

**WATER PERMIT NO. 6780-3**

Name of Applicant: Willard Schmidt

Address: 43970 306<sup>th</sup> St, Yankton SD 57078 Phone: 605 665-4833

Amount of Water Claimed: 0.21 cfs Total Acres: 15 acres

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 7 miles east of Yankton

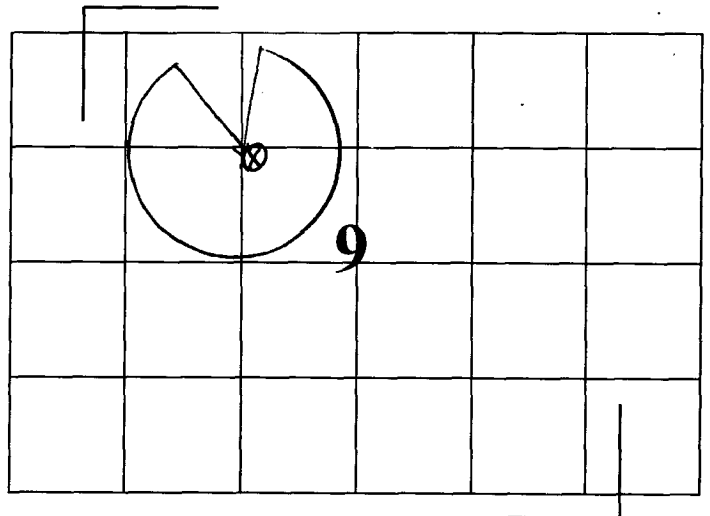
PRIORITY Date Received: 12-7-06 Application/License Fee: \$150

Corrected Application Received: Period of Annual Use: March 1 – November 1

Remarks: Add 0.21 cfs and 15 acres to 1.43 cfs and 100 acres authorized by No. 6497-3

Diversion Point: SE ¼ NW ¼ Sec 9-T93N-R54W

Land to be Irrigated: NW ¼ Sec 9-T93N-R54W



Depth of Well: 100 feet deep

Well Driller: : Christensen Well & Irrigation

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 12-7-06

By: Karen Schlaak

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

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

Mail to:  
Water Rights Program  
Joe Foss Building  
523 E. Capitol  
Pierre, SD 57501-3181  
(605) 773-3352

No. 6780-3 (office use only)  
Hydrologic Unit 10170101  
Basin Missouri River  
Newspaper Daily Press & Dakotan Yankton  
605-665-7811 SD57078

RECEIVED  
DEC -7 2006  
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.)

1. Name of Applicant Willard Schmidt Phone (605) 665-4833  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 43970 306th St Yankton State SD 57078  
(Street, RR. or Box and City) (Zip Code)
2. Amount of water claimed 0.210 \*CFS or      \*\*GPM      \*\*\*AF Total Acreage 15  
(\*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 water (1 well - Missouri Elk Point aquifer)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton  
Well: SE1/4NW1/4 section 9-T93N-R54W (existing well)
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used Mar 1 - Nov 1
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 |
|-----------------------|-------|------------------|-------|
| NW1/4 sec 9-T93N-R54W | 15    |                  |       |
|                       |       |                  |       |
|                       |       |                  |       |
|                       |       |                  |       |

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

This application is to add 0.21 cfs and 15 acres to the 1.43 cfs and 100 acres approved under Permit No. 6497-3.

STATE OF SOUTH DAKOTA)

County of Yankton SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Willard Schmidt, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Willard Schmidt

Subscribed and sworn to before me this 4th day of December 20 06

**SOUTH DAKOTA  
WATER PERMIT NO. 6780-3**

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Date of first receipt of application December 7, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6780-3 to Willard Schmidt, 43970 306<sup>th</sup> St, Yankton SD 57078 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. 6780-3 appropriates an additional 0.21 cubic feet of water per second (cfs) and irrigation of 15 additional acres to what is authorized by Water Permit No. 6497-3. Water Permit No. 6497-3 appropriates 1.43 cfs from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SE 1/4 NW 1/4 Section 9 to irrigate 100 acres located in the NW 1/4 Section 9; all in T93N-R54W. An investigation of the permit found the system capable of diverting an additional 0.21 cfs from the existing well and irrigating an additional 15 acres located in the NW 1/4 Section 9-T93N-R54W. This permit authorizes a total diversion rate of 1.64 cfs for irrigation of 115 acres.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: March 1 – November 1.
3. The date from which applicant may claim right is December 7, 2006.
4. The date of approval of Permit No. 6780-3 is January 29, 2007.
5. 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

MAY 10 2007

date



# Supplemental Information

(type or print in ink)

