

WATER PERMIT NO. 7048-3

Name of Applicant: **Steven Schmidt**

Address: **44847 307th St, Mission Hill SD 57046**

Phone: **605 267-2408**

Amount of Water Claimed: **1.33 cfs**

Total Acres: **160 acres**

Source of Water Supply: **groundwater (one existing well)**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System:

Location: **8 miles northeast of Yankton**

PRIORITY

Date Received: **7-16-2008**

Application/License Fee: **\$300**

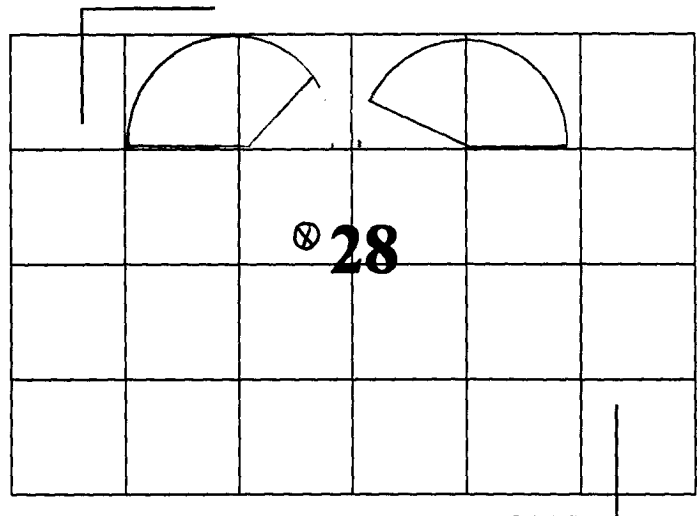
Corrected Application Received:

Period of Annual Use: **June 1 – Sept 30**

Remarks: **Will utilize existing well authorized by Water Right No. 6781-3**

Diversion Point: ~~S~~ **NE 1/4 NW 1/4 Sec 28-T94N-R54W**

Land to be Irrigated: **N 1/2 NW 1/4, N 1/2 NE 1/4 Sec 28-T94N-R54W**



Depth of Well: **65 feet deep**

Well Driller: : **Christensen Well & Irrigation**

Remarks:

Type of Map: **aerial**

Prepared by: **Debora Dengal, Yankton Co FSA**

Reviewed and the Number Assigned on: **7-16-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7048-3</u> (office use only) <u>10170102</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Daily Press & Dakotan</u> <u>PO Box 56</u>
	<u>665-7817</u> <u>Vermillion 57069</u>

RECEIVED
JUL 16 2008
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.)

Will use existing well used by WR # 4781-3

1. Name of Applicant Schmidt Steven Phone 605-267-2408
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 44847 - 302nd St Mission Hill State SD 57046
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 1.33*CFS or 600 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Center of Section
28 is where well is located
SE 1/4 NW 1/4 S28 T94N R54W County Yankton

5. County or counties where water will be used Yankton

6. Annual period during which water is to be used June 1st - Sep 30

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
N2 NE4			
NW 1/4 - NW 1/4 Sec 28	40	NE 1/4 - NE 1/4 Sec 28	40
NE 1/4 NW 1/4 Sec 28	40		
NW 1/4 NE 1/4 Sec 28	40		

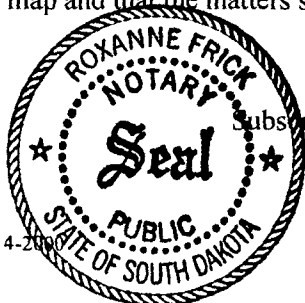
8. Give a description of the project. (Attach sheet if more space is needed)

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, 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 25th day of April 20 08

Roxanne Frick
Notary Public signature

Commission Expires: 09-02-2013

SOUTH DAKOTA
WATER PERMIT NO. 7048-3

Date of first receipt of application July 16, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7048-3 to Steven 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. 7048-3 appropriates 1.33 cubic feet of water per second from one well completed into the Missouri:Elk Point Aquifer (65 feet deep) located in SE 1/4 NW 1/4 Section 28 to irrigate 160 acres located in the N 1/2 NW 1/4, N 1/2 NE 1/4 Section 28; all in T94N-R54W. The permit holder will use the existing well authorized by Water Right No. 6781-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.
3. The date from which applicant may claim right is July 16, 2008.
4. The date of approval of Permit No. 7048-3 is September 15, 2008.
5. One-fifth of the construction is to be completed on or before March 15, 2011.
6. All construction is to be completed on or before September 15, 2013.
7. Water is to be put to beneficial use on or before September 15, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

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

OCT 30 2008
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 65'
- b) Casing Type PVC Diameter 12" Thickness 3/8"
- c) Screen Type PVC Diameter _____ Thickness _____
- d) Gravel Pack yes Length of Gravel Pack 50'
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 9'
- g) Distance to nearest existing domestic well:

On applicants property 1/2 mile

On property owned by others John Dunderderson

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 _____

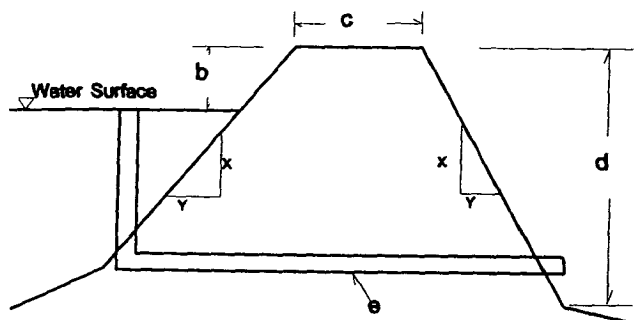
3. Dugout Information

- 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



28-94-54

RECEIVED

APR 16 2008
WATER RIGHTS
PROGRAM

United States Department of Agriculture
Farm Service Agency

Yankton County

April 21, 2005

2006

1997 Digital Orthophotography - Not To Scale

Debara Dangel
FSA Program Technician



SOUTH DAKOTA WATER WELL COMPLETION REPORT

6498-3

07-92

Location SW 1/4 NE 1/4 Sec 28 Twp 94N Rq 54W
County Yankton

Please mark well location with an "X"

Location SW 1/4 NE 1/4 SE 1/4
NW 1/4 NE 1/4 SW 1/4
NW 1/4 Well Completion Date SE 1/4
5-21-04

Well Owner: Russ + Steve Schmidt

Business Name:

Address: 8949 558th
W-yon, NE 6792

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>top + silty clay</u>	<u>0</u>	<u>30</u>
<u>med gravelly sand</u>	<u>30</u>	<u>55</u>
<u>coarse gravel + ROCK</u>	<u>55</u>	<u>65</u>

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2000 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 SD26 LB/FT 16 IN 0 FT 25 FT 28 IN
_____ LB/FT _____ IN _____ FT _____ FT _____ IN
_____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Cement No. of Sacks _____ Grout Weight _____ lb./gal 12 ft 25 ft

Describe grouting procedure pumped down w/
pressure grouter

SCREEN: ☐ Perforated pipe ☒ Manufactured 40
Diameter 16 IN Length _____ FEET
Material PU
Slot Size 0.05 Set From 25 Feet to 65 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? Alum

YES, How: _____

NO, Why Not? _____

Laboratory sent to for water
quality analysis _____

STATIC WATER LEVEL 10 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

24 ft. After 3 Hrs. pumped 800 GPM

24 ft. After 4 Hrs. pumped 800 GPM

If pump installed, pump rate 900 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Chusterson Wells & Supton

Signature of License Representative Col W. Chusterson

Signature of Well Owner or Equitable Property Holder: RECEIVED

JAN - 3 2005

Date: _____

WATER RIGHTS
PROGRAM

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 7/16, 20 08

RECEIVED OF Margaret A Schmidt Steven Schmidt 89498 558th Ave Yankton SD 57028

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

Fee for Application for Permit No. <u>7042-3</u> to Appropriate Water, to construct and to put water to beneficial use	250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7042-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No.

03695

By [Signature]
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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7048-3, Steven 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. 7048-3, Steven Schmidt, 44847 307th Street, Mission Hill SD 57046.

The Chief Engineer is recommending APPROVAL of Application No. 7048-3 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
August 18, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7048-3

For Steven Schmidt

August 5, 2008

Application No. 7048-3 proposes to appropriate 1.33 cfs from one well approximately 65 feet deep located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 28 to irrigate 160 acres located in the N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 28; all in T94N R54W in Yankton County. The applicant will be utilizing an existing well authorized by Water Right No. 6781-3.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point aquifer is a surficial outwash (sand and gravel) that is technically under artesian conditions at this site but generally in this area of Yankton County is under water table conditions. The aquifer underlies 45,000 acres and contains an estimated 675,000 acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Clay County to the east, blends into the Lower James Missouri aquifer to the north and is hydraulically connected to the James and Missouri Rivers over portions of Yankton County. Bugliosi in the Yankton County Study divided the Lower James Missouri aquifer into the northern and southern areas which roughly coincide with the Lower James Missouri aquifer and Missouri Elk Point aquifer as mapped by Hedges. The aquifer is prolific and well yields can be expected to be at least 500 gpm and may be more than 1,000 gpm (Bugliosi, 1986).

The existing well log indicates topsoil and silty clay from 0 to 30 feet, gravel and sand from 30 to 55 feet and coarse gravel and rocks from 55 to 65 feet below land surface. The completed well had a static water level of 10 feet below land surface and was capable of producing 800 gpm with 14 feet of drawdown. This equates to a specific capacity of 57 gpm/ft of drawdown. This is a good rate for specific capacity but nothing special for this aquifer. The test data indicates that this well is more than capable of producing the amount of water requested by this application.

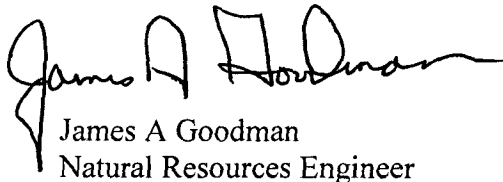
The Water Rights Program monitors an observation well YA-80JA that is located about one and one-half miles northwest of this proposed well site. Water levels for this observation well show good response to climatic conditions. The water levels rise during wet years (recharge) and gradually decline during dry years. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing water permits/water rights within one mile of this application. The nearest existing well is about three-fourths mile away. At this distance drawdown created by pumping is not expected to be significant. This is shown by the observation well hydrograph for YA-80JA and other observation wells completed into the Missouri Elk Point aquifer in Yankton County. Interference is not expected to be a concern.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions in this general area even though the site appears to be confined. Even so the aquifer behavior mimics a water table situation. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. This is an existing well authorized by Water Right No. 6781-3 and is constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

