

WATER PERMIT NO. 6781-3

Name of Applicant: Steve Schmidt

Address: 44847 307th St, Mission Hill SD 57046

Phone: 605 267-2408

Amount of Water Claimed: 0.7166 Total Acres: 50

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 8 miles northeast of Yankton

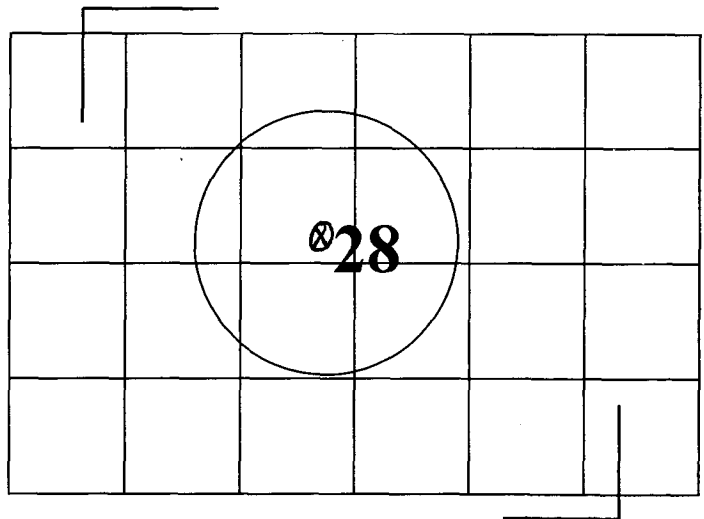
PRIORITY Date Received: 12-7-06 Application/License Fee: \$150

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

Remarks: Add 0.71 cfs and 50 acres to 1.56 cfs and 140 acres authorized by No. 6498-3

Diversion Point: SE ¼ NW ¼ Sec 28-T94N-R54W

Land to be Irrigated: W ½ NE ¼, NW ¼, N ½ SW ¼, NW ¼ SE ¼ Sec 28-T94N-R54W



Depth of Well: 65 feet deep

Well Driller: Christenson Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 12-8-06

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. <u>6781-3</u> (office use only)	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Daily Press & Dakotan Yankton SD</u>	
	<u>605-665-7811</u>	<u>57078</u>

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.)

- Name of Applicant Steve Schmidt Phone (605) 267-2408
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 44847 307th Street Mission Hill State SD 57046
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 0.66 *CFS or 0.710 **GPM ***AF Total Acreage 50
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply ground water (1 well - Missouri Elk Point aquifer)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Yankton
SE1/4NW1/4 section 28-T94N-R54W
- County or counties where water will be used Yankton
- Annual period during which water is to be used Mar 1 - Nov 1
- List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
W1/2NE1/4, NW1/4, N1/2SW1/4, NW1/4SE1/4	50		
all in section 28-T94N-R54W			
(Total acreage 190 acres)			

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

This application is to increase the number of irrigated acres from 140 acres (authorized by Permit No. 6498-3) to 190 acres. and add 0.66 cfs to 1.56 cfs (Total) 2.22 cfs.

STATE OF SOUTH DAKOTA) SS
County of Yankton

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, Steven 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 Steven Schmidt

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

Cheryl A. Oster
Notary Public signature
CHERYL A. OSTER

**SOUTH DAKOTA
WATER PERMIT NO. 6781-3**

Date of first receipt of application December 7, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6781-3 to Steve Schmidt, 44847 307th St, Mission Hill SD 57046 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6781-3 appropriates an additional 0.66 cubic feet of water per second (cfs) and irrigate 50 additional acres to what is currently authorized by Water Permit No. 6498-3. Water Permit No. 6498-3 appropriates 1.56 cfs from one well completed into the Missouri:Elk Point Aquifer (65 feet deep) located in the SE 1/4 NW 1/4 Section 28 to irrigate 140 acres located in the SW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, and the NW 1/4 SE 1/4 Section 28; all in T94N-R54W. An investigation of the permit found the system capable of diverting an additional 0.66 cfs from the existing well and irrigating an additional 50 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4, and the NW 1/4 SW 1/4 Section 28-T94N-R54W. This permit and Permit No. 6498-3 authorize a total diversion of 2.22 cfs for irrigation of 190 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. 6781-3 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

APR 20 2007

date



STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6781-3

(1) Steve Schmidt, 44847 307th St, Mission Hill SD 57046 made Application No. 6781-3, December 7, 2006 for a water permit to divert an additional 0.66 cubic feet of water per second (cfs) from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 6781-3, 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 the application to beneficial use of water completed.

