

WATER PERMIT NO. 6576A-3

Name of Applicant: Lee Kleinschmidt

Address: 20831 318th Ave, Harrold SD 57536 Phone: 605 875-3343

Amount of Water Claimed: 0.56 cfs Total Acres: 39 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: 15 miles southwest of Harrold

PRIORITY Date Received: 11-2-12 Application/License Fee: \$ 100

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

Remarks: Several opponents to original application

Diversion Point: SE 1/4 NE 1/4 Sec 2-T110N-
R75W

Land to be Irrigated: S 1/2 NE 1/4, N 1/2 SE 1/4
Sec 2-T110N-R75W

Depth of Well: 28 feet deep

Well Driller:

Remarks:

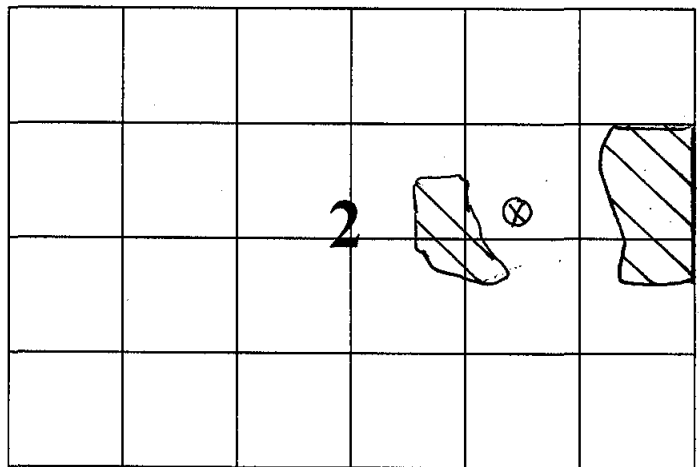
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 11-5-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)RECEIVED
NOV - 1 2012
WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>6576A-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Capital Journal</u>
	<u>PO Box 878 Pierre 57501</u> <u>605-224-7301</u>

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.)

1. Name to Appear on Irrigation Permit Lee Kleinschmidt

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 20831 318th Ave Harrold SD 57536
(Address) (City) (State) (Zip Code)

Home Phone 875-3343 Cell _____ Email _____

2. Amount of water claimed 0.56 *CFS or _____ **GPM _____ ***AF Total Acreage 39
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply One existing well

4. Location of point of diversion SE1/4 NE1/4 section 2-T110N-R75W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hughes

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used April 1 - Oct 31

7. 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
SW1/4 NE1/4	10		
SE1/4 NE1/4	19		
NW1/4 SE1/4	1.5		
NE1/4 SE1/4	8.5		

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

This application is to reinstate Water Permit No. 6576-3.

I, Lee Kleinschmidt, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 6576A-3**

Date of first receipt of application November 1, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6576A-3 to Lee Kleinschmidt, 20831 318th Ave, Harrold SD 57536 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. 6576A-3 reinstates Permit No. 6576-3. Water Permit No. 6576-3 appropriates 0.56 cubic feet of water per second from one existing well completed into the Chapelle Aquifer (28 feet deep) located in SE 1/4 NE 1/4 Section 2 to irrigate 39 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 2; all in T110N-R75W. The permit was approved October 4, 2005, and the project was to be completed October 4, 2010, with water being put to beneficial use by October 4, 2014. Permit No. 6576A-3 reinstates Water Permit No. 6576-3 since the project has not been completed. Approval of No. 6576A-3 cancels No. 6576-3.
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 November 1, 2012.
4. The date of approval of Permit No. 6576A-3 is January 21, 2013.
5. One-fifth of the construction is to be completed on or before July 21, 2015.
6. All construction is to be completed on or before January 21, 2018.
7. Water is to be put to beneficial use on or before January 21, 2022.
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

FEB 19 2013
date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable) ☐ Drilling new well(s) ☒ Using existing well(s)

- a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)
- b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by ____
- c) Well Depth ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____
- d) Distance to nearest existing domestic well:
- On applicant's property 120 rods On property owned by others 100 rods (father's well)