SEE PERMIT NO. 6497-3

## 1. Well Information - Proposed Construction

- a) Drill Hole Diameter \_\_\_\_\_ Depth \_\_\_\_\_
- b) Casing Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- c) Screen Type \_\_\_\_\_ Diameter \_\_\_\_\_ Thickness \_\_\_\_\_
- d) Gravel Pack \_\_\_\_\_ Length of Gravel Pack \_\_\_\_\_
- e) Depth to Top of Water Bearing Material \_\_\_\_\_
- f) Depth to Water (ground surface to water level) \_\_\_\_\_
- g) Distance to nearest existing domestic well:

On applicants property \_\_\_\_\_ On property owned by others \_\_\_\_\_

## 2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) \_\_\_\_\_
- b) System Capacity (gallons) \_\_\_\_\_ Year Constructed \_\_\_\_\_
- c) Connected to the City of \_\_\_\_\_ Sanitary System

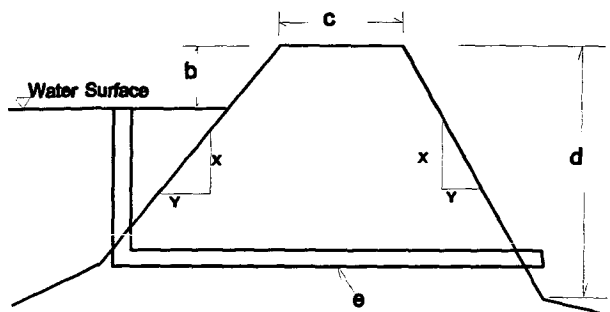
## 3. Dugout Information

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

## 4. Water Storage Dams

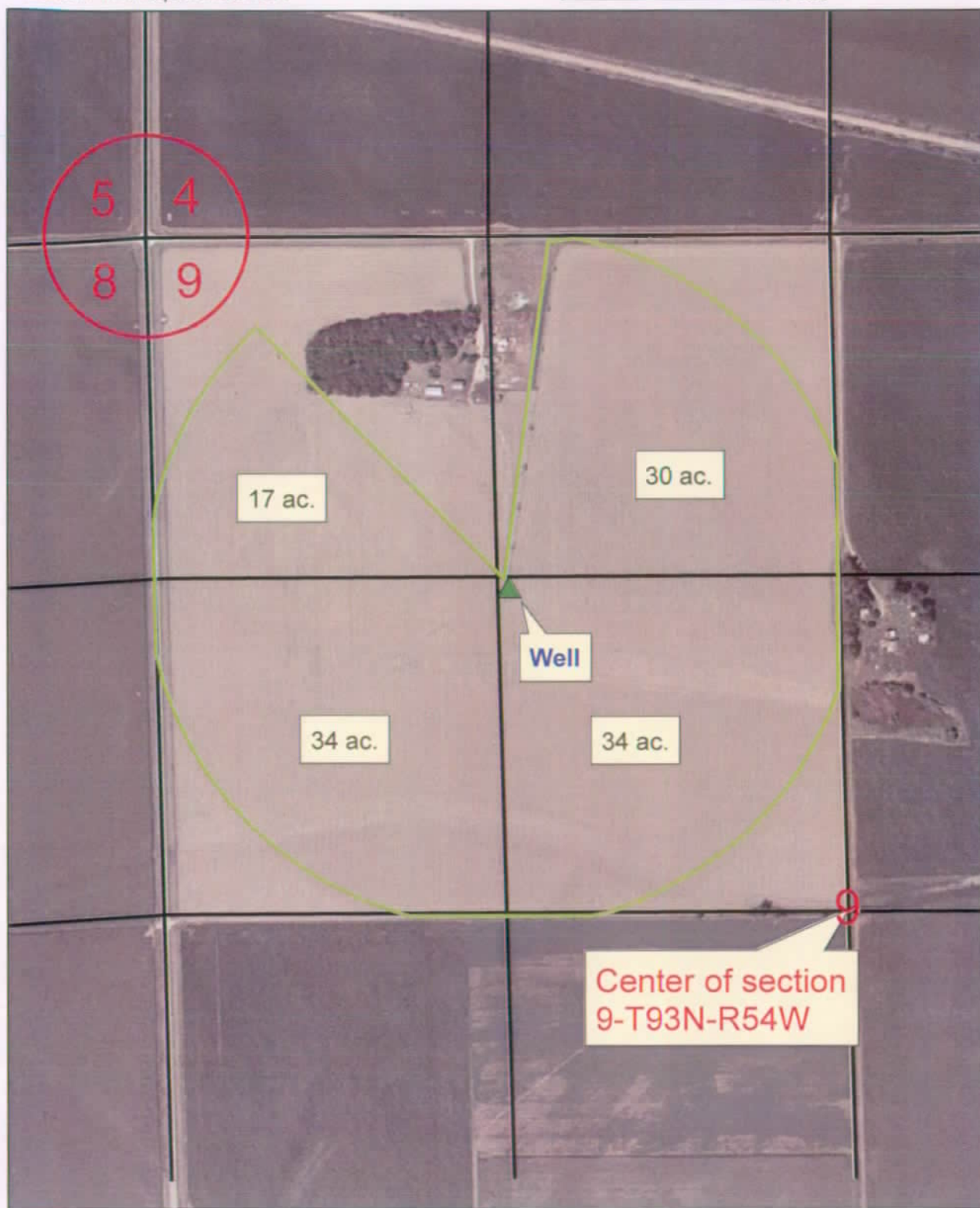
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- b) Freeboard \_\_\_\_\_
- c) Crest Width \_\_\_\_\_  
Crest Length \_\_\_\_\_
- d) Height \_\_\_\_\_
- e) Primary Outlet Capacity \_\_\_\_\_  
If pipe, diameter \_\_\_\_\_
- f) Secondary Spillway Capacity \_\_\_\_\_  
Spillway Width \_\_\_\_\_
- g) X & Y Slope \_\_\_\_\_  
Upstream \_\_\_\_\_  
Downstream \_\_\_\_\_
- h) Surface Area of Impoundment \_\_\_\_\_
- i) Storage \_\_\_\_\_ Acre Feet
- j) Drainage Area Above Dam \_\_\_\_\_ Acres

