

WATER PERMIT NO. 6584-3

Name of Applicant: Michael Schmitz

Address: 48016 County Rd 1B, Jefferson SD 57038

Phone: 605 966-5415

Amount of Water Claimed: 1.33 cfs

Total Acres: 100 acres

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Union

Type of Waste Disposal System:

Location: 2 miles northwest of Jefferson

PRIORITY

Date Received: 11-4-04

Application/License Fee: \$275

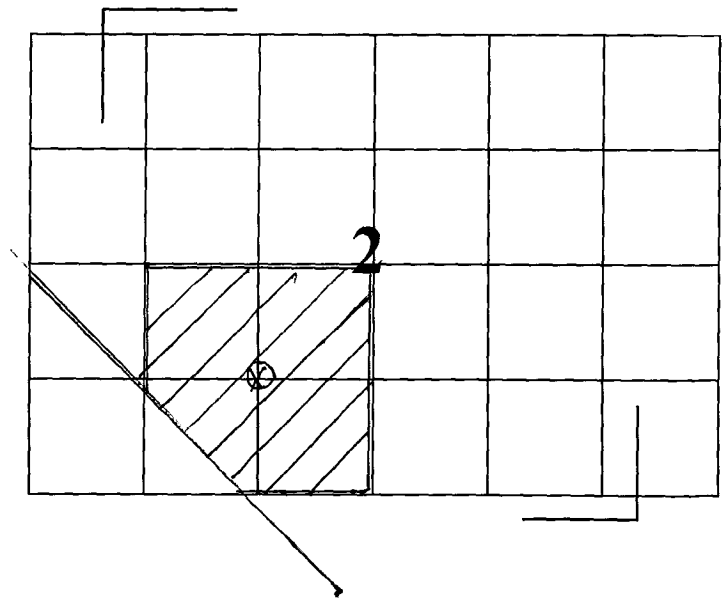
Corrected Application Received: 2-2-05

Period of Annual Use: May 1 – August 31

Remarks:

Diversion Point: center SW ¼ Sec 2-T90N-R49W

Land to be Irrigated: SW ¼ Sec 2-T90N-R49W



Depth of Well: 130 feet deep

Well Driller: : Dakota Drilling & Backhoe

Remarks:

Type of Map: aerial

Prepared by: Larry Wilcox, Union Co FSA

Reviewed and the Number Assigned on: 2-2-05

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED

NOV 04 2004

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6584-3</u>	(office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Leader-Courier, Elk Point</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 of Applicant Michael Schmitz Phone 605 966 5415
(check one) Owner ☒ Tenant/lessee ☐
Mailing Address 48016 County Rd 113, Jefferson State SD 57038
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.33*CFS or 600**GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply Ground Sand - Gravel Missouri Ag Center
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) 1 well in SW 1/4 section 2 - T 90 - R - 49 (center)
County Union
5. County or counties where water will be used Union
6. Annual period during which water is to be used May 1 thru August 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
<u>SE 1/4 of SW 1/4 2-90-49</u>	<u>30</u>		
<u>NE 1/4 of SW 1/4 2-90-49</u>	<u>30</u>		
<u>NW 1/4 of SW 1/4 2-90-49</u>	<u>30</u>		
<u>SW 1/4 of SW 1/4 2-90-49</u>	<u>10</u>		

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

1 center Pivot Irrigation system in the center of the SW 1/4 of section 2 - T90-R49

STATE OF SOUTH DAKOTA) SS

County of Union)

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, Mike Schmitz, 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 Mike Schmitz

Subscribed and sworn to before me this 1st day of November 2004

Sam R. M. Suire

Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6584-3**

Date of first receipt of application November 4, 2004.

Date of return to applicant for corrections, amendments or changes November 4, 2004.

