

**WATER PERMIT NO. 6561-3**

Name of Applicant: David Smit

Address: 28386 460<sup>th</sup> Ave, Davis SD 57021

Phone: 605 238-5450

Amount of Water Claimed: 2.0 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 northwest of Davis

PRIORITY

Date Received: 1-7-05

Application/License Fee: \$300

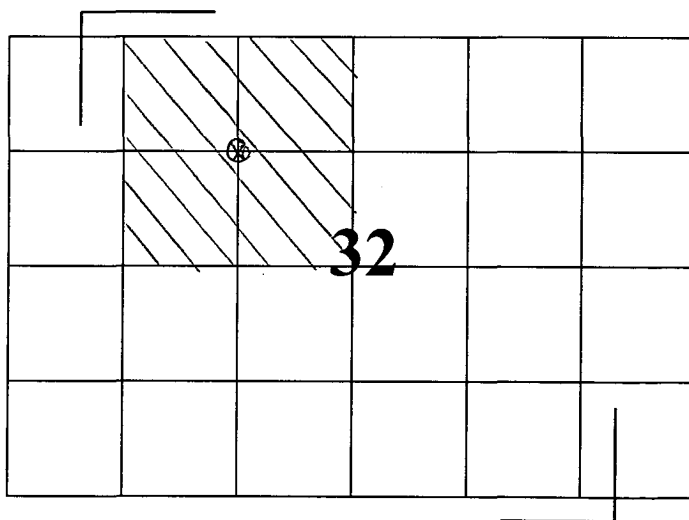
Corrected Application Received:

Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: center of NW ¼ Sec 32-T98N-R52W

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



Depth of Well: 200 feet deep

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Edie Schoenwold, Turner Co. FSA

Reviewed and the Number Assigned on: 7-10-05

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_

|                                                                                                                    |                                      |
|--------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>6561-3</u> (office use only)  |
|                                                                                                                    | Hydrologic Unit <u>10170102</u>      |
|                                                                                                                    | Basin <u>Vermillion River</u>        |
|                                                                                                                    | Newspaper <u>The New Era, Parker</u> |

RECEIVED  
JAN - 7 2005  
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 State So. Dak 57021  
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.0 \*CFS or 900 \*\*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) Well in the center of the NW 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 May 1 - Sept 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 |
|-------------------------------------|-----------|------------------|-------|
| <u>NW 1/4 of NW 1/4 of 32-98-52</u> | <u>40</u> |                  |       |
| <u>NE 1/4 of NW 1/4 of 32-98-52</u> | <u>40</u> |                  |       |
| <u>SW 1/4 of NW 1/4 of 32-98-52</u> | <u>40</u> |                  |       |
| <u>SE 1/4 of NW 1/4 of 32-98-52</u> | <u>40</u> |                  |       |

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

Drill one new well 200' deep in the middle of the NW 1/4 of 32-98-52 to irrigate 160 acres with new center pivot. A 30' well in the NW 1/4 of 32-98-52 will be abandoned.

STATE OF SOUTH DAKOTA) SS

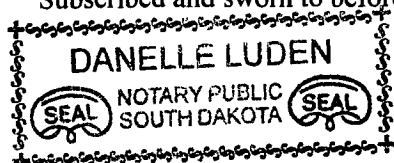
County of Turner

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 5th day of January 20 05



Danelle Luden  
My Commission Expires Nov. 7, 2008

**SOUTH DAKOTA**  
**WATER PERMIT NO. 6561-3**

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Date of first receipt of application January 7, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6561-3 to David Smit, 28386 460<sup>th</sup> 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. 6561-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Upper Vermillion Missouri Aquifer (approximately 200 feet deep) located in the center of the NW ¼ Section 32 to irrigate 160 acres located in the NW 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: May 1 – September 30.
3. The date from which applicant may claim right is January 7, 2005.
4. The date of approval of Permit No. 6561-3 is February 14, 2005.
5. One-fifth of the construction is to be completed on or before August 14, 2007.
6. All construction is to be completed on or before February 14, 2010.
7. Water is to be put to beneficial use on or before February 14, 2014.
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. 6561-3 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.

**WATER MANAGEMENT BOARD**

By: Garland Erbele

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

FEB 28 2005

date



## 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  $\frac{3}{4}"$
- c) Screen Type PVC Diameter 16" Thickness  $\frac{3}{4}"$
- d) Gravel Pack  $\frac{1}{8}" - \frac{1}{4}"$  Length of Gravel Pack 100'
- e) Depth to Top of Water Bearing Material 2'-5'
- f) Depth to Water (ground surface to water level) 10'-15'
- g) Distance to nearest existing domestic well:
- On applicants property 1 m. / e On property owned by others  $\frac{1}{2}$  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

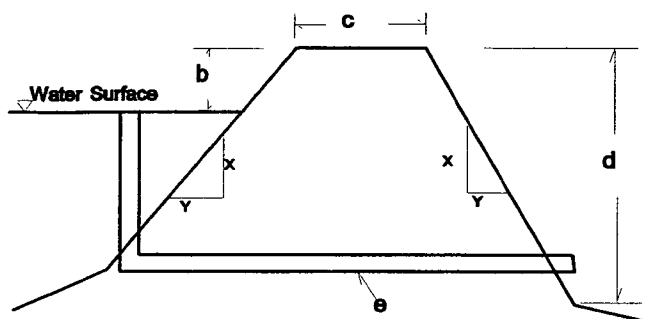
- a) Surface Dimensions \_\_\_\_\_ Depth \_\_\_\_\_
- b) Depth to water (ground surface to water level) \_\_\_\_\_

### 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 January 7, 20 05

RECEIVED OF David Smit, 28386 460th Ave., Davis SD 57021-6122

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

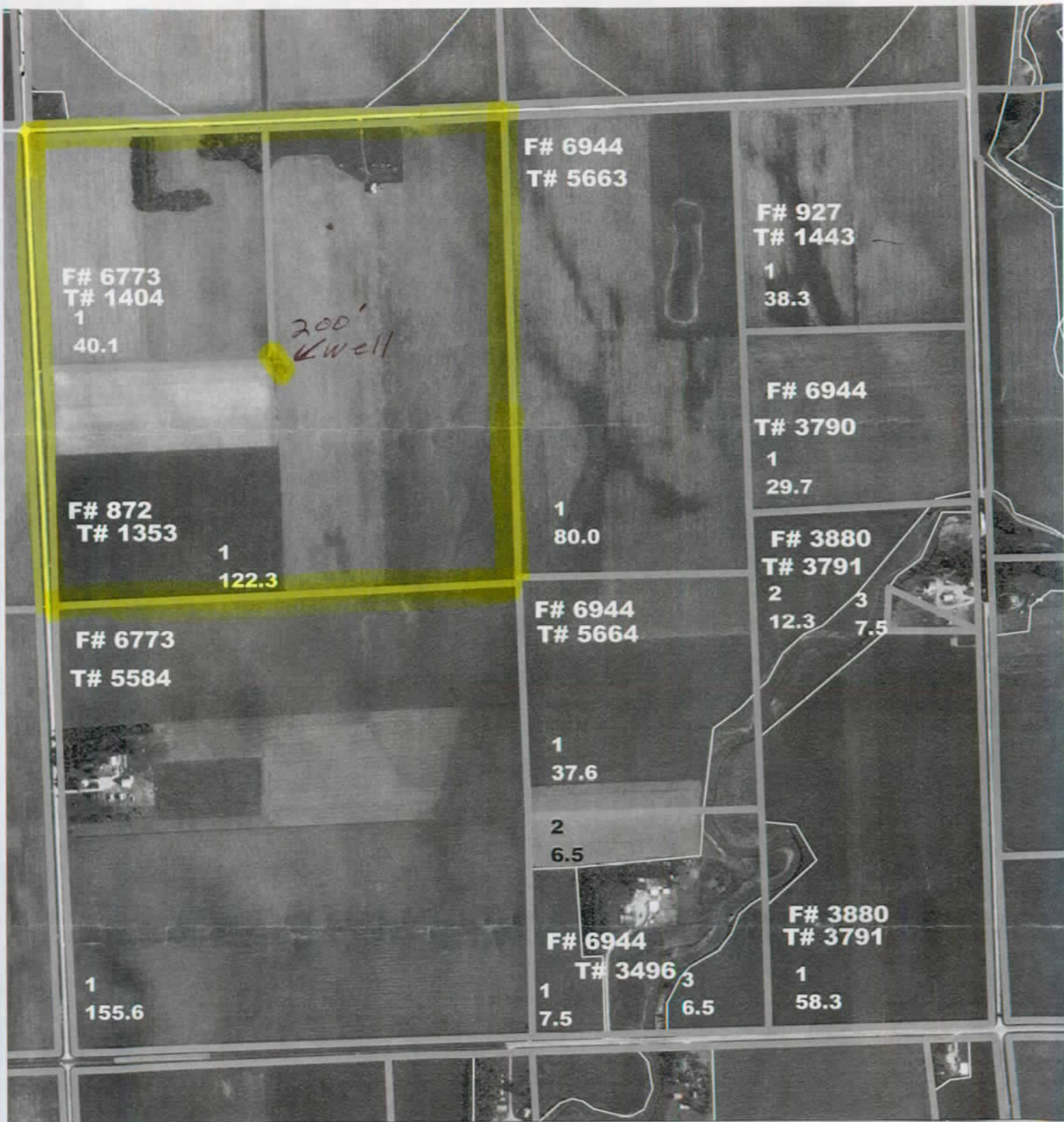
|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>6561-3</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>6561-3</u>            | 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 | 300.00 |

No.

001021

By

David L. White  
Chief Engineer  
gm



United States Department of Agriculture  
Farm Service Agency

32-98-52

January 5, 2005

**Turner County**

1997 Digital Orthophotography - Not To Scale



*Edie Schoenwald P.T.*

*6561-3*

REPORT ON WATER PERMIT APPLICATION NO. 6561-3  
For David Smit  
January 11, 2005

Application No. 6561-3 proposes to appropriate 2.0 cfs from one well approximately 200 feet deep located in the center of the NW ¼ of section 32 to irrigate 160 acres located in the NW ¼ of section 32; all in T98N R52W in Turner County.

**AQUIFER – UPPER VERMILLION MISSOURI (UVM)**

The Upper Vermillion Missouri is a buried outwash (sand and gravel) that is under 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 and Hutchinson Counties (Lindgren, 1990). By far the largest portion of the aquifer is in Turner County. The Upper Vermillion Missouri aquifer appears to be hydraulically connected to the Parker Centerville aquifer to the north (in T99N R53W), hydraulically in the subsurface to the Niobrara aquifer, extends into Lincoln and Clay Counties to the south and blends into the Lower Vermillion Missouri aquifer and the Parker Centerville aquifer in Clay County. The direction of ground water movement is from the northwest to the southeast in the area of this application.

No test wells were drilled for this application however there is sufficient information from the county study and nearby observation well drilling to evaluate this application. There is an existing irrigation well located about one half mile south which provides the following information. The basal sand and gravel unit (Upper Vermillion Missouri aquifer) begins at a depth of 135 feet and extends to a total depth of 224 feet. There is a clay interval between the 205 feet and 215 feet depth. This well had a static water level of six feet below land surface and was capable of producing 1,100 gpm with 16 feet of drawdown or a specific capacity of 68.7 gpm/ft of drawdown.

The Water Rights Program monitors three observation wells within one half mile of this site. One of these observation wells is TU-77I. A hydrograph for this observation well is included with this report. The water levels do fluctuate due to pumping. Drawdown in the artesian head at this observation well site has exceeded twenty feet in a given year. Overall though the water level record indicates that the aquifer responds to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels for the dry years. This can be readily seen if the fluctuations are removed from the hydrograph. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005).

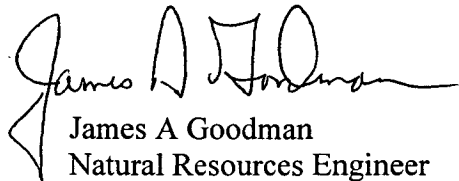
**REVIEW OF EXISTING WATER PERMITS/RIGHTS**

There are five existing irrigation wells completed into the Upper Vermillion Missouri aquifer within a one mile radius of this application. Interference will occur. The drawdown is not adverse now nor is it expected to become adverse with the addition of

this new well. These wells have been in use for many years with only the fluctuation of the monitoring well to show for it.

## CONCLUSIONS

1. Water is available from the Upper Vermillion Missouri aquifer.
2. The aquifer is under artesian conditions. Drawdown will be created by pumping. This is not expected to be adverse. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. There is an existing water permit No. 6307-3 on some of the same lands as this application. Apparently No. 6307-3 will be abandoned and cancelled. The well for this permit must be plugged in accordance with SD Well Construction Standards.



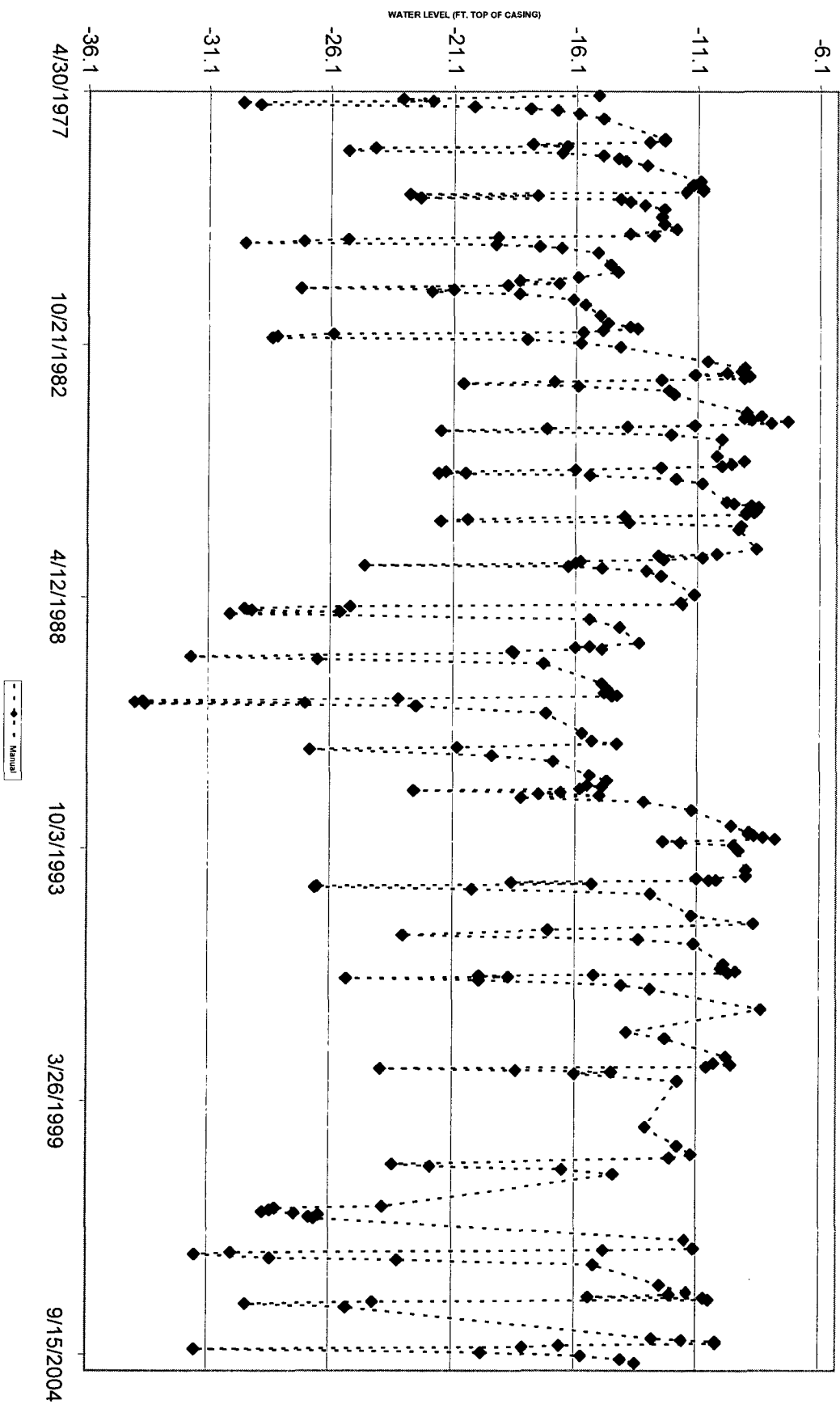
James A Goodman  
Natural Resources Engineer

## BIBLIOGRAPHY

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

Water Rights, 2005, Unpublished Observation Well Data for Turner County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

# WATER RIGHTS' OBSERVATION WELL TU-771





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 6561-3, 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. 6561-3, David Smit, 28386 460<sup>th</sup> Avenue, Davis SD 57021.

The Chief Engineer is recommending APPROVAL of Application No. 6561-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) 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. 6561-3 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.

See report on application for additional information.

Garland Erbele, Chief Engineer  
January 19, 2005

Note: The well proposed by this application, must be completed into the Upper Vermillion Missouri Aquifer. If the well is constructed into the shallower Parker Centerville Aquifer, a new water permit must be obtained.

The development well and irrigation authorized by Water Permit No. 6561-3, will subject Water Permit No. 6307-3 to cancellation for abandonment.

## Affidavit of Publication

STATE OF SOUTH DAKOTA } ss  
COUNTY OF TURNER }

I, Lisa Joffer of the City of Parker, County of Turner, 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:

# 3648 - notice of application

printed copy of hereto attached, is printed and published in the said newspaper for two successive weeks, once each week and on the same day of the week, on the following dates, to-wit:

On Thursday, the 27<sup>th</sup> day of Jan., 2005;  
On Thursday, the 3<sup>rd</sup> day of Feb., 2005;  
On Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_;  
On Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_;  
On Thursday, the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_;

That \$ 42.95 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.

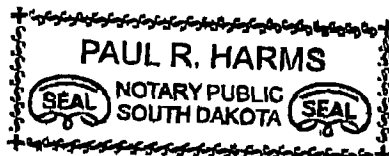
Lisa Joffer  
Subscribed and sworn to before me this 31<sup>st</sup>  
day of January, 2005

Paul R. Harms  
Notary Public, Turner County, South Dakota

My Commission  
Expires:

02/02

2006



### Notice of application Nos. 6561-3 and 6562-3 to appropriate water

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

Application No. 6561-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri Aquifer (approximately 200 feet deep) located in the center of the NW 1/4 Section 32 to irrigate 160 acres located in the NW 1/4 Section 32; all in T98N-R52W.

Application No. 6562-3 proposes to appropriate 1.56 cfs from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the center of the NE 1/4 Section 5 to irrigate 12 acres located in the NE 1/4 Section 5; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6561-3 and 6562-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is 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 recommendations. The Chief Engineer's address is "Water Rights Program, Rose Building, 523 E. Capitol, Pierre, S.D. 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 Feb. 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pinner, Secretary, Department of Environment and Natural Resources.

(#3648, 1/27/05, 2/03/05, The New Era)

Received Payment, 19.10

Instruction to Newspaper - Publish first Notice on January 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF APPLICATION NO'S. 6561-3 and 6562-3 to Appropriate Water

*Davis (Brian Smit will have change made with newspaper)*  
Notice is given that David Smit, 28386 460<sup>th</sup> Ave, ~~Parker~~ SD 57021 has filed the following applications for a water permit.

Application No. 6561-3 proposes to appropriate 2.0 cubic feet of water per second (cfs) from one well to be completed into the Upper Vermillion Missouri Aquifer (approximately 200 feet deep) located in the center of the NW ¼ Section 32 to irrigate 160 acres located in the NW ¼ Section 32; all in T98N-R52W.

Application No. 6562-3 proposes to appropriate 1.56 cfs from one well to be completed into the Parker Centerville Aquifer (approximately 60 feet deep) located in the center of the NE ¼ Section 5 to irrigate 120 acres located in the NE ¼ Section 5; all in T97N-R52W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6561-3 and 6562-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is 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 recommendations. 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 February 14, 2005.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. 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](http://www.state.sd.us/denr)

January 19, 2005

The New Era  
PO Box 579  
Parker SD 57053-0579

ATTENTION: Legal Public Notice

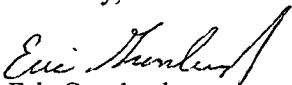
Enclosed is a Notice on Application Nos. 6561-3 and 6562-3 to Appropriate Water to be published twice. Please publish the first notice on January 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 David Smit, 28386 460<sup>th</sup> Ave, Davis SD (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-----

No. 6561-3 & 6562-3

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

Date \_\_\_\_\_

We are in receipt of your letter of January 19, 2005 enclosing Notice to Appropriate Water by Application Nos. 6561-3 & 6562-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

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

January 19, 2005

David Smit  
28386 460<sup>th</sup> Ave  
Davis SD 57021

Dear Mr. Smit:

Water Permit Application Nos. 6561-3 & 6562-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of 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 recommendations of the Chief Engineer and reports 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 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. 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 applications.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
(605) 773-3352

enclosures

c: Ruth & Ray Buus, 45967 Hwy 18, Davis SD 57021

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

FEB 28 2005

David Smit  
28386 460<sup>th</sup> Ave  
Davis SD 57021

Dear Mr. Smit:

Enclosed is Water Permit No. 6561-3 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

# 2005 Water Management Board Irrigation Questionnaire

6561-3

Please fill out and return before December 2, 2005

**REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.**

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V4-IQ.pdf>

Permit No. 6307-3

DAVID SMIT  
28386 460TH AVE  
DAVIS SD 57021

Any address/ownership corrections?

Telephone No. 605-278-5450

1. Is the system constructed? \*yes \_\_\_ no \_\_\_

\*Type of system used (check all that apply):

center pivots \_\_\_ towlines \_\_\_ big gun \_\_\_  
flood \_\_\_ sprinklers \_\_\_ other \_\_\_

3. Is the land enrolled in CRP? \*yes \_\_\_ no \_\_\_

\*If yes, through what year? \_\_\_

4. Did you apply chemicals or fertilizer through the system in 2005? yes \_\_\_ no \_\_\_

2. Did you irrigate in 2005? \*yes \_\_\_ \*\*no \_\_\_

\*If yes, number of acres irrigated \_\_\_

\*\*If no, list reason(s) in comment box and answer No. 3:

## Comment Box

The 35' shallow well on this 40 has been properly filled in and abandoned and is now part of permit no 6561-3.



|    |    |    |    |
|----|----|----|----|
| BB | BA | AB | AA |
| BC | BD | AC | AD |
| CB | CA | DB | DA |
| CC | CD | DC | DD |

1 square mile

Office use only

RECEIVED

DEC - 1 2005

WATER RIGHTS  
PROGRAM

Acreage permitted for irrigation under No. 6307-3 (see above section map for help reading legal description.)

sec 32-T098N-R52W, BB -- 40.00 acres

Please provide your 2005 water use to irrigate the above acreage on the REVERSE side of this form.

For an updated example questionnaire, please refer to the reverse side of your cover letter.

6561-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 22, 2010

David Smit  
45536 283<sup>rd</sup> 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 460<sup>th</sup> 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](mailto: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 283<sup>rd</sup> 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*

6561-3



**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 283<sup>rd</sup> 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

**PAID**

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

JAN 03 2024  
Ck# 1300  
Rec't# 113124

No. 6561-3

Date: 12/18/2023

I/We request that Water Permit No. 6561-3

formerly owned by: DAVID SMIT

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

45536 243rd St. Hurley, SD, Dak. 57036

Telephone No. 605-310-0640

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

136 ac NW ¼ - Sec 32, T98N, R52W

I/We understand that the validity of Water Permit No. 6561-3 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 283<sup>rd</sup> 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>6561-3</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  
um

**Report of Examination of Works and/or Application of Water to Beneficial Use  
For Permit No. 6561-3**

I have this day, **October 23, 2024**, made a thorough examination of the water use system owned by **Smit Family Farms, 45536 283rd Street, Hurley, SD 57036**, holders of Permit No. **6561-3**, bearing the priority date of **January 7, 2005**. This permit authorizes the diversion of **2.0** cu. ft. per second of the waters of **groundwater (Upper Vermillion Missouri Aquifer)** authorizing the irrigation of **160 acres** located in **Turner** County.

Inspection contacts: **David Smit**

**A. Works used to divert the water:**

**Well Information**

- 1) Well Drilling Firm: **Hammond-Wetmore Drilling**
- 2) No. of Wells: **1**
- 3) Depth(s): **182** feet
- 4) Well log is available: **No**

**Casing:**

- 1) Diameter: **16** inches
- 2) Length: **114** feet
- 3) Type: **PVC**

**Screen:**

- 1) Diameter: **16** inches
- 2) Length: **68** feet
- 3) Type: **PVC**
- 4) Static water level: **Unknown** feet

**Pump:**

- 1) Make: **Flowserve**
- 2) Model: **12KS**
- 3) Capacity: **950** gpm

**Motor:**

- 1) Make: **US Electrical Motors**
- 2) Model No.: **A364UP**
- 3) Horsepower rating: **40** hp

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

- 1) Type: **Aluminum**      Size: **8** inches      Length: **10** feet

**C. Works used to apply water to beneficial use:**

**Center Pivot:**

- 1) Make: **Zimmatic**
- 2) Overall length: **1,334** feet
- 3) Number of towers: **7**
- 4) End gun: **Yes** Range: **133** feet
- 5) Capacity: **950** gpm

**Chemigation Equipment:**

- 1) Does chemigate: No

**D. Compliance with Permit Requirements:**

- 1) Permit qualifications being abided by: No  
2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period: Yes  
3) Exceptions to compliance are: A higher flow rate than what was permitted.

**E. Condition and Location:**

- 1) The system is in good condition with the point(s) of diversion located as follows:  
The well is 1,380 feet south and 1,360 feet east of the northwest corner of Section 32-T98N-R52W. (Latitude 43.26837, Longitude -97.0188– approx. center of the NW1/4).  
2) The works are capable of diverting and conveying to the places of use 2.12 cu. ft. per second of water from the well which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in

| <u>Section 32-T98N-R52W</u> |                 |
|-----------------------------|-----------------|
| <u>NW1/4NW1/4</u>           | <u>36 acres</u> |
| <u>NE1/4NW1/4</u>           | <u>34 acres</u> |
| <u>SW1/4NW1/4</u>           | <u>36 acres</u> |
| <u>SE1/4NW1/4</u>           | <u>34 acres</u> |

comprising a total of 140 acres of land and the license should be issued for 2.0 cfs.

- 3) All structures, wells and lands on map: Yes

**F. Comments or other permit(s) associated with the project:** A well log was not found for this permit. However, Heine Electric and Irrigation, Inc. was able to find an old invoice for the well that showed the casing and screen lengths and they found field notes regarding the depths of the soils encountered during the drilling process. The water depth was not noted.

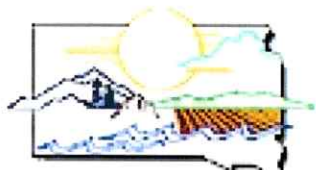
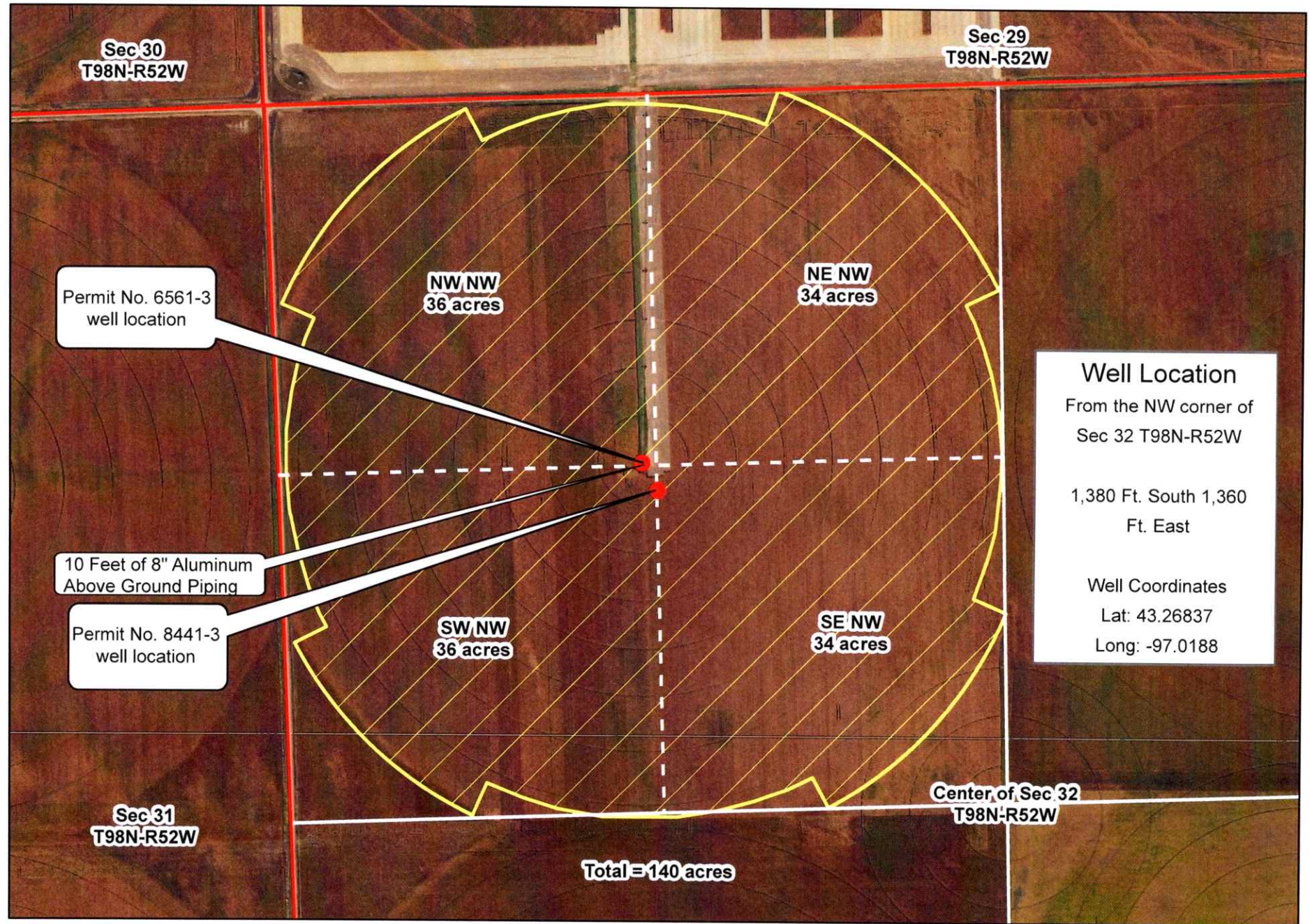
The flow rate is more than what was permitted. Also, the well for Water Permit No. 8441-3 is located about twenty feet away from the well for this water permit. That well is drilled into the Parker Centerville Aquifer and is only thirty feet deep.