] Feet



***South Dakota***  
Department of Environment  
& Natural Resources  
**Water Rights**

Don Small

Ron Duvall, Natural Resources Engineer  
Water Rights Program

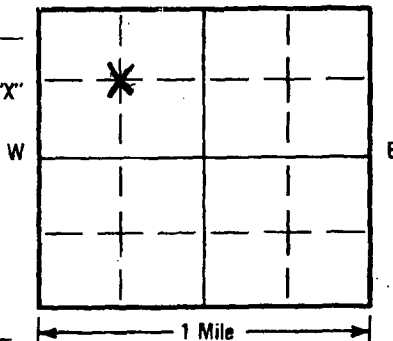
Water Permit No. 6780-3

# SOUTH DAKOTA WATER WELL COMPLETION REPORT

6497-3

07-92

Location NW 1/4 - 1/4 Sec 9° Twp 93 Rg 54  
County Yankton  
Please mark well location with an "X"



Well Completion Date

7-15-04

## LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1200 ft. from septic tank (identify source).

## PROPOSED USE:

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

## METHOD OF DRILLING:

Reverse Rotary

## CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe \_\_\_\_\_

| PIPEWEIGHT         | DIAMETER     | FROM         | TO           | HOLE DIAMETER |
|--------------------|--------------|--------------|--------------|---------------|
| <u>SDR26</u> LB/FT | <u>16</u> IN | <u>0</u> FT  | <u>40</u> FT | <u>26</u> IN  |
| <u>SDR26</u> LB/FT | <u>16</u> IN | <u>60</u> FT | <u>80</u> FT | <u>26</u> IN  |
| _____ LB/FT        | _____ IN     | _____ FT     | _____ FT     | _____ IN      |

## GROUTING DATA

Grout Type Cement No. of Sacks \_\_\_\_\_ Grout Weight \_\_\_\_\_ lb./gal From 0 ft. To 25 ft.

Describe grouting procedure pumped down w/ pressure grouter

SCREEN: ☐ Perforated pipe ☒ Manufactured  
Diameter 16 IN Length 40 FEET  
Material POC  
Slot Size 0.05 Set From 40 Feet to 60 Feet  
Other information 80 feet to 100 feet

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: chlorine

\_\_\_\_\_, NO, Why Not? \_\_\_\_\_

Laboratory sent to for water quality analysis \_\_\_\_\_

Well Owner: Paul & Steve Schmidt

Business Name: \_\_\_\_\_

Address: 89419 580th  
Wapota, Ne 68792

## WELL LOG:

| FORMATION                    | DEPTH     |            |
|------------------------------|-----------|------------|
|                              | FROM      | TO         |
| <u>top &amp; silty clay</u>  | <u>0</u>  | <u>25</u>  |
| <u>med sand</u>              | <u>25</u> | <u>45</u>  |
| <u>med gravel + sand</u>     | <u>45</u> | <u>60</u>  |
| <u>fine sand + clay</u>      | <u>60</u> | <u>80</u>  |
| <u>med gravel + sand</u>     | <u>80</u> | <u>95</u>  |
| <u>coarse gravel + ROCKS</u> | <u>95</u> | <u>100</u> |