Water Permit No. 6498-3, with a priority date of March 8, 2004, authorized diversion of 1.56 cfs from one well to irrigate 140 acres. The applicable portions of No. 6498-3 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. 6781-3 is issued a license, bearing priority dates of December 7, 2006 (0.66 cfs) and March 8, 2004 (1.56 cfs) to appropriate a total of 2.22 cfs from groundwater (one well) to irrigate 190 acres.

The diversion point is located: 2,400 feet south and 2,400 feet east from the northwest corner of Section 28-T94N-R54W (SE ¼ NW ¼). The acres authorized for irrigation are as follows:

Section 28-T94N-R54W	NE ¼ NW ¼	14 acres	NW ¼ NE ¼	8 acres
	SW ¼ NW ¼	13 acres	SW ¼ NE ¼	38 acres
	SE ¼ NW ¼	40 acres	NW ¼ SE ¼	32 acres
	NE ¼ SW ¼	38 acres		
	NW ¼ SW ¼	7 acres		
Total 190 acres				

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Permit No. 6781-3 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

APR 20 2007

date



(type or print in ink)

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

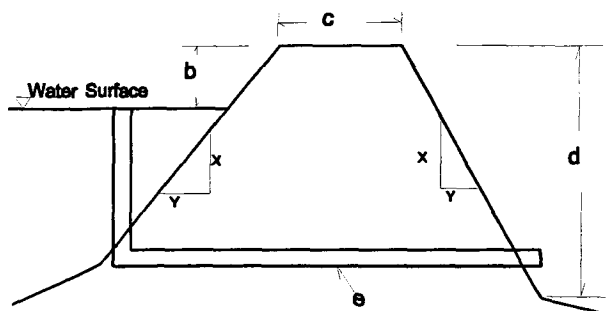
3. Dugout Information

- 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

07-92

WATER RIGHTS
PROGRAM

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>6781-3</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. _____

2672

By

Darland Eubank

Chief Engineer

gm

Permit No. 6781-3
Vermillion 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 Steve Schmidt of 44847 307th Street, Mission Hill SD 57046 holder of Permit No. 6781-3 and 6498-3, bearing the priority of December 7, 2006 and March 8, 2004, respectively, authorizing the diversion of 0.66 and 1.56 cu. ft. per second, respectively, 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) 65 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 25 feet
- 3) Type Plastic

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 10 feet

Pump:

- 1) Make American Pump & Supply

Motor:

- 1) Make Case, diesel
- 2) Model No. 4 cylinder

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make T & L
- 2) Number of towers 9
- 3) End gun Y
- 4) Low pressure 50 psi
- 5) Capacity ≈ 1,000 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. 6781-3

The system is in good condition with the point of diversion located as follows: Well: 2,400 feet S and 2,400 feet E from the NW corner section 28-T94N-R54W (Latitude 42.93173, Longitude -97.23078 -- SE $\frac{1}{4}$ NW $\frac{1}{4}$). The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: **all in section 28-T94N-R54W**

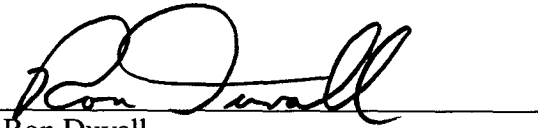
NW $\frac{1}{4}$ NE $\frac{1}{4}$	8 ac	NE $\frac{1}{4}$ NW $\frac{1}{4}$	14 ac
SW $\frac{1}{4}$ NE $\frac{1}{4}$	38 ac	SW $\frac{1}{4}$ NW $\frac{1}{4}$	13 ac
NW $\frac{1}{4}$ SE $\frac{1}{4}$	32 ac	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 ac
		NE $\frac{1}{4}$ SW $\frac{1}{4}$	38 ac
		NW $\frac{1}{4}$ SW $\frac{1}{4}$	7 ac

comprising a total of 190 acres of land and the license should be issued for 2.22 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 (6498-3) should be assigned to 140 acres and 1.56 cfs with the remaining 50 acres and 0.66 cfs assigned a priority date of December 7, 2006 (6781-3).