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

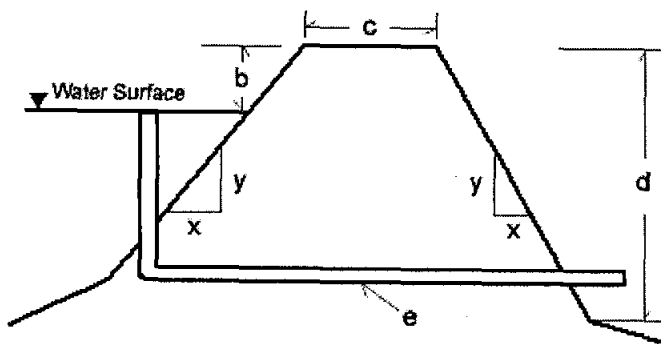
3. Dugout Information

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

4. Water Storage Dams

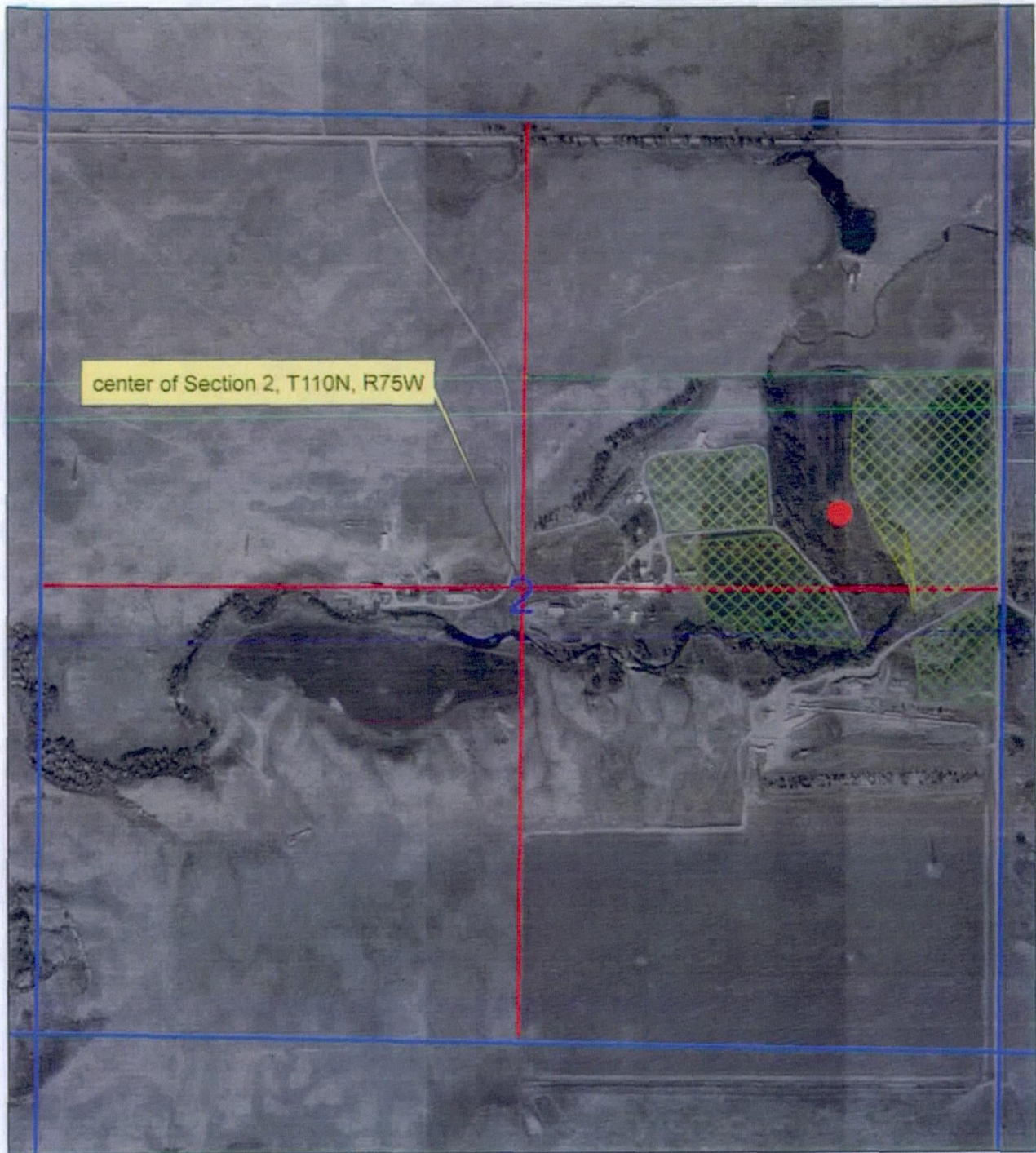
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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 (e.g. 3 to 1 is a typical slope)
Upstream ____
Downstream ____
- h) Surface Area of Impoundment ____
- i) Storage ____ Acre Feet
- j) Drainage Area Above Dam ____ Acres

Water Permit Application for Lee Kleinschmidt



center of Section 2, T110N, R75W



0 115 230 460 690 920 Meters

Eric Gronlund
Eric Gronlund
Water Rights Program, DENR

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/2, 20 12

RECEIVED OF Lee Kleinschmidt 20831 318th Ave Harrold SD 57536

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

Fee for Application for Permit No. <u>6576^A-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
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	100 00

No. 05673

By

Gordon Enshel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6576A-3, Lee Kleinschmidt**

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. 6576A-3, Lee Kleinschmidt, 20831 318th Avenue, Harold SD 57536.

The Chief Engineer is recommending APPROVAL of Application No. 6576A-3 because there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 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
January 3, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 6576A-3
LEE KLEINSCHMIDT
DECEMBER 21, 2012

Water Permit Application No. 6576A-3 proposes to reinstate Water Permit No. 6576-3 which appropriates 78 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 0.56 cubic feet of water per second (cfs) from one existing well completed into the Chapelle Creek aquifer. The well is 28 feet deep and is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 to irrigate 39 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, all in T110N-R75W in Hughes County. The permit was approved October 4, 2005, and the project was to be completed October 4, 2012, with water being put to beneficial use by October 4, 2014. Water Permit Application No. 6576A-3 proposes to reinstate Water Permit No. 6576-3 since the project has not been completed. Approval of Water Permit Application No. 6576A-3 will cancel Water Permit No. 6576-3.