## STATIC WATER LEVEL

15' 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: turbine pump

☐ Bailed \_\_\_\_\_

☐ Other \_\_\_\_\_

## Pumping Level Below Land Surface

29 ft. After 7 Hrs. pumped 800 GPM

29 ft. After 4 Hrs. pumped 800 GPM

If pump installed, pump rate 800 GPM

## REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Christensen Well & Pumping

Signature of License Representative Andy W. Christensen

Signature of Well Owner or Equitable Property Holder: \_\_\_\_\_

RECEIVED

JAN - 3 2005

WATER RIGHTS PROGRAM

Date: \_\_\_\_\_

1-3-05

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date DECEMBER 7, 20 06

RECEIVED OF Willard Schmidt, 89498 558th Ave, Yankton SD 57078

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

|                                                                                                                        |       |        |
|------------------------------------------------------------------------------------------------------------------------|-------|--------|
| Fee for Application for Permit No. <u>6780-3</u> to Appropriate Water, to construct and to put water to beneficial use | 150   | 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 | 150.00 |

No.

**02671**

By

Willard Schmidt  
Chief Engineer



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)

October 26, 2006

Permit Nos. 6483-3 & 6497-3

Willard Schmidt  
43970 306<sup>th</sup> Street  
Yankton SD 57078

Dear Mr. Schmidt:

On July 13, 2006, I was in the Yankton area inspecting water permits for purposes of issuing the water license which is the final step in getting a water right. You have two permits that you indicated were ready for inspection when you sent in your Notice of Completion of Works back in September 2004.

In visiting with your brother-in-law, Steve Schmidt, who also has permits ready to be licensed, he indicated that I could take a look at your irrigation systems. I would like you to review the information to make sure it is accurate before any action is taken to license your permits.

**Permit No. 6483-3 (see enclosed map)**

The well is located near the road and not where it was originally applied for (near pivot center). This most likely can be corrected in-house and does not require another application to change the location. The perimeter of the pivot does not yet show up on the aerial photo that I have available so I estimated the area the pivot covers. Based on the locations of the trees on the east side and the buildings in the northeast corner I estimated the pivot to cover the area shown by the green circle. Please let me know whether this is an accurate depiction of the size and location of the pivot.

**Permit No. 6497-3 (see enclosed maps)**

This permit may have a problem that needs correcting. According to the permit application a total of 100 acres was applied for in the NW $\frac{1}{4}$  of section 9. If you refer to the map the acreage appears to be approximately 115 acres (34 ac + 34 ac + 30 ac + 17 ac). You will notice one map has a green circle denoting the perimeter of the pivot and the other does not. You can see the faint outline of the pivot on the map without the green circle which is basis I used for sizing the irrigated area. Please let me know if you believe the number of acres shown on the map is accurate. If so, an application will need to be submitted to increase the number of acres from 100 to 115 acres. The pump rate could also then be increased from the current 640 gallons per minute to approximately 740 gallons per minute.

Please let me know if you have any questions. I can be reached at (605) 773-3352.

Sincerely,

Ron Duvall  
Natural Resources Engineer  
Water Rights Program



**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)

November 2, 2006

Permit No 6497-3

Willard Schmidt  
43970 306<sup>th</sup> Street  
Yankton SD 57078

Dear Mr. Schmidt:

Based on our phone conversation on October 30, 2006, I have partially completed a permit application to add 15 acres to the area covered by Permit No. 6497-3.

The application needs to be signed and notarized and then returned with the \$150.00 application fee. You already paid a license fee of \$50.00 for existing Permit No. 6497-3 so an additional \$50.00 is not needed. This new application, pending approval, and No. 6497-3 can be combined into one water right license.

Upon receipt of your signed and notarized application I will attach the map which I prepared and then we will start the process of completing a report and recommendation followed by a newspaper public notice. You will be provided directions at a later date concerning this newspaper publication.

If you have any questions, please let me know. I can be reached at (605) 773-3352 or by e-mail at [ron.duvall@state.sd.us](mailto:ron.duvall@state.sd.us).

Sincerely,

Ron Duvall  
Natural Resources Engineer  
Water Rights Program

enclosure



**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. 6780-3, Willard Schmidt**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6780-3, Willard Schmidt, 43970 306<sup>th</sup> Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 6780-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer  
January 2, 2007

REPORT ON WATER PERMIT 6780-3  
For Willard Schmidt  
December 28, 2006

Application No. 6780-3 proposes to appropriate 0.21 cfs (95 gpm) and to irrigate 15 additional acres to what is authorized by Water Permit No. 6497-3. Water Permit No. 6497-3 appropriates 1.43 cfs from one well approximately 100 feet deep located in the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$  of section 9 to irrigate 100 acres located in the NW  $\frac{1}{4}$  of section 9; all in T93N R54W in Yankton County. An investigation of the permit found the system capable of diverting an additional 0.21 cfs from the existing well and irrigating an additional 15 acres located in the NW  $\frac{1}{4}$  of section 9, T93N R54W. This application, if approved, will authorize a total diversion rate of 1.64 cfs for irrigation of 115 acres.