Date of receipt of corrected application February 5, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6584-3 to Michael Schmitz, 48016 County Rd 1B, Jefferson SD 57038 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. 6584-3 appropriates 1.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 130 feet deep) located in the center of the SW ¼ Section 2 to irrigate 100 acres located in the SW ¼ Section 2; all in T90N-R49W.
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 – August 31.
3. The date from which applicant may claim right is February 5, 2005.
4. The date of approval of Permit No. 6584-3 is April 4, 2005.
5. One-fifth of the construction is to be completed on or before October 4, 2007.
6. All construction is to be completed on or before April 4, 2010.
7. Water is to be put to beneficial use on or before April 4, 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. 6584-3 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

APR 19 2005

date



Supplemental Information

(type or print in ink)

Vernon E. Vasek
Dakota Drilling & D.
Jefferson, S.D.

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 15" Depth 130
- b) Casing Type PVC Diameter 10" Thickness SCH 40
- c) Screen Type PVC Diameter 10" Thickness SCH. 40
- d) Gravel Pack Per Gravel Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material 31
- f) Depth to Water (ground surface to water level) 21'
- g) Distance to nearest existing domestic well:
- On applicants property 800 ft. On property owned by others 1500 ft.

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 _____

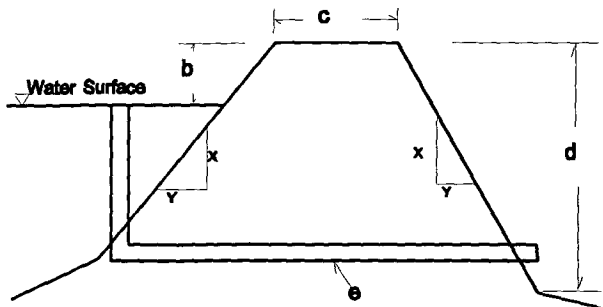
3. Dugout Information

- 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 November 4, 20 04

RECEIVED OF Michael Schmitz, 48016 County Rd 1B, Jefferson SD 57038

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

Fee for Application for Permit No. <u>6584-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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	225.00

No. 6584-3

By Darlene Elbe

Chief Engineer gm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 3, 2005

RECEIVED OF Michael Schmitz, 48016 County Rd 1E, Jefferson SD 57038

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

Fee for Application for Permit No. <u>6584-3</u> to Appropriate Water, to construct and to put water to beneficial use	50	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>6584-3</u>		
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	50.00

No.

