of producing 1200 gpm. According to the driller's log, the well has a specific capacity of about 52 gpm/ft of drawdown.

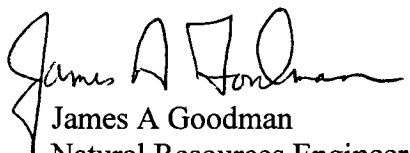
The Water Rights Program monitors five observation wells within a three mile radius of this site. Two of these observation wells YA-80JA and YA-78F are included with this report. Water levels for these wells show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2004). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights which will be affected by this withdrawal. This is an existing well (Water Right No. 4782A-3, one well, 1.14 cfs, 80 acres of irrigation) which has been used for many years with no apparent problems. The nearest permitted diversion from the aquifer is over one mile distant and interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions at this site. Pumping does not appear to cause significant drawdown. Interference is not a concern.
3. This is an existing well and the well was constructed in accordance with SD Well Construction Standards.
4. This application requests a diversion rate greater than the statutory limit of one cfs per 70 acres. There is no justification for this request although it appears this amount may be needed to operate the pivot system making a one-half circle.


James A Goodman
Natural Resources Engineer

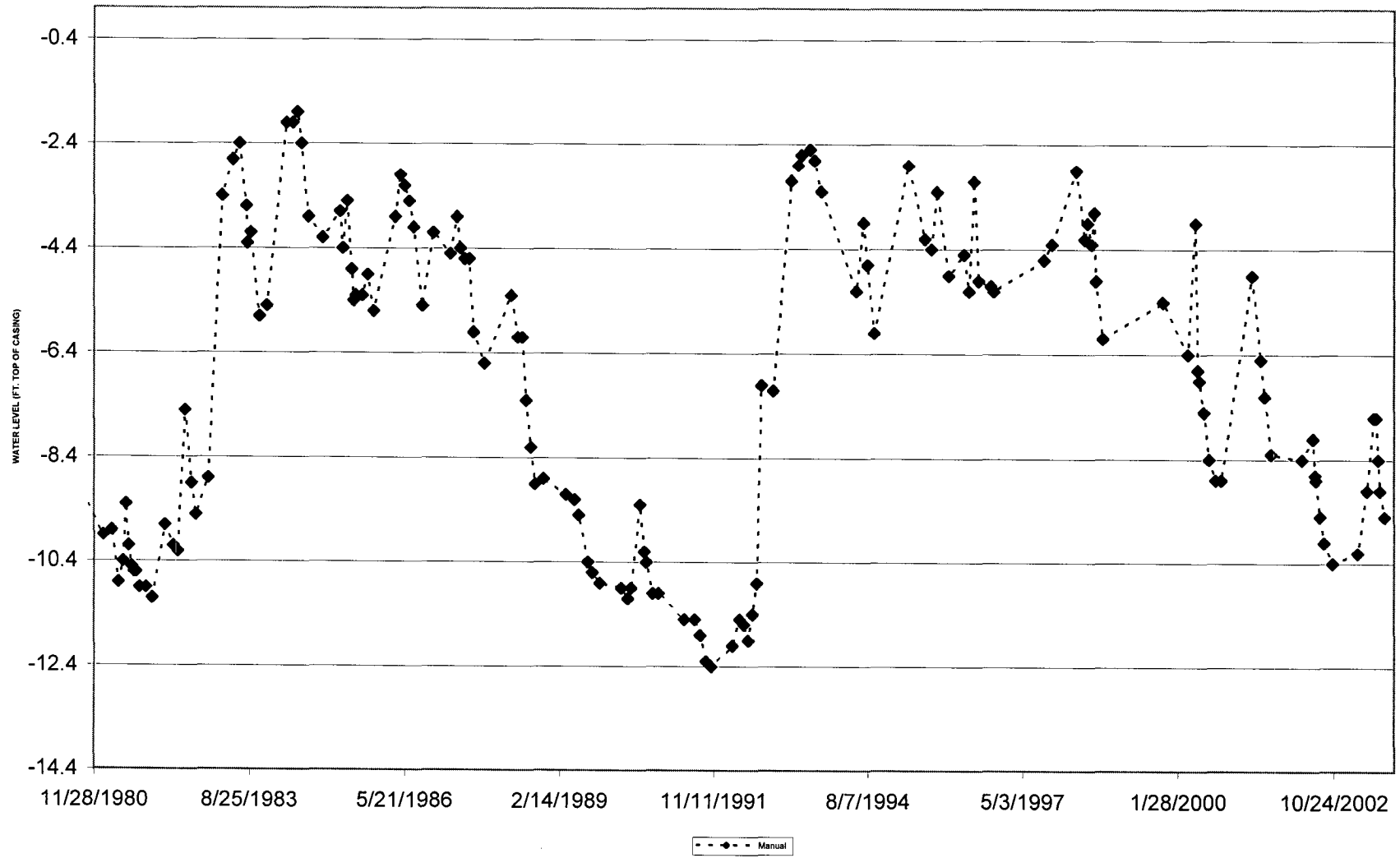
BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