**AQUIFER – MISSOURI ELK POINT (M-EP)**

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under predominantly water table conditions in this area. At this site the aquifer appears to be under water table conditions. The aquifer underlies 45,500 acres and contains an estimated 675,000 acre feet of recoverable water in storage in Yankton County (Hedges, 1982). The Missouri Elk Point aquifer as described by Hedges is roughly equivalent to the "southern portion" of the Lower James Missouri aquifer as described in the Yankton County Study (Bugliosi, 1986). The aquifer extends into Clay County to the east, blends into the Lower James Missouri aquifer to the north, is hydraulically connected in the subsurface to the Niobrara aquifer to the north and is hydraulically connected to the James and Missouri Rivers to the west and south. Ground water movement is from northwest to southeast across Yankton County and towards the Missouri River.

The production well for this application indicates topsoil and silty clay from 0 to 25 feet, medium sand from 25 to 45 feet, medium gravel and sand from 45 to 60 feet, fine sand and clay from 60 to 80 feet, medium gravel and sand from 80 to 95 feet and course gravel and rocks from 95 to 100 feet all below land surface. The well reportedly produces 800 gpm with 14 feet of drawdown which is a specific capacity of 57 gpm/ft of drawdown. The well had a static water level of 15 feet below land surface. This well has been constructed in accordance with SD Well Construction Standards.

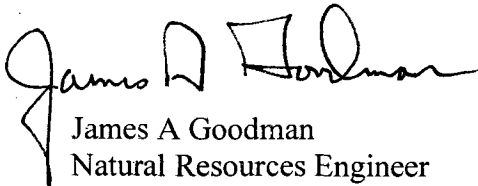
The Water Rights Program monitors an observation well YA-78J completed into the Missouri Elk Point aquifer and within one-half mile of the well for this application. Water levels for these wells show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006). A hydrograph for this observation well is included with this report. Note what appears to be a slight decline in water levels since 1978. This decline appears to be consistent with the gradual entrenching of the Missouri River.

**REVIEW OF EXISTING WATER PERMITS/RIGHTS**

There are four existing water permits/rights that obtain water from the Missouri Elk Point aquifer within two miles of this application. The nearest irrigation well is about one mile to the northwest of the well for this application. At this distance between production wells interference is not a concern. Drawdown is not significant at this distance. This is confirmed by the observation well hydrograph.

## CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. Interference is not expected to be a concern. There will be drawdown created by this additional pumping rate but this is not expected to be significant nor cause any adverse effects.
3. The well is constructed in accordance with SD Well Construction Standards.
4. Approval of this application will allow licensing of this system to reflect how it is built.