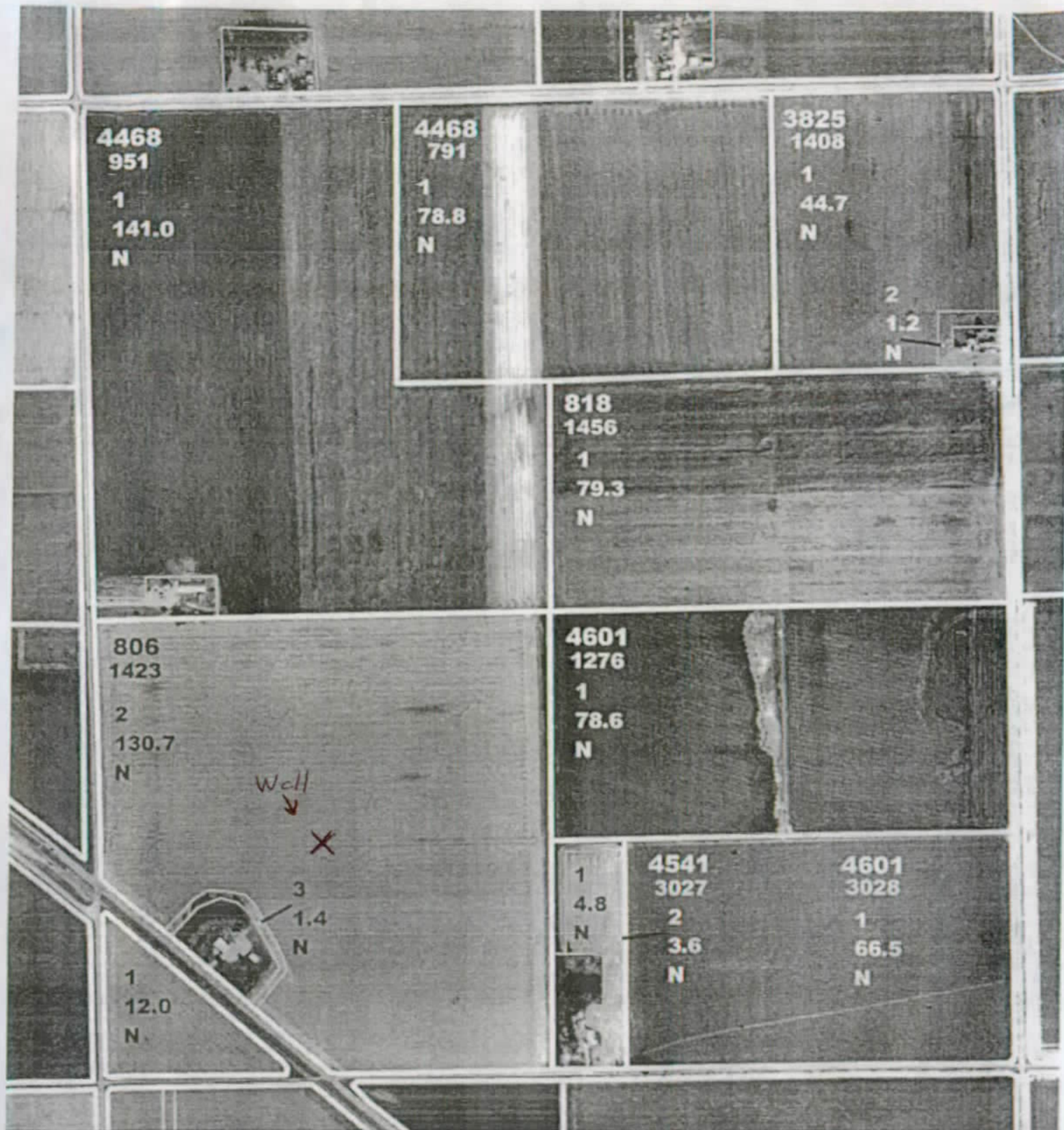
001741

By

Darland White

Chief Engineer

gm



United States Department of Agriculture
Farm Service Agency

02-90-49

UNION COUNTY FSA OFFICE

Post Office Box 460

Union County

ELK POINT, SOUTH DAKOTA 57025-0460

April 5, 2004

1997 Digital Orthophotography - Not To Scale

Garry D. Wilcox
CED

6584-3



MIKE SCHMITZ
~~Jefferson~~ SD.

Well Drillers Log:

0 - 6	-	HEAVY CLAY
6 - 8	-	Yellow CLAY
8 - 70	-	HEAVY CLAY
70 - 78	-	SAUD
78 - 122	-	Med GRAVEL

Dakota Drilling/Backhoe Inc.

507-142nd St.
So Sioux City, NE 68776
(402) 494-5208

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location NE 1/4 SW 1/4 Sec 2 Twp 9N Rg 48W
 County Union North 90N 49W

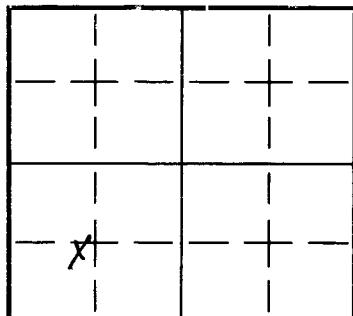
Please mark well location with an "X"

W

E

Well Completion Date

5-10-04



LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000 ft. from septic tank (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5H40</u> LB/FT	<u>10</u> IN	<u>0</u> FT	<u>120</u> FT	<u>15</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	_____	_____ lb./gal	<u>30</u> ft	<u>10</u> ft
_____	_____	_____ lb./gal	_____ ft	_____ ft

Describe grouting procedure Pumped in from bottom

SCREEN: ☒ Perforated pipe ☐ Manufactured

Diameter 10 IN Length 40 FEET

Material PVC

Slot Size 80 Set From 80 Feet to 120 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

_____ YES, How: _____

X NO, Why Not? Irrigation

Laboratory sent to for water quality analysis _____

Well Owner: Robert Schmitz Mike Schmitz

Business Name: _____

Address: P.O. Box 131

Jefferson, SD 57038

WELL LOG:

DEPTH

FORMATION	FROM	TO
Heavy clay	0	6
Yellow clay	6	8
Clay	8	70
Sand	70	78
Gravel	78	120

STATIC WATER LEVEL 19 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: _____

☐ Bailed _____

☐ Other _____

Pumping Level Below Land Surface

46 ft. After 1 Hrs. pumped 700 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate 600 GPM

REMARKS

RECEIVED

FEB 24 2005

WATER RIGHTS PROGRAM

This well was drilled under license # 667

And this report is true and accurate.