Water Permit Application No. 6576A-3 to reinstate Water Permit No. 6576-3 is made pursuant to SDCL 46-2A-8.1, which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

AQUIFER: Chapelle Creek aquifer (CHP)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Chapelle Creek is a surficial outwash consisting of sand gravel and alluvium that is under water table conditions (Hamilton, 1986; Water Rights, 2012a). Hamilton (1986) estimated that in Hughes County, the aquifer underlies 20 square miles, equaling 12,800 acres, and contains 10,000 acre-feet (ac-ft) of water in storage. The areal extent of the aquifer is shown in Figure 1, which could indicate extension of the aquifer into Hyde County to the east. However, Koch (1976) did not report the Chapelle aquifer in this county. Therefore, the entire Chapelle Creek aquifer is assumed to lie within Hughes County.

A test hole report was not submitted with this application; however, sufficient information is available from a water resources investigation of Hughes County by Hamilton (1986), well completion reports on file with the SD DENR-Water Rights Program, and SD DENR-Geological Survey lithologic logs database to evaluate the aquifer at the well site. The well site is located approximately 500 feet from Chapelle Creek, which is where the greatest aquifer thickness and largest well yields generally occur (Hamilton, 1986). The thickness of the Chapelle Creek aquifer is 5 feet on average and 32 feet maximum, and depth to water level of the aquifer ranges from four to 20 feet below ground surface near Chapelle Creek (Hamilton, 1986). Hydrologic section D-D' of Hughes County, from Figure 1, is shown in Figure 2. The well site is located approximately half a mile south of well or test hole 71 on this hydrologic section. In the area of the well site, aquifer materials generally occur between three and 26 feet below ground surface (Hamilton, 1986; "Lithologic Logs Database;" Water Rights, 2012c). The relative thinness and small size of this aquifer could be limiting factors for development. Therefore, well location and pump placement should be carefully considered.

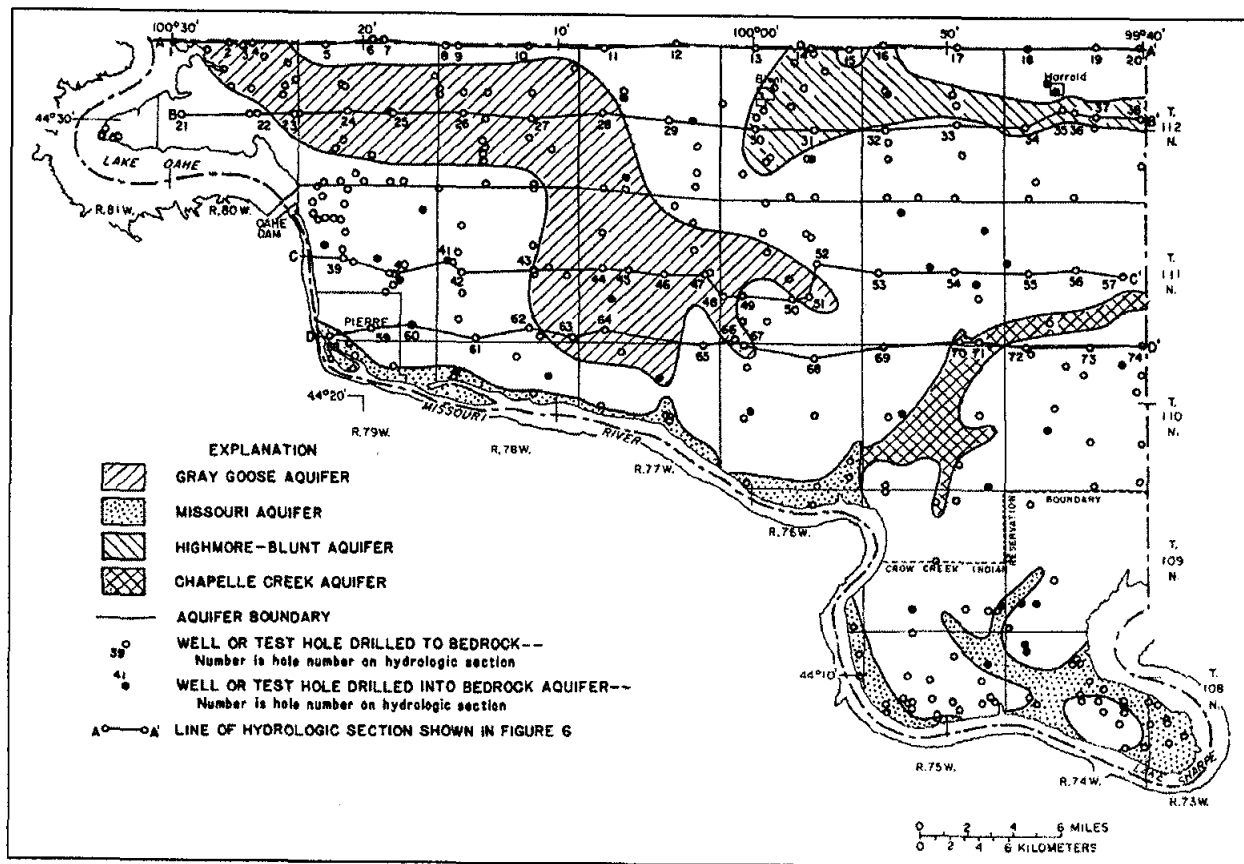


Figure 1: Areal extent of the Chapelle Creek aquifer (modified from Hamilton, 1986)

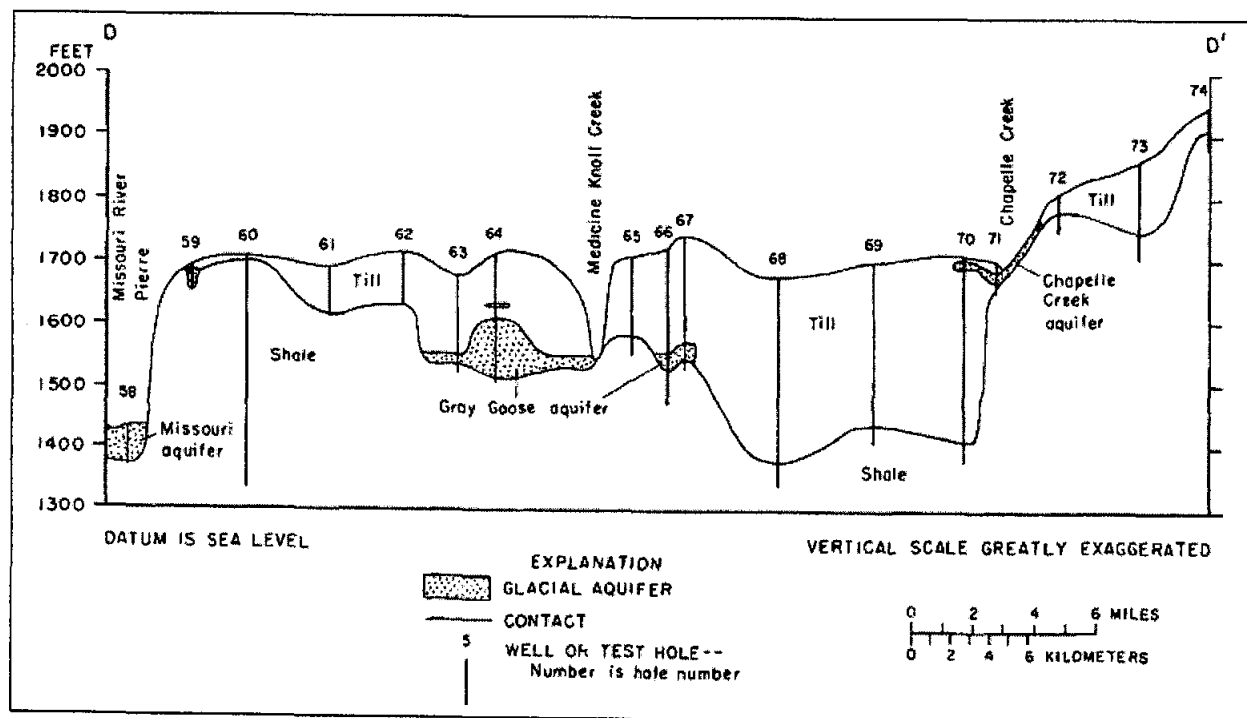


Figure 2: Hydrologic section D-D' of Hughes County (modified from Hamilton, 1986)

Groundwater in the aquifer moves to the southwest with the flow of Chappelle Creek with a gradient of approximately 20 feet per mile, as shown in Figure 3. Hamilton (1986) determined the potentiometric surface of the aquifer to be 1,680 feet above sea level at the well site. The ground surface elevation is approximately 1,695 feet above sea level at the well site.

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer and pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 78 ac-ft/yr from the Chapelle Creek aquifer. If this application is approved, the actual water use will likely be less than the appropriation. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