James A Goodman  
Natural Resources Engineer

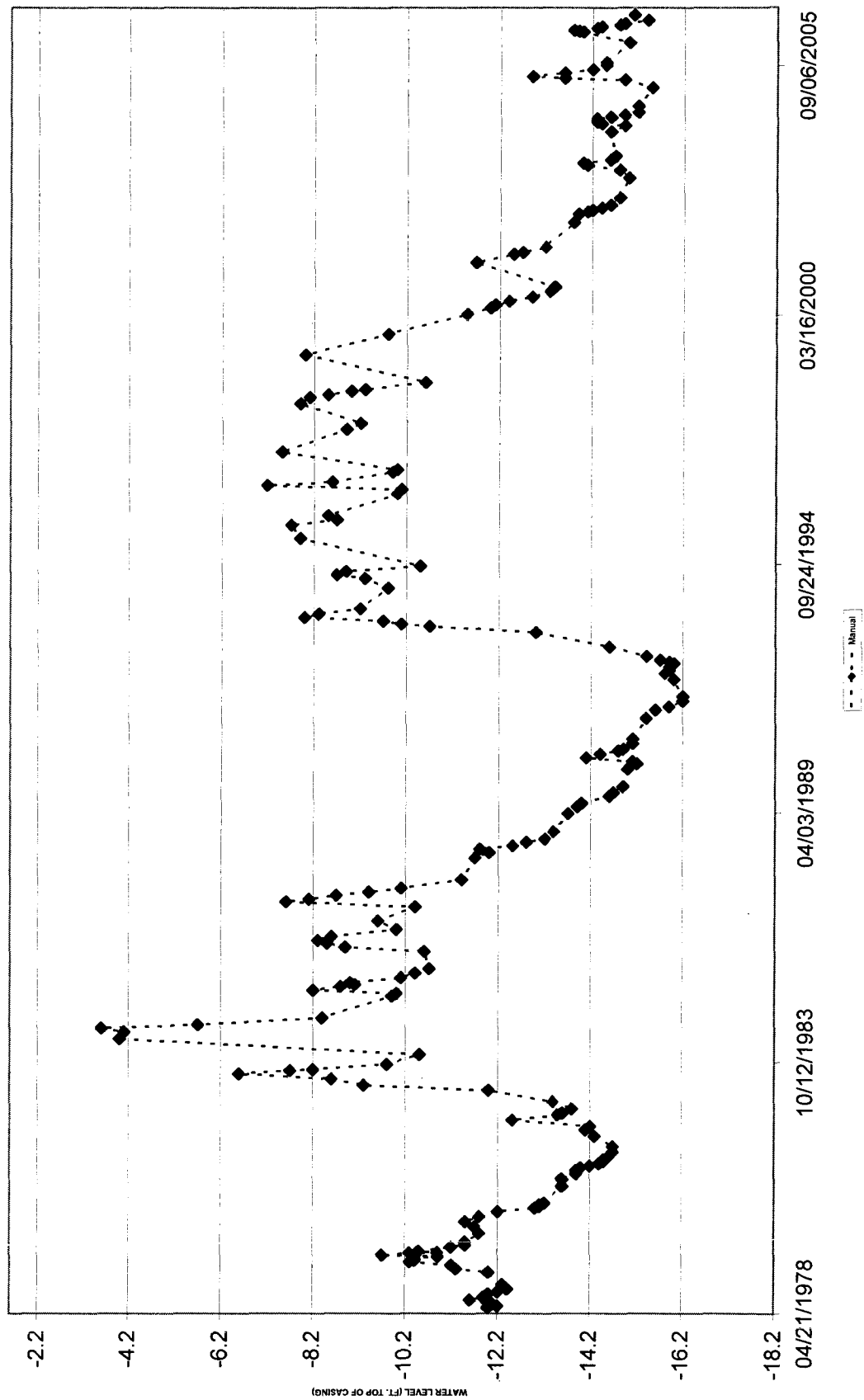
## BIBLIOGRAPHY

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

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

Water Rights, 2006, Unpublished Observation Well Data for Yankton County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL  
YA-78J



# AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

DENR  
Eric Gronlund  
Water Rights Program  
Joe Foss Building  
Pierre, SD 57501

STATE OF SOUTH DAKOTA  
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES  
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON  
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE  
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL  
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,  
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF  
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE  
ANNEXED Notice of APP NO 6780-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE  
NEWSPAPER ON THE 18th DAY OF January, 2007.  
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION  
OF SAID NOTICE TO WIT \$164.03 ENSURES TO THE  
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO  
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS  
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF  
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 1/11, 1/18

FILED ON: 1/18/2007

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18th DAY OF January, 2007

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2009

1+11+18

## NOTICE OF APPLICATION NO. 6780-3 to Appropriate Water

Notice is given that Willard Schmidt, 43970 306th St, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 0.21 cubic feet of water per second (cfs) and to irrigate 15 additional acres to what is authorized by Water Permit No. 6497-3. Water Permit No. 6497-3 appropriates 1.43 cfs from one well completed into the Missouri-Elk Point Aquifer (100 feet deep) located in the SE 1/4 NW 1/4 Section 9 to irrigate 100 acres located in the NW 1/4 Section 9; all in T93N-R54W. An investigation of the permit found the system capable of diverting an additional 0.21 cfs from the existing well and irrigating an additional 15 acres located in the NW 1/4 Section 9-T93N-R54W. This application, if approved, will authorize a total diversion rate of 1.64 cfs for irrigation of 115 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6497-3 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 January 29, 2007.

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.

RECEIVED

JAN 22 2007

WATER RIGHTS  
PROGRAM



January 3, 2007

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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6780-3 to Appropriate Water to be published twice. Please publish the first notice on January 11, 2007 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 Willard Schmidt, 43970 306<sup>th</sup> St, Yankton, SD (Ph # 605-665-4833).

**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. 6780-3

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

Date \_\_\_\_\_

We are in receipt of your letter of January 3, 2007 enclosing Notice to Appropriate Water by Application No. 6780-3 which was first published in our issue of \_\_\_\_\_. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
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 3, 2007

Willard Schmidt  
43970 306<sup>th</sup> St  
Yankton SD 57078

Dear Mr. Schmidt:

Water Permit Application No. 6780-3 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 Daily Press & Dakotan printed at Yankton, SD (Ph # 605-665-7811). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice 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.

Instruction to Newspaper - Publish first Notice on January 11, 2007 with the second publication 7 days later. The applicant is responsible for payment.