Drilling firm Dakota Drilling & Becker, Inc.

Signature of License Representative:

Dennis E. O'Neil

Signature of Well Owner or Equitable Property Holder:

Michael Schmitz

Date: _____

2-24-05



November 4, 2004

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Michael Schmitz
48016 County Rd 1B
Jefferson SD 57038

Dear Mr. Schmitz:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation. In order to complete the application the following is required.

- We have received the \$225 application filing fee. In addition to the application filing fee, the Water Rights Program collects the \$50 licensing fee at the time of filing. Please submit \$50 for the licensing of the water permit.
- Please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 28, 2005

Michael Schmitz
48016 County Rd 1B
Jefferson SD 57038

Dear Mr. Schmitz:

On November 4, 2004, you submitted an *Application for Permit to Appropriate Water for Irrigation* of 100 acres in Union County. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received this information.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
Phone: (605) 773-3352
karen.schlaak@state.sd.us

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6584-3

For Michael Schmitz

February 17, 2005

Application No. 6584-3 proposes to appropriate 1.33 cfs (600 gpm) from one well approximately 130 feet deep located in the center of the SW $\frac{1}{4}$ of section 2 to irrigate 100 acres located in the SW $\frac{1}{4}$ of section 2; all in T90N R49W in Union County.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is a buried outwash (sand and gravel) that is under confined conditions at this site. However, over much of southern Union County the aquifer is under water table conditions. The Missouri Elk Point aquifer as described by Hedges (Hedges, 1982) is roughly equivalent to the Missouri aquifer as described by Niehus. The aquifer underlies 180 square miles and contains an estimated 1.5 million acre-feet of water in storage in Union County (Niehus, 1994). The aquifer extends into Clay County to the west, blends into the Lower Vermillion Missouri aquifer to the north and west, blends into the Big Sioux South aquifer to the north, is hydraulically connected to the Dakota aquifer in the subsurface especially the southern one half of Union County, and is hydraulically connected to both the Big Sioux and Missouri rivers.

Test well information provided with the application indicates sand starting at 70 feet and grading into gravel from 78 to 112 feet below land surface. No test pumping or water level information was supplied with the application. This test well log fits well with surrounding data available from observation well drilling, county study logs and area domestic and irrigation wells. There is sufficient information available to evaluate this application.

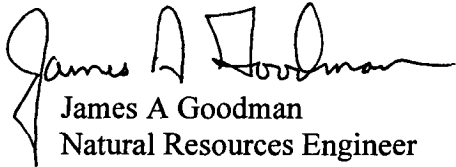
The Water Rights Program monitors seven observation wells completed into the Missouri Elk Point aquifer and within three miles of this application. The observation well UN-87E is located about one mile east of this application. Water levels for this observation well respond to climatic and pumping in the area. The climatic effects are indicated by rising water levels during wet years (recharge) and gradually declining water levels during dry years. There are slight four to five feet annual fluctuations which can be attributed to pumping shown on the hydrograph. A graph of the water level record is provided with this report (Water Rights, 2005).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing irrigation well located about one mile from the well for this application. These are water right Nos. 1567-3 (located about $\frac{3}{4}$ quarters mile east), 54-3 (located about one mile southeast), 3127-3 (located about one mile south) and 3644-3 (located about one mile southwest) all from the well for this application. Interference is not a concern. These wells have been in use for many years with no apparent problems. The observation well has been monitored since 1966 and indicates adverse effects do not occur.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is probably under artesian conditions at this site. However, pumping apparently does not cause significant drawdown. This is shown by the observation well hydrograph. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