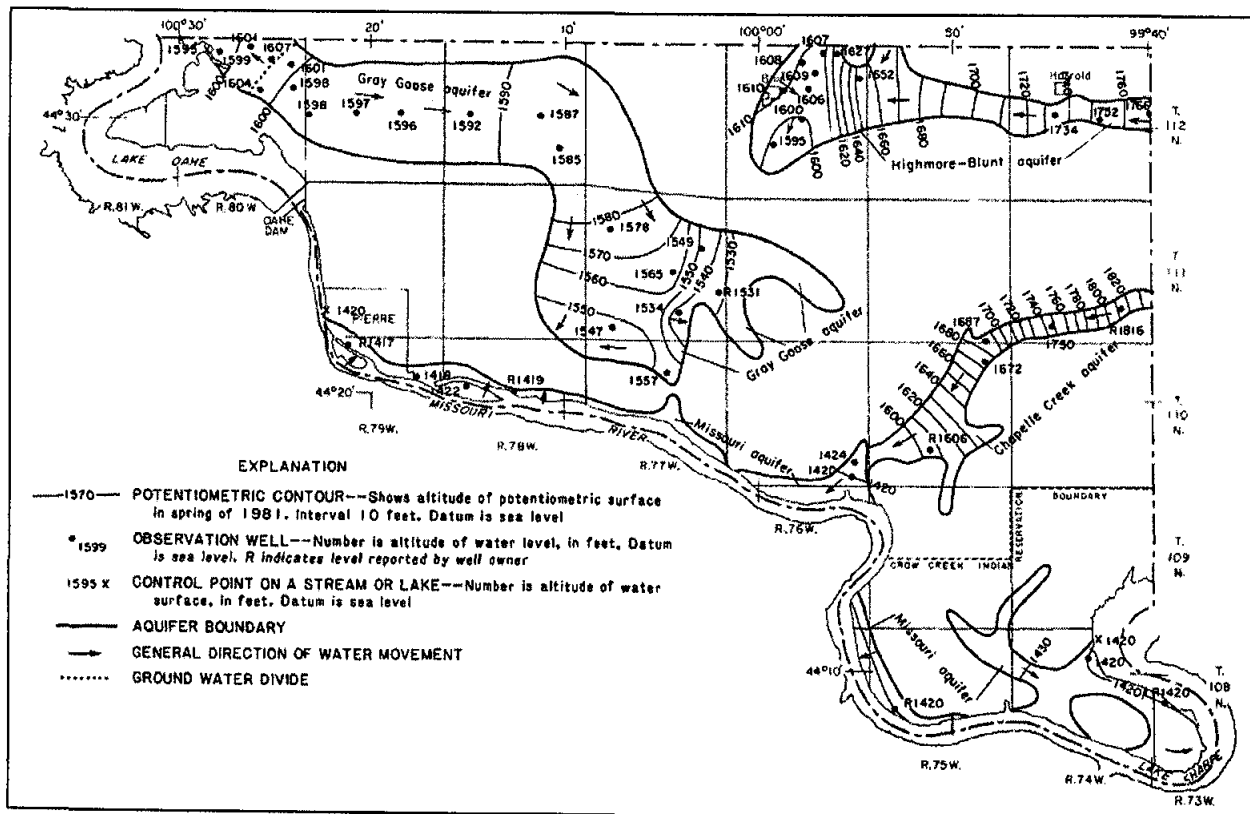


Figure 3: Potentiometric surface of the Chapelle Creek aquifer (modified from Hamilton, 1986)

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Chapelle Creek aquifer is mostly due to infiltration of precipitation and probably inflow from Chapelle Creek (Hamilton, 1986). An average annual recharge rate has not been quantified for the aquifer. However, Hedges and others (1985) concluded that for management and development programs, the recharge rate to unconfined aquifers can be estimated to be between 2.0 to 5.6 inches per year (in/yr) and the Chapelle Creek aquifer is expected to be on the low to medium side of this range.

Discharge:

Discharge from the Chapelle Creek aquifer occurs due to well withdrawals, and probably due to evapotranspiration, outflow to Chapelle Creek, and outflow to the Missouri: Pierre aquifer.

Water Permit No. 6399-3, Keith and Kip Krull, and Water Permit No. 6576-3, Lee Kleinschmidt, are currently the only appropriations from the Chapelle Creek aquifer. However, no water use has been reported and the permits may therefore be considered invalid due to non-construction or nonuse pursuant to ARSD 74:02:01:37 and subject to cancellation pursuant to ARSD 74:02:01:37. Water Right No. 2995-3, Roland Kleinschmidt, was cancelled in 2004 due to abandonment pursuant to ARSD 74:02:01:36 and ARSD 74:02:01:37. Water Permit Application No. 6466-3, Lee Kleinschmidt, was withdrawn (Water Rights, 2012b).

Figure 1 shows the Chapelle Creek aquifer's historic irrigation data. All past and present water rights/permits authorizing withdrawal from the aquifer are included in the table. The development of this aquifer has been sporadic. Over the period of record, there have been only one or two active permits authorizing withdrawal from the aquifer each year. Only six of the 33 years of irrigation data reported any pumpage. The average pumping reported equals 3.07 ac-ft/yr. The maximum pumpage reported was in 1987 for 33.0 ac-ft/yr (Water Rights, 1979-2012).

There are 11 completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Chapelle Creek aquifer (Water Rights, 2012c). These wells do not require a water right/permit if withdrawing for "reasonable domestic use" pursuant to ARSD 74:02:01:03. Assuming all these wells pump at the maximum rate for "reasonable domestic use," defined as 25,920 gallons of water per day pursuant to ARSD 74:02:01:01(6), the maximum withdrawal from the aquifer due to domestic use wells equals 319.4 ac-ft/yr.