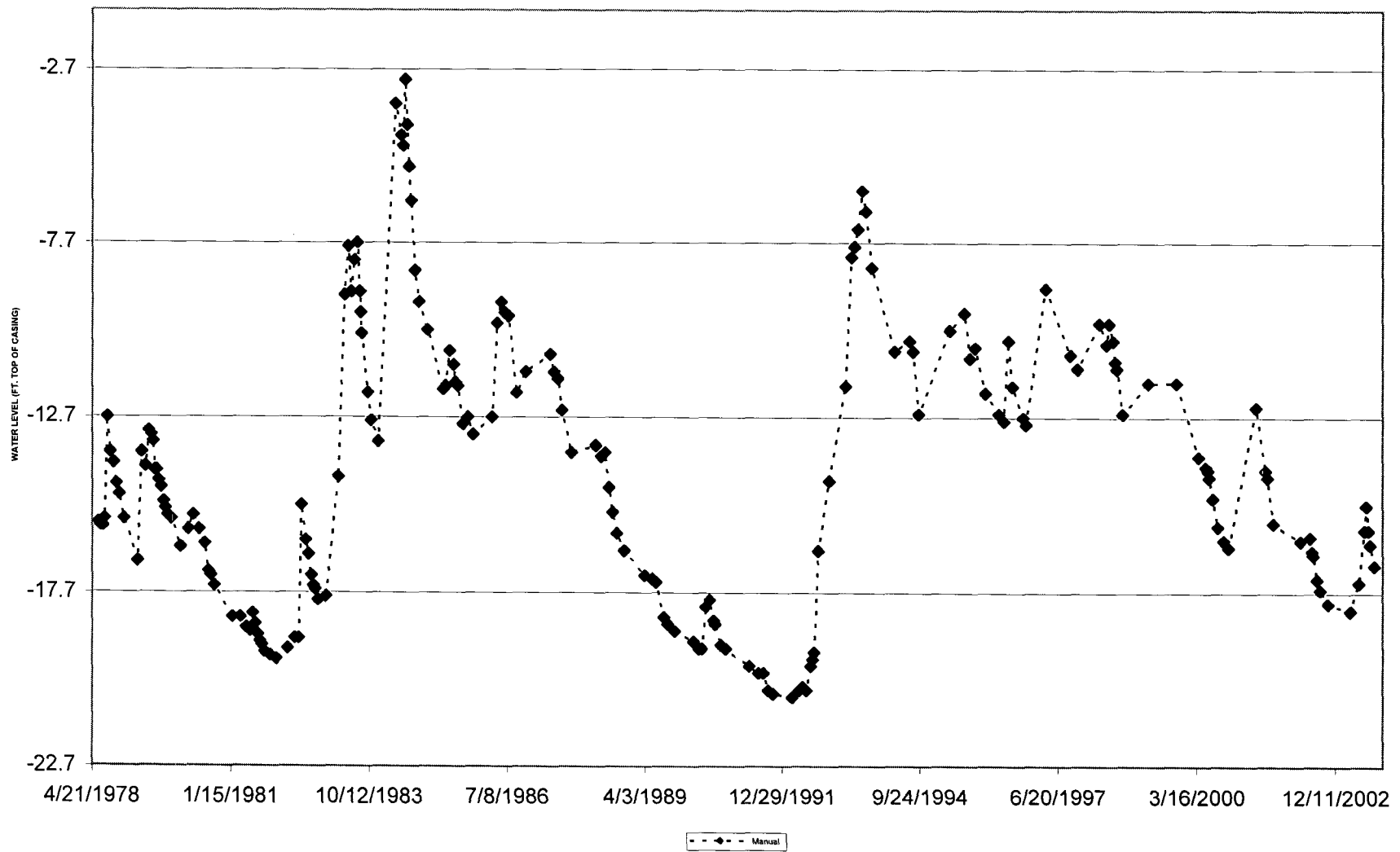
Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2004, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

**WATER RIGHTS' OBSERVATION WELL
YA-80JA**



**WATER RIGHTS' OBSERVATION WELL
YA-78F**





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6482-3, Steve 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. 6482-3, Steve Schmidt, 44847 307th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6482-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 6482-3 authorizes a maximum diversion rate of 1.56 cubic feet of water per second (cfs) for the irrigation of 90 acres with an annual volume not to exceed 2 acre-feet of water per acre per year.
3. 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
April 15, 2004

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

RECEIVED

MAY 06 2004

**WATER RIGHTS
PROGRAM**

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
WATER RIGHTS PROGRAM
523 E CAPITOL, JOE FOSS BUILDING
PIERRE, SD 57501

4+22+29

**NOTICE OF APPLICATION
NO. 6482-3
to Appropriate Water**

Notice is given that Steve Schmidt, 44847 307th St. Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.56 cubic feet of water (cfs) from one existing well (Missouri:Elk Point Aquifer) 100 feet deep located in the NE 1/4 NE 1/4 Section 15 to irrigate 90 acres located in the SE 1/4, S 1/2 NE 1/4 Section 15; all in T94N-R54W. 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 No. 6482-3 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.

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES AND SAYS THAT SHE IS THE **MANAGING EDITOR** OF THE YANKTON PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON, SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID **COUNTY** OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED **NOTICE OF APPLICATION NO. 6482-3**

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE **29TH** DAY OF **APRIL**, 2004. THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID **NOTICE** TO WIT **\$43.05** ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND 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.

PUBLISHED ON: **4/22/04; 4/29/04**

FILED ON: **5/4/04**

SUBSCRIBED AND SWORN TO BEFORE ME THIS **4TH** DAY OF **MAY**, 2004.

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES **8/19/2009**

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 May 10, 2004.

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.

Instruction to Newspaper - Publish first Notice on April 22, 2004 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6482-3 to Appropriate Water

Notice is given that Steve Schmidt, 44847 307th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.56 cubic feet of water (cfs) from one existing well (Missouri:Elk Point Aquifer) 100 feet deep located in the NE ¼ NE ¼ Section 15 to irrigate 90 acres located in the SE ¼, S ½ NE ¼ Section 15; all in T94N-R54W. 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 No. 6482-3 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 May 10, 2004.

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**

PMB 2020
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.**

April 15, 2004

Steve Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Water Permit Application No. 6482-3 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 Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). 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

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

April 15, 2004

Daily Press & Dakotan
PO Box 56
Yankton SD 57078-0056

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6482-3 to Appropriate Water to be published twice. Please publish the first notice on April 22, 2004 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Steve Schmidt, 44847 307th St., Mission Hill SD (Ph # 605-267-2408).

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. 6482-3

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

Date _____

We are in receipt of your letter of April 15, 2004 enclosing Notice of Hearing to Appropriate Water by Application No. 6482-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



MAY 14 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Steve Schmidt
444847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Enclosed is Water Permit No. 6482-3 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

PAYMENT REQUEST FORM

PAYEE: Steven Schmidt
89498 558th Ave
Yankton SD 57078-6610

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Overpayment of application fee refund of \$75.00

AMOUNT: \$75.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Barclay E. Ehlert 5/14/04

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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May 19, 2004

Steven Schmidt
89498 558th Ave
Yankton SD 57078-6610

Dear Mr. Schmidt:

Enclosed please find a check in the amount of \$75.00. This is a refund for an overpayment on the water permit application fee for the irrigation of the property in the SE ¼, S ½ NE ¼ Section 15: all in T94N-R54W.

Thank you,

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

6482-3

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

Date Nov 8 05

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

RECEIVED**NOV 14 2005****WATER RIGHTS
PROGRAM**

FROM: Steve Schmidt
(name)
44847-307 St
(address)

Misson Hill SD 57046
(city, state, zip)

605-267-2408
(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. 6482-3 states that the water use system is to be constructed by

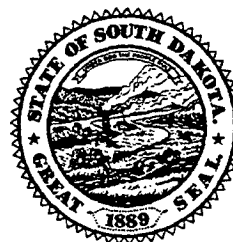
May 10 2009 , and water is to be put to beneficial use by May 10 2013 .
(date) (date)

The water use system was completed on May 15 2005 .
(date)

Applying the water to beneficial use was completed on June 1 2005 .
(date)

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

Steve Schmidt
(signature)



6482-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2007

6781-3
6782-3

Steve Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Enclosed are Water Permit and License Nos. 6781-3 and 6782-3. These are the final water right documents completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6781-3 and 6782-3, 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 Licenses, 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. 6498-3 are incorporated into Water License No. 6781-3
The applicable portions of No. 6482-3 are incorporated into Water License No. 6782-3

enclosures