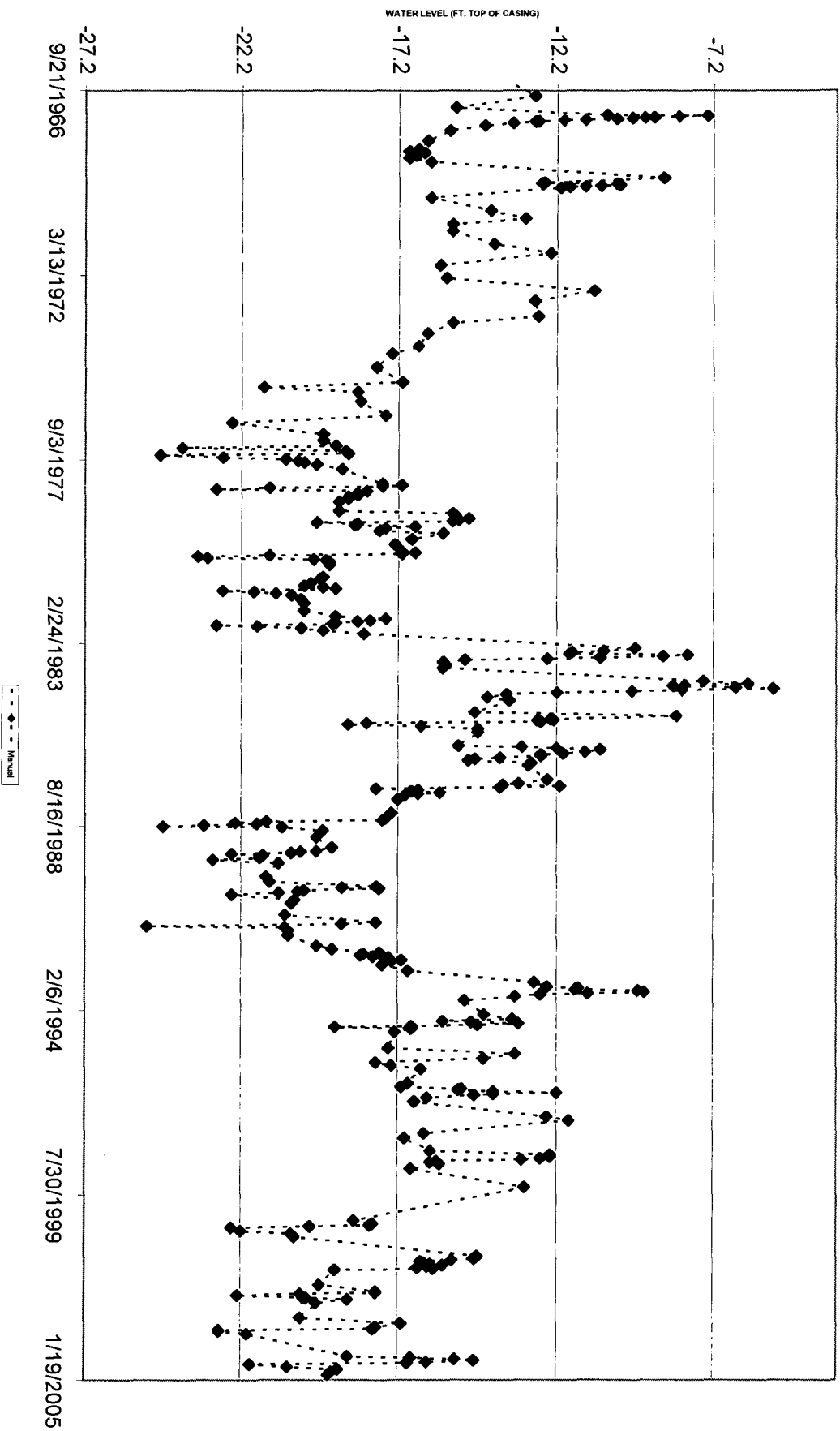
BIBLIOGRAPHY

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

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, Water-Resources Investigations Report 93-4195, USGS, Rapid City, SD, 57702.