Water Balance:

Discharge from the Chapelle Creek aquifer due to well withdrawal is estimated to be at maximum 62 ac-ft/yr, but the actual withdrawal will often be much less. Using maximum potential annual withdrawal creates the most conservative estimate. To balance the hydrologic budget of the aquifer, recharge must equal withdrawal. At the maximum potential annual withdrawal, plus the maximum withdrawal proposed by this application, recharge must equal 0.39 in/yr to balance this hydrologic budget. This required recharge rate is much lower than the general range of recharge rates for unconfined aquifers provided by Hedges and others (1985). Withdrawal is on a lower order of magnitude than recharge. For perspective, consider that a recharge rate of 1.0 in/yr equals approximately 1,000 ac-ft/yr of recharge, which would theoretically be available for withdrawal. Therefore, there is a reasonable probability that

unappropriated water is available from the Chapelle Creek aquifer for this proposed appropriation of 78 ac-ft/yr.

Also note that the maximum potential annual withdrawal accounts for 0.6 percent of the estimated volume of water in the Chapelle Creek aquifer. This is not to suggest that all the water within the aquifer is available for this proposed appropriation, but to demonstrate that in general the Chapelle Creek aquifer is a resource that is relatively undeveloped with respect to volume of water.

Year	Water Right/Permit No.	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
1979	2995-3	378	0.00
1980	2995-3	378	0.00
1981	2995-3	378	0.00
1982	2995-3	378.3	9.21
1983	2995-3	378.3	0.00
1984	2995-3	378.3	0.00
1985	2995-3	378.3	24.00
1986	2995-3	378.3	0.00
1987	2995-3	378.3	33.00
1988	2995-3	378.3	17.70
1989	2995-3	378.3	18.00
1990	2995-3	378.3	0.00
1991	2995-3	378.3	0.00
1992	2995-3	378.3	0.00
1993	2995-3	378.3	0.00
1994	2995-3	378.3	0.00
1995	2995-3	378.3	0.00
1996	2995-3	378.3	0.00
1997	2995-3	378.3	0.00
1998	2995-3	378.3	0.00
1999	2995-3	378.3	0.00
2000	2995-3	378.3	0.00
2001	2995-3	378.3	0.00
2002	2995-3	378.3	0.00
2003	2995-3	378.3	17.68
2004	6399-3	480	0.00
2005	6399-3	480	0.00
2006	6399-3	480	0.00
	6576-3	78	0.00
2007	6399-3	480	0.00
	6576-3	78	0.00
2008	6399-3	480	0.00
	6576-3	78	0.00
2009	6399-3	480	0.00
	6576-3	78	0.00
2010	6399-3	480	0.00
	6576-3	78	0.00
2011	6399-3	480	0.00
	6576-3	78	0.00
Annual Total Minimum		378	0.00
Annual Total Maximum		558	33.00
Annual Total Average		417	3.62

Figure 1: Historic irrigation water use from the Chapelle Creek aquifer (Water Rights, 1979-2011)

OBSERVATION WELL DATA:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors two observation wells completed into the Chapelle Creek aquifer (Water Rights, 2012a). These observation wells, HU-81A and HU-81B, are located approximately a half mile north northeast and three and a half miles northeast of the proposed well site, respectively. Hydrographs of these observation wells are shown in Figures 2 and 3.

The observation well data documents cyclic conditions of water levels, rising during wet years and declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. Observation well data indicates that, at the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, unappropriated water is available from the Chapelle Creek aquifer to support this proposed appropriation of 78 ac-ft/yr.

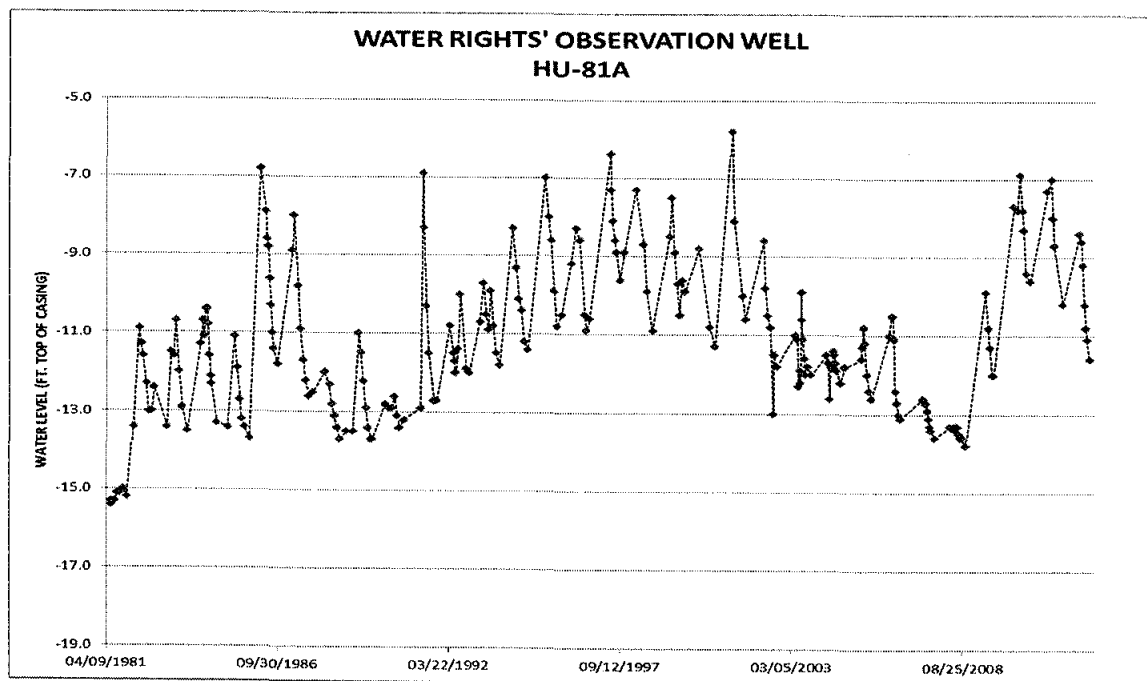


Figure 2: Hydrograph for DENR-Water Rights' observation well HU-81A (Water Rights, 2012a)

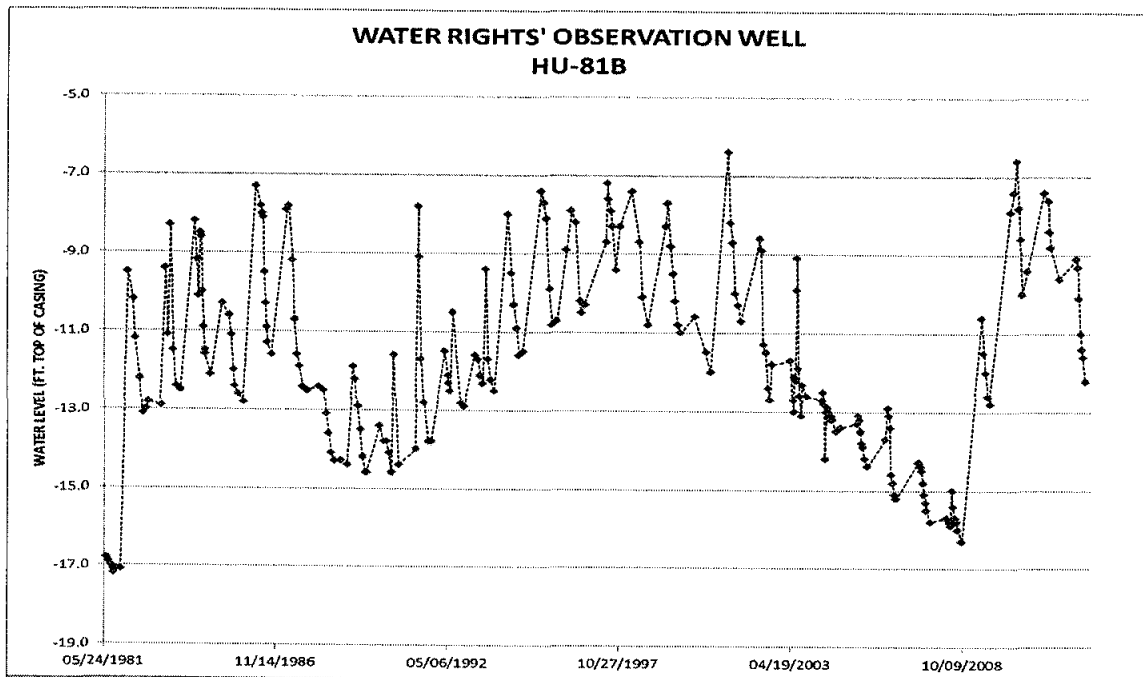


Figure 3: Hydrograph for DENR-Water Rights' observation well HU-81B (Water Rights, 2012a)

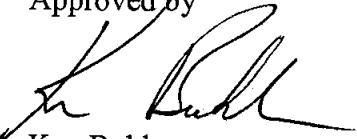
CONTROVERSIAL AREA

There has been a history of controversy related to water rights/permits in this area with respect to water availability and impairment of existing rights, domestic wells, and springs. The Water Management Board concluded in all of these contested cases that there is a reasonable probability that the proposed diversions could be development without unlawful impairment of existing rights.

CONCLUSIONS:

1. This application proposes to reinstate Water Permit No. 6576-3 pursuant to SDCL 46-2A-8.1, which allows reinstatement if unappropriated water is available.
2. There is a reasonable probability that unappropriated water is available from the Chapelle Creek aquifer to supply the proposed appropriation.


 Joseph R. Stonesifer
 SD DENR-Water Rights Program

Approved by

 Ken Buhler
 SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1986. Water Resources of Hughes County, South Dakota. Water Resources Investigations Report 84-4195, USGS, Huron, SD.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- "Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 20 December 2012
- Water Rights. 1979-2012. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

RECEIVED

JAN 15 2013

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marghan Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

1-11-13

Cost of Printing \$37.11

Marghan Baker
(Signature)

Bookkeeper
(Title)

1-11-13
(Date Signed)

Friday, January 11, 2013

Public Notice Public Notice Public Notice Public Notice

Permit No. 6576-3, recommended, un- the applicant's
since the project less a petition is mailing address is
NOTICE OF has not been com- filed opposing the given above. A
APPLICATION pleted. Approval application or the petition filed by g-
NO. 6576A-3 to of No. 6576A-3 applicant files a ther an interested
Reinstate Water will cancel No. petition contesting person or the ap-
Permit No. 6576-3. the Chief Engi- plicant must be
6576-3. Application No. neer's recommen- filed by January
Notice is given 6576A-3 to rein- dation. If a petition 21, 2013.
that Lee state Permit No. opposing the ap- The petition may
Kleinschmidt, 6576-3 is made plication or con- be informal, but
20831 318th Ave. pursuant to SDCL, testing the recom- must include a
Harold SD 57538 40-2A-8.1 which mendation is filed, statement describ-
has filed an appli- allows for rein- ing the petitioner's
cation for a water statement with a be scheduled and interest in the ap-
permit to reinstate new priority date, plication, the peti-
Permit No. 6578-3. water is available tioner's reasons
6578-3. Water when construc- will consider this for opposing or
Permit No. 6578-3 tion, necessary to supporting the ap-
appropriates 0.58 be given to the ap- plication, and the
cubic feet of water plicant and any signature and
per second from one existing well completed within the petitioner's le-
completed into the five years of ap- ested in opposing gal counsel, if le-
Chapelle Aquifer approval of the peti- or supporting this gal counsel is ob-
(28 feet deep) lo- mit. tition.
cated in SE 1/4 Pursuant to Eric Gronlund at
NE 1/4 Section 2 SDCL 46-2A-2, the above Water
to irrigate 39 acres the Chief Engineer must file a written the Rights Program
located in the S recommends AP- petition with Rights Program
1/2 NE 1/4, N 1/2 PROVAL of Appli- BOTH the appli- address to request
SE 1/4 Section 2; cation. NO. cant and Chief En- copies of informa-
all in 6576A-3 because gineer. The appli- tion pertaining to
T110N-R75W. there is reason- cant must file a this application.
The permit was able probability petition if contest- Steven M. Pimer,
approved October ing the Chief Engi- Secretary, Depart-
4, 2005, and that there is unap- neer's recommen- ment of Environ-
project was to be appropriated water neer's recommen- ment and Natural
completed Octo- available for the dation. The Chief Resources.
ber 4, 2010, with applicant's pro- Engineer's ad- dress is "Water
water being put to cordance with Rights Program. Published once at
beneficial use by SDCL 46-2A-23, Foss Building, 523 the total approxi-
October 4, 2014. SDCL 46-2A-23, Foss Building, 523 the total approxi-
Application No. the Chief Engineer E Capitol, Pierre SD 57501 (805 mate cost of
6576A-3 proposes will act on this ap- SD 57501 (805 mate cost of
to reinstate Water plication, as rec- 773-3352)" and \$37.11.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 4, 2013

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6576A-3 to Appropriate Water. Please publish the notice once on January 11, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Lee Kleinschmidt, 20831 318th Ave., Harrold SD 57536 (Ph # 605-875-3343).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

January 4, 2013

Lee Kleinschmidt
20831 318th Ave
Harrold SD 57536

Dear Mr. Kleinschmidt:

Water Permit Application No. 6576A-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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.

Instruction to Newspaper - Publish the Notice on January 11, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 6576A-3 to Reinstate Water Permit No. 6576-3

Notice is given that Lee Kleinschmidt, 20831 318th Ave, Harrold SD 57536 has filed an application for a water permit to reinstate Permit No. 6576-3. Water Permit No. 6576-3 appropriates 0.56 cubic feet of water per second from one existing well completed into the Chapelle Aquifer (28 feet deep) located in SE 1/4 NE 1/4 Section 2 to irrigate 39 acres located in the S 1/2 NE 1/4, N 1/2 SE 1/4 Section 2; all in T110N-R75W. The permit was approved October 4, 2005, and the project was to be completed October 4, 2010, with water being put to beneficial use by October 4, 2014. Application No. 6576A-3 proposes to reinstate Water Permit No. 6576-3 since the project has not been completed. Approval of No. 6576A-3 will cancel No. 6576-3.

Application No. 6576A-3 to reinstate Permit No. 6576-3 is made pursuant to SDCL 46-2A-8.1 which allows for reinstatement with a new priority date, if unappropriated water is available when construction, necessary to put water to beneficial use, is not completed within five years of approval of the permit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6576A-3 because there is reasonable probability that there is unappropriated water available for the applicant's proposed use. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 January 21, 2013.

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.

Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

FEB 19 2013

Lee Kleinschmidt
20831 318th Ave
Harrold SD 57536

Dear Mr. Kleinschmidt:

Enclosed is Water Permit No. 6576A-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