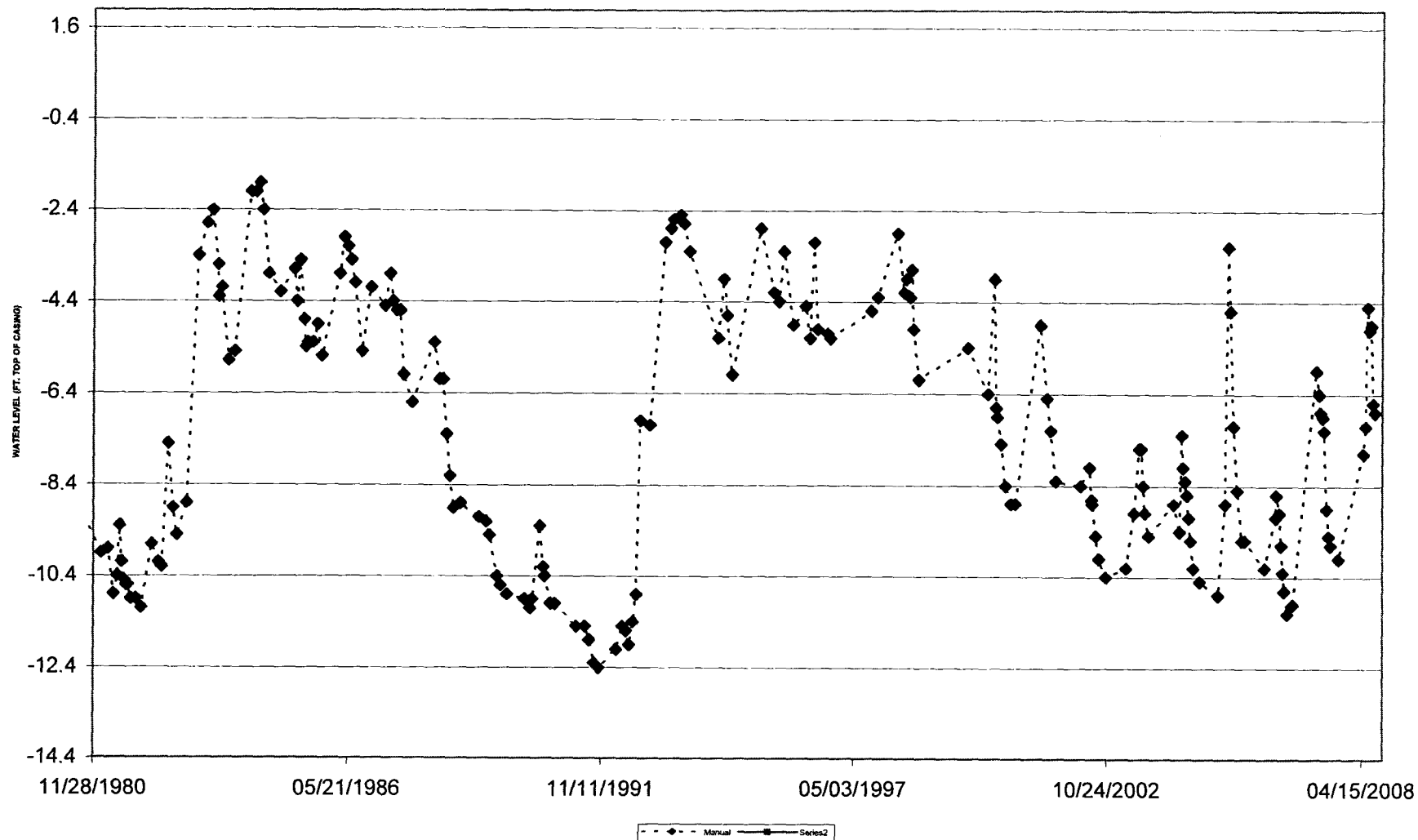
BIBLIOGRAPHY

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

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.

Water Rights, 2008, Unpublished Observation Well Records 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

RECEIVED

SEP - 5 2008

WATER RIGHTS
PROGRAM

8+27+9+3

DENR
Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre, SD 57501-3181

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 Application No. 7048-3 to Appropriate Water

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 3rd DAY OF September 2008
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$40.07 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: 8/27, 9/03

FILED ON: 9/3/2008

SUBSCRIBED AND SWORN TO BEFORE ME THIS 3rd DAY OF September, 2008

NOTARY PUBLIC, SOUTH DAKOTA
MY COMMISSION EXPIRES

8/19/2009

OK
NOTICE OF APPLICATION NO.
7048-3 to Appropriate Water

Notice is given that Steven Schmidt, 44847 307th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well completed into the Missouri Elk Point Aquifer (65 feet deep) located in SE 1/4 NW 1/4 Section 28 to irrigate 160 acres located in the N 1/2 NW 1/4, N 1/2 NE 1/4 Section 28, all in T94N-R54W. The applicant will use the existing well authorized by Water Right No. 6781-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7048-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 15, 2008.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

August 19, 2008

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7048-3 to Appropriate Water to be published twice. Please publish the first notice on August 27, 2008 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 Steven Schmidt, 44847 307th St., Mission Hill SD 57046 (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-----

No. 7048-3

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

Date _____

We are in receipt of your letter of August 19, 2008 enclosing Notice to Appropriate Water by Application No. 7048-3 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.

August 19, 2008

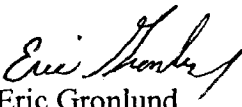
Steven Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Water Permit Application No. 7048-3 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 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 August 27, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7048-3 to Appropriate Water

Notice is given that Steven Schmidt, 44847 307th St, Mission Hill SD 57046 has filed an application for a water permit to appropriate 1.33 cubic feet of water per second from one well completed into the Missouri Elk Point Aquifer (65 feet deep) located in SE ¼ NW ¼ Section 28 to irrigate 160 acres located in the N ½ NW ¼, N ½ NE ¼ Section 28; all in T94N-R54W. The applicant will use the existing well authorized by Water Right No. 6781-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7048-3 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 this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 15, 2008.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 30 2008

Steven Schmidt
44847 307th St
Mission Hill SD 57046

Dear Mr. Schmidt:

Enclosed is Water Permit No. 7048-3 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