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

WATER RIGHTS' OBSERVATION WELL
UN-87E





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6584-3, Michael Schmitz**

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. 6584-3, Michael Schmitz, 48016 County Rd 1B, Jefferson SD 57038.

The Chief Engineer is recommending APPROVAL of Application No. 6584-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6584-3 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
February 28, 2005

**NOTICE OF APPLICATION
NO. 6584-3 TO
APPROPRIATE WATER**

Notice is given that Michael Schmitz, 48016 Country Rd 1B, Jefferson, SD 57038 has filed an application for a water permit to appropriate 1.33 cubic feet per second from one well to be completed into the Missouri: Elk Point Aquifer (approximately 130 feet deep) located in the SW 1/4 Section 2 to irrigate 100 acres located in the SW1/4 Section 2; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6584-3 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 April 4, 2005.

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.

Publish March 17 and 24, 2005

11-13-67 37.63

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Union) SS

I, Susan Odson

certify that the attached printed Notice was taken

from the Leader-Courier

printed and published in Elk Point

County of Union and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

March 17, 2005

March 24, 2005

Cost of Printing \$37.63

Susan Odson

(Signature)

Affidavits Coordinator

(Title)

March 24, 2005

(Date Signed)

RECEIVED

MAR 28 2005

WATER RIGHTS
PROGRAM

Water Rights Program - File Documentation

NAME: Michael Schmitz

ADDRESS: Jefferson SD

DATE: 3-14-05 **COUNTY:** Union **TELEPHONE:**

RE: Publication Notice

COMMENTS:

I called the Elk Point Leader Courier and talked with Danielle. Danielle stated the notice for Application No. 6584-3 did not get published on March 10th because they did not receive confirmation from Michael Schmitz. She indicated they would publish the notice on March 16th and 23rd if they heard from Mr. Schmitz. I told her to change the date in the third paragraph to April 4st.

I called Michael Schmitz. He stated he did not realize he needed to contact the paper, but he would call them today.



Karen Schlaak
Environmental Scientist



**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.**

March 1, 2005

Michael Schmitz
48016 County Rd 1B
Jefferson SD 57038

Dear Mr. Schmitz:

Water Permit Application No. 6584-3 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 Publisher of the Leader-Courier printed at Elk Point, SD (Ph # 605-356-2632). 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 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 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

March 1, 2005

Leader Courier
PO Box 310
Elk Point SD 57025-0310

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6584-3 to Appropriate Water to be published twice. Please publish the first notice on March 10, 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 Michael Schmitz, 48016 County Road 1B, Jefferson SD (Ph # 605-966-5415).

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. 6584-3

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

Date _____

We are in receipt of your letter of March 1, 2005 enclosing Notice to Appropriate Water by Application No. 6584-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Instruction to Newspaper - Publish first Notice on March 10, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6584-3 to Appropriate Water

Notice is given that Michael Schmitz, 48016 County Rd 1B, Jefferson SD 57038 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well to be completed into the Missouri:Elk Point Aquifer (approximately 130 feet deep) located in the center of the SW ¼ Section 2 to irrigate 100 acres located in the SW ¼ Section 2; all in T90N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6584-3_ 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 March 28, 2005.

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.



APR 19 2005

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Michael Schmitz
48016 County Rd 1B
Jefferson SD 57038

Dear Mr. Schmitz:

Enclosed is Water Permit No. 6584-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures

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

Date 6-21-05

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

FROM: Michael Schmitz
(name)
48016 County Rd 1B
(address)
Jefferson SD 57038 605 966 5415
(city, state, zip) (phone)

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

Water Permit No. 6584-3 states that the water use system is to be constructed by

4-4-2010, and water is to be put to beneficial use by 4-4-2014.
(date) (date)

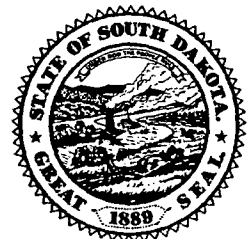
The water use system was completed on 2-20-05.
(date)

Applying the water to beneficial use was completed on 6-20-05.
(date)

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

Michael Schmitz
(signature)

RECEIVED
JUN 24 2005
WATER RIGHTS
PROGRAM



Permit No. 6584-3
Big Sioux River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, **September 27, 2007**, made a thorough examination of the water use system constructed by **Michael Schmitz** of **48016 County Rd 1B, Jefferson, SD 57038** holder of Permit No. **6584-3**, bearing the priority of **February 5, 2005** authorizing the diversion of **1.33** cu. ft. per second of the waters of **Missouri: Elk Point Aquifer** for **irrigation** purposes, in **Union** County.