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NOTICE OF APPLICATION NO. 6780-3 to Appropriate Water

Notice is given that Willard Schmidt, 43970 306<sup>th</sup> St, Yankton SD 57078 has filed an application for a water permit to appropriate an additional 0.21 cubic feet of water per second (cfs) and to irrigate 15 additional acres to what is authorized by Water Permit No. 6497-3. Water Permit No. 6497-3 appropriates 1.43 cfs from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the SE ¼ NW ¼ Section 9 to irrigate 100 acres located in the NW ¼ Section 9; all in T93N-R54W. An investigation of the permit found the system capable of diverting an additional 0.21 cfs from the existing well and irrigating an additional 15 acres located in the NW ¼ Section 9-T93N-R54W. This application, if approved, will authorize a total diversion rate of 1.64 cfs for irrigation of 115 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6497-3 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 January 29, 2007.

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.

**Permit No. 6780-3**  
**Missouri 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, July 13, 2006, made a thorough examination of the water use system constructed by Willard Schmidt of 43970 306<sup>th</sup> Street, Yankton SD 57078 holder of Permit No. 6780-3 and 6497-3, bearing the priority of December 7, 2006 and March 8, 2004, respectively, authorizing the diversion of 0.21 and 1.43, respectively, cu. ft. per second of the waters of ground water (Missouri Elk Point aquifer) for irrigation purposes, in Yankton County.

Inspection contact & relationship to permit holder, if applicable: **Steve Schmidt**

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

**Well Information:**

- 1) Well Drilling Firm: Christensen
- 2) No. of Wells 1
- 3) Depth(s) 100 feet
- 4) Well log is available Y

**Casing:**

- 1) Diameter 16 inches
- 2) Length 80 feet
- 3) Type Plastic

**Screen:**

- 1) Type PVC
- 2) Length 20 feet
- 3) Static water level 15 feet

**Pump:**

- 1) Make American Pump & Supply

**Motor:**

- 1) Make John Deere, diesel
- 2) Size 3 cylinder

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

**Center pivot:**

- 1) Make T&L
- 2) Number of towers 8
- 3) End gun Y
- 4) Low pressure 50 psi
- 5) Capacity 740 GPM

**Chemigation Equipment:**

- 1) Does chemigate N

**C. Compliance with Permit Requirements:**

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

## Report of Examination of Works

Permit No. 6780-3

The system is in good condition with the point of diversion located as follows: well: 1,350 feet E and 1,380 feet S from the NW corner section 9-T93N-R54W (Latitude 42.89228, Longitude -97.23511 – SE¼NW¼). The works are capable of diverting and conveying to the place of use 1.64 cu. ft. per second of water of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

|        |                 |       |        |                 |       |
|--------|-----------------|-------|--------|-----------------|-------|
| NE¼NW¼ | sec 9-T93N-R54W | 30 ac | SW¼NW¼ | sec 9-T93N-R54W | 34 ac |
| NW¼NW¼ | sec 9-T93N-R54W | 17 ac | SE¼NW¼ | sec 9-T93N-R54W | 34 ac |

comprising a total of 115 acres of land and the license should be issued for 1.64 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:  
A priority date of March 8, 2004 (6497-3) should be assigned to 100 acres and 1.43 cfs with the remaining 15 acres and 0.21 cfs assigned a priority date of December 7, 2006 (6780-3).