Ron Duvall

Natural Resources Engineer
DENR, Water Rights Program

Date report completed: December 18, 2006

Scale: 1 inch equals 666 feet

950

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: Nov 8, 2006

Water Permit No. 6781-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 26, 2006

Permit Nos. 6482-3, 6498-3 & 6555-3

Steve Schmidt
44847 307th Street
Mission Hill SD 57046

Dear Mr. Schmidt:

On July 13, 2006, I visited with you and inspected your water permits for purposes of issuing the water licenses which is the final step in getting a water right. I also inspected Willard Schmidt's permits and am enclosing a copy of the correspondence/maps that I sent to him concerning his two permits.

I would like you to review the following information to make sure it is accurate before any action is taken to license your permits.

Permit No. 6482-3 (see enclosed map)

The outline of this pivot did not show up on my aerial photography so I walked to the center of the pivot to GPS the location and did the same at the end of the pivot. The interior green circle represents the physical size of the pivot and the outer blue line is my estimated coverage accounting for the end gun spray – approximately 136 acres. This acreage total is based on the assumption that you provided a means for the pivot to make a full circle by crossing the drainage ditch. If this is true, then the number of acres irrigated exceeds the permitted number of acres. The permitted acreage is 90 and the total area is approximately 136 acres. If this is the case, then a new permit is needed for the additional acres. Please let me know if you agree with the acreage assessment.

Permit No. 6498-3 (see enclosed map)

This permit as developed is ready for licensing. If you see anything of concern on the map, please let me know. Otherwise the permit will be licensed for 136 acres using 700 gallons per minute.

Permit No. 6555-3 (see enclosed map)

This is your newest permit that you informed me had been completed. I did not have any information with me at the time of the inspection so I would like you to confirm that the enclosed map accurately represents the irrigated area. I used GPS coordinates to get the pivot center and the outer perimeter. However, I did not notice at the time of inspection whether the trees in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ had been removed to allow the pivot to make a full rotation. Please let me know if a full circle is being made.

If you have any questions, please let me know. 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

November 9, 2006

Permit Nos. 6482-3 & 6498-3

Steve Schmidt
44847 307th Street
Mission Hill SD 57046

Dear Mr. Schmidt:

Based on our phone conversation on November 6, 2006, I have partially completed 2 permit applications to add 46 acres to the area covered by Permit No. 6482-3 and 50 acres to the area covered by No. 6498-3. I have attached a copy of the map I prepared for each area so you can review the coverage/acreage of each pivot.

The application needs to be signed and notarized and then returned with a \$150.00 application fee for each application. You already paid a license fee of \$50.00 for the existing permits so an additional \$50.00 is not needed.

Upon receipt of your signed and notarized applications 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.

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6781-3, 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. 6781-3, Steve Schmidt, 44847 307th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 6781-3 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 6781-3

For Steve Schmidt

December 28, 2006

Application No. 6781-3 proposes to appropriate 0.66 cfs (296 gpm) and to irrigate 50 additional acres to what is authorized by Water Permit No. 6498-3. Water Permit No. 6498-3 appropriates 1.56 cfs from one well approximately 65 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 28 to irrigate 140 acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 28; all in T94N R54W in Yankton County. An investigation of the permit found the system capable of diverting an additional 0.66 cfs from the existing well and irrigating an additional 50 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 28, T94N R54W. This application, if approved, will authorize a total diversion rate of 2.22 cfs for irrigation of 190 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 30 feet, medium gravel and sand from 30 to 55 feet, and coarse gravel and rocks from 55 to 65 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 10 feet below land surface. This well has been constructed in accordance with SD Well Construction Standards.

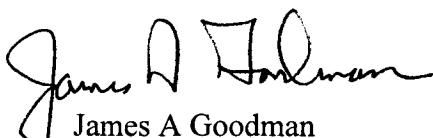
The Water Rights Program monitors an observation well YA-80JA completed into the Missouri Elk Point aquifer and located about one and one-half mile northwest of the well for this application. Water levels for these wells show good response to climatic conditions that is rising water levels during wet 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.

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 northeast 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 as submitted will allow licensing of this system to reflect how the system is built.



James A Goodman
Natural Resources Engineer

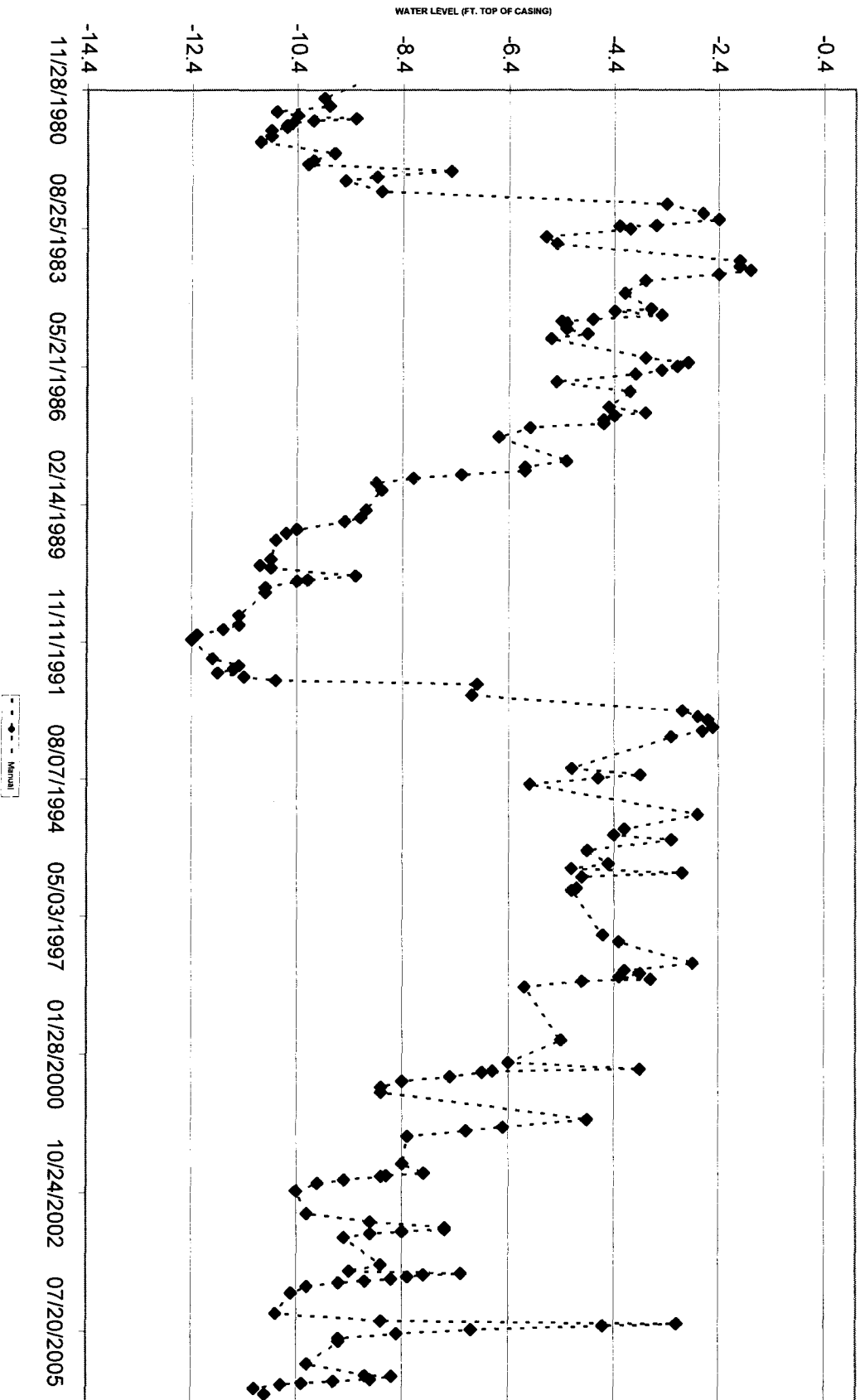
BIBLIOGRAPHY

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-80JA



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 NOS 6781-3/6782-3

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 \$218.70 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
[Signature]
NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES 8/19/2009

1+11+18

NOTICE OF APPLICATION NOS. 6781-3 and 6782-3 to Appropriate Water

Notice is given that Steve Schmidt, 44847 307th St, Mission Hill SD 57046 has filed the following applications for a water permit.

Application No. 6781-3 proposes to appropriate an additional 0.66 cubic feet of water per second (cfs) and irrigate 50 additional acres to what is currently authorized by Water Permit No. 6498-3. Water Permit No. 6498-3 appropriates 1.56 cfs from one well completed into the Missouri:Elk Point Aquifer (65 feet deep) located in the SE 1/4 NW 1/4 Section 28 to irrigate 140 acres located in the SW 1/4 NE 1/4, S 1/4 NW 1/4, NE 1/4 SW 1/4, and the NW 1/4 SE 1/4 Section 28; all in T94N-R54W. An investigation of the permit found the system capable of diverting an additional 0.66 cfs from the existing well and irrigating an additional 50 acres located in the NW 1/4 NE 1/4, NE 1/4 NW 1/4, SW 1/4 NW 1/4, and the NW 1/4 SW 1/4 Section 28-T94N-R54W. This application, if approved, will authorize a total diversion of 2.22 cfs for irrigation of 190 acres.

Application No. 6782-3 proposes to irrigate an additional 46 acres to what is currently authorized by Water Permit No. 6482-3. Water Permit No. 6482-3 appropriates 1.56 cfs from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE 1/4 NE 1/4 Section 15 to irrigate 90 acres located in the SE 1/4, S 1/2 NE 1/4 Section 15; all in T94N-R54W. An investigation of the permit found the system irrigating an additional 46 acres located in the SE 1/4, S 1/2 NE 1/4 Section 15-T94N-R54W. This application, if approved, will authorize a total of 1.56 cfs for irrigation of 136 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6481-3 and 6482-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 29, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pimer, 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

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 6781-3 and 6782-3 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 Steve Schmidt, 44847 307th Street, Mission Hill SD (Ph # 605-267-2408).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

Nos. 6781-3 & 6782-3

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 Nos. 6781-3 & 6782-3 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

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

January 3, 2007

Steve Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Water Permit Application Nos. 6781-3 & 6782-3 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 Plain Talk printed at Vermillion, 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 recommendations of the Chief Engineer and the reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.

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

NOTICE OF APPLICATION NOS. 6781-3 and 6782-3 to Appropriate Water

Notice is given that Steve Schmidt, 44847 307th St, Mission Hill SD 57046 has filed the following applications for a water permit.

Application No. 6781-3 proposes to appropriate an additional 0.66 cubic feet of water per second (cfs) and irrigate 50 additional acres to what is currently authorized by Water Permit No. 6498-3. Water Permit No. 6498-3 appropriates 1.56 cfs from one well completed into the Missouri:Elk Point Aquifer (65 feet deep) located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 28 to irrigate 140 acres located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28; all in T94N-R54W. An investigation of the permit found the system capable of diverting an additional 0.71 cfs from the existing well and irrigating an additional 50 acres located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 28-T94N-R54W. This application, if approved, will authorize a total diversion of 2.22 cfs for irrigation of 190 acres.

Application No. 6782-3 proposes to irrigate an additional 46 acres to what is currently authorized by Water Permit No. 6482-3. Water Permit No. 6482-3 appropriates 1.56 cfs from one well completed into the Missouri:Elk Point Aquifer (100 feet deep) located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 to irrigate 90 acres located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15; all in T94N-R54W. An investigation of the permit found the system irrigating an additional 46 acres located in the SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 15-T94N-R54W. This application, if approved, will authorize a total of 1.56 cfs for irrigation of 136 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6481-3 and 6482-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by January 29, 2007.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 20 2007

6781-3
6782-3

Steve Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

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

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the wells authorized by Water Right Nos. 6781-3 and 6782-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

Note: The applicable portions of No. 6498-3 are incorporated into Water License No. 6781-3
The applicable portions of No. 6482-3 are incorporated into Water License No. 6782-3

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