Inspection contact & relationship **Mike Schmitz - owner**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Dakota Drilling and Backhoe**
- 2) No. of Wells **1**
- 3) Depth(s) **120** feet
- 4) Well log is available **yes**
- 5) Comment:

Casing:

- 1) Diameter **10** inches
- 2) Length **80** feet
- 3) Type **pvc**

Screen:

- 1) Type **slotted pvc**
- 2) Length **40** feet
- 3) Static water level **19** feet

Pump:

- 1) Make **submersible**
- 2) Model
- 3) Size **6"**
- 4) Capacity **600** GPM

Motor:

- 1) Make **submersible**
- 2) Model No.
- 3) Horsepower rating **25** hp

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

- 1) Type **aluminum**
- 2) Size **10** inches
- 3) Length **10** feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure low
- 6) Capacity 600 GPM

Chemigation Equipment:

- 1) Does chemigate No

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: none

The system is in good condition with the point of diversion located as follows: 1300' E and 1320' N of the SW corner Section 2, T90N, R49W; 42.637804, -96.601281. The works are capable of diverting and conveying to the place of use 1.33 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 2, T90N, R49W:

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 29 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 29 acres

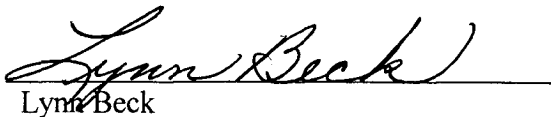
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 13 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 29 acres

Comprising a total of 100 acres of land and the license should be issued for 1.33 cfs.