Keith DeJong, PE Ret.  
Water Rights Inspector  
DANR, Water Rights Program

Date report completed: October 29, 2024

# Water Permit No. 6561-3



*Keith DeJong*  
Keith DeJong, PE Ret.  
Staff Engineer  
October 23, 2024



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

APR 28 2025

Smit Family Farms  
c/o David Smit  
45536 283<sup>rd</sup> St  
Hurley, SD 57036

Nos. 6561-3

Dear Mr. Smit:

Enclosed is Water License No. 6561-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

So 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. If you have any questions, please contact our office.

Sincerely,

Mark Mayer, PE  
Director of Office of Water  
(605) 773-3352

**Note:** The inspection found your system for Water Right No. 6561-3 to be capable of diverting 2.12 cfs (approx. 950 gpm). Diversion of water under this license is limited to 2.0 cfs (approx. 900 gpm).

enclosures

**STATE OF SOUTH DAKOTA**  
**WATER LICENSE NO. 6561-3**

(1) David Smit, made Application No. 6561-3, January 7, 2005, for a water permit to divert 2.0 cubic feet of water per second from groundwater, one well (Upper Vermillion Missouri Aquifer), Turner County, South Dakota for irrigation purposes. Permit No. 6561-3, with a priority date of January 7, 2005, was approved February 14, 2005, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 14, 2010, and for the application to beneficial use of water on or before February 14, 2014.

Ownership of Permit No. 6561-3 was transferred to Smit Family Farm, 45536 283<sup>rd</sup> St, Hurley, SD 57036 on January 4, 2024.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,380 feet S and 1,360 feet E from the NW corner of Section 32, T98N, R52W  
(approx. center of the NW  $\frac{1}{4}$ ) (Latitude 43.26837 and Longitude -97.0188)

(3) The amount of 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: May 1 – September 30.

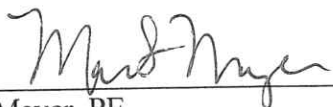
(4) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate to following land:

Section 32, T98N, R52W  
NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  - 34 acres  
NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  - 36 acres  
SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  - 36 acres  
SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  - 34 acres  
Total – 140 acres

(5) Pursuant to South Dakota Water Law 46-5-30.1 Smit Family Farm, the holder and/or owner of Water Right No. 6561-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater, one well (Upper Vermillion Missouri Aquifer), with a priority date of January 7, 2005, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6561-3 and subject to 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. 6561-3 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.

  
\_\_\_\_\_  
Mark Mayer, PE  
Director of Office of Water

4/28/25  
\_\_\_\_\_  
date