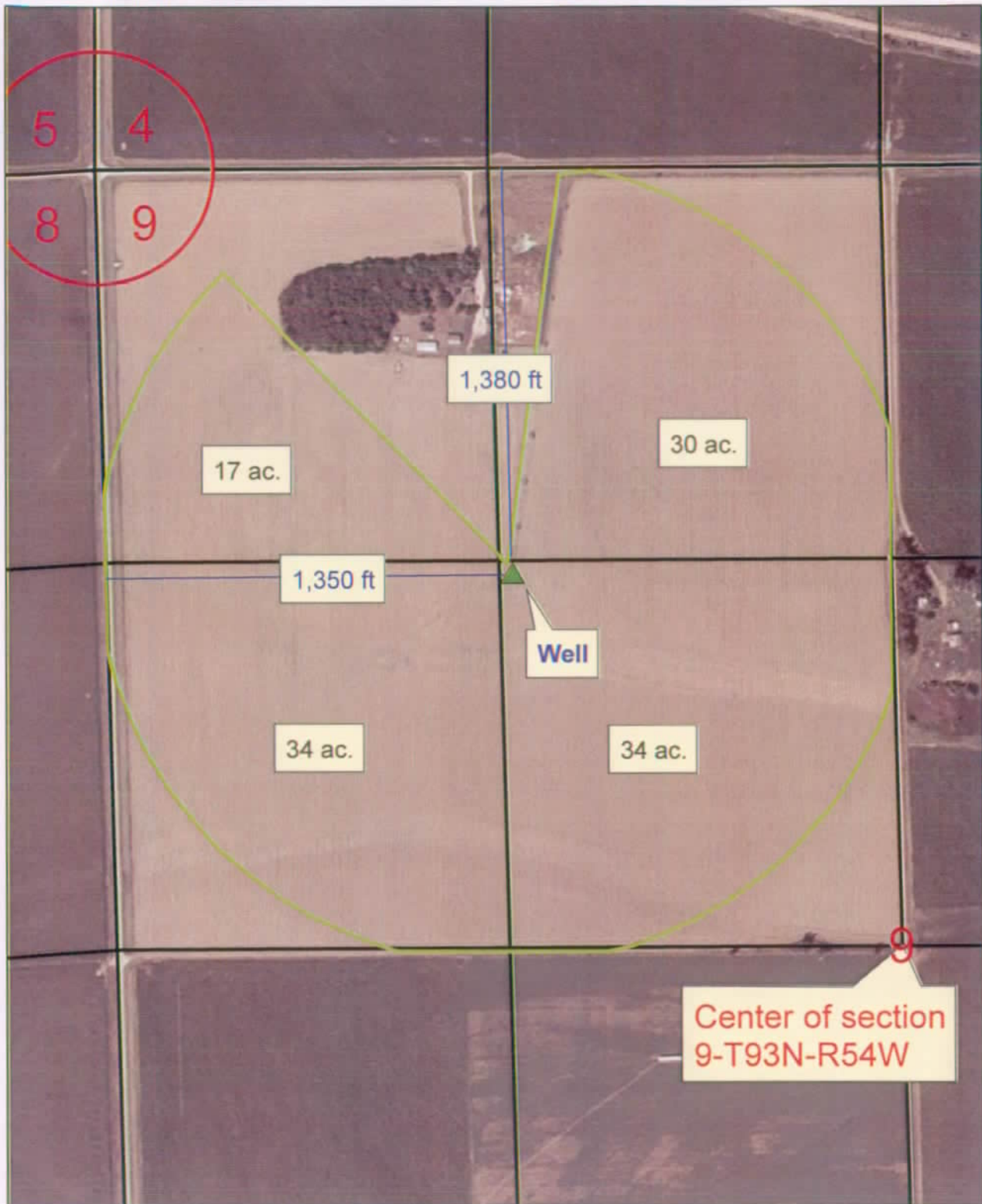
Ron Duvall  
Natural Resources Engineer  
DENR, Water Rights Program

Date report completed: December 18, 2006

Scale: 1 inch equals 506 feet

720

Feet



*South Dakota*  
Department of Environment  
& Natural Resources  
Water Rights

Completed by:

*Ron Duvall*  
Ron Duvall, Natural Resources Engineer  
Water Rights Program

Diversion point(s) located using GeoExplorer II GPS

Date: Dec 18, 2006

**Water Permit No. 6780-3**

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 6780-3

(1) Willard Schmidt, 43970 306<sup>th</sup> St, Yankton SD 57078 made Application No. 6780-3, December 7, 2006 for a water permit to divert an additional 0.21 cubic feet of water per second (cfs) from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 6780-3, with a priority date of December 7, 2006 was approved January 29, 2007 and issued to the applicant for diversion of water with construction of the described water supply system and for the application to beneficial use of water completed.

Water Permit No. 6497-3, with a priority date of March 8, 2004, authorized diversion of 1.43 cfs from one well to irrigate 100 acres. The applicable portions of No. 6497-3 are incorporated into this water license.

(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 Incorporated Water Right No. 6780-3 is issued a license, bearing priority dates of December 7, 2006 (0.21 cfs) and March 8, 2004 (1.43 cfs) to appropriate a total of 1.64 cfs from groundwater (one well) to irrigate 115 acres.

The diversion point is located: 1,350 feet east and 1,380 feet south from the northwest corner Section 9-T93N-R54W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

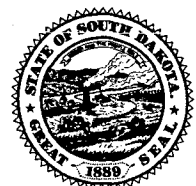
|                            |           |          |
|----------------------------|-----------|----------|
| <b>Section 9-T93N-R54W</b> | NE ¼ NW ¼ | 30 acres |
|                            | NW ¼ NW ¼ | 17 acres |
|                            | SW ¼ NW ¼ | 34 acres |
|                            | SE ¼ NW ¼ | 34 acres |
| <b>Total 115 acres</b>     |           |          |

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6780-3 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.
- 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

MAY 10 2007  
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](http://www.state.sd.us/denr)

MAY 10 2007

6780-3

Willard Schmidt  
43970 306<sup>th</sup> St  
Yankton SD 57078

Dear Mr. Schmidt:

Enclosed are Water Permit and License No. 6780-3. These are the final water right documents completing your process of obtaining a Water Right.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 6780-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of No. 6497-3 are incorporated into Water License No. 6780-3.

enclosures