All structures, wells and lands on map yes

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



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

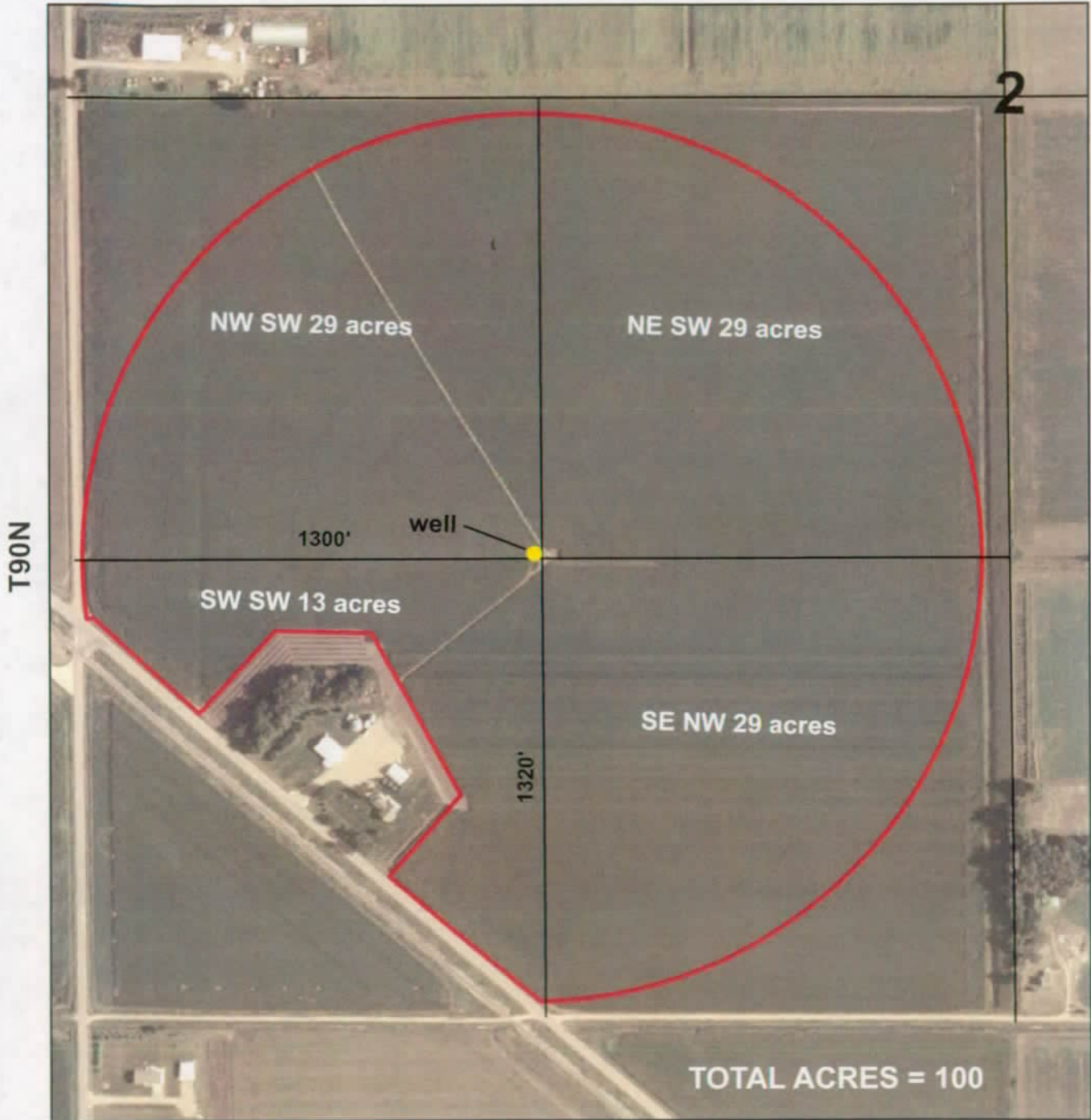
Date report completed: October 23, 2007

WATER RIGHT NO. 6584-3

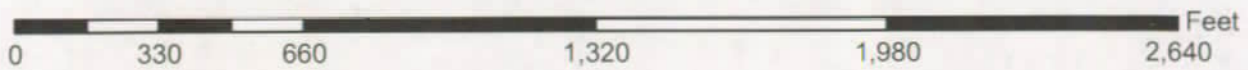
Michael Schmitz

October 23, 2007

R49W



SCALE



Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR - Water Rights Program



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6584-3

(1) Michael Schmitz, 48016 County Rd 1B, Jefferson SD 57038 made Application No. 6584-3, November 4, 2004 for a water permit to divert 1.33 cubic feet of water per second from groundwater (one well), Union County, South Dakota for irrigation purposes. Permit No. 6584-3, with a priority date of February 5, 2005 was approved April 4, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 4, 2010 and for the application to beneficial use of water on or before April 4, 2014.

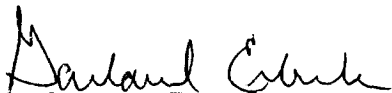
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6584-3 is issued a license, bearing a priority date of February 5, 2005 to appropriate 1.33 cubic feet of water per second from groundwater (one well) to irrigate 100 acres.

The diversion point is located: 1,300 feet east and 1,320 feet north of the southwest corner of Section 2-T90N-R49W (approximate center of SW ¼). The acres authorized for irrigation are as follows:

Section 2-T90N-R49W	NW ¼ SW ¼	29 acres
	NE ¼ SW ¼	29 acres
	SW ¼ SW ¼	13 acres
	SE ¼ SW ¼	29 acres
Total 100 acres		

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6584-3 including the following now applicable qualifications:

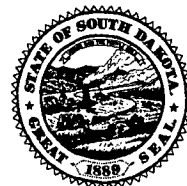
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 6584-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

FEB 12 2008

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

FEB 12 2008

6584-3

Michael Schmitz
48106 County Rd 1B
Jefferson SD 57038

Dear Mr. Schmitz:

Enclosed is Water License No. 6584-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6584-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures