

WATER PERMIT NO. 7202-3

Name of Applicant: **Willard Schmidt**

Address: **43970 306th St, Yankton SD 57078**

Phone: **605 665-4833**

Amount of Water Claimed: **no add'l**

Total Acres: **40**

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

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System: **NA**

Location: **2 miles north of Yankton**

PRIORITY Date Received: **5-17-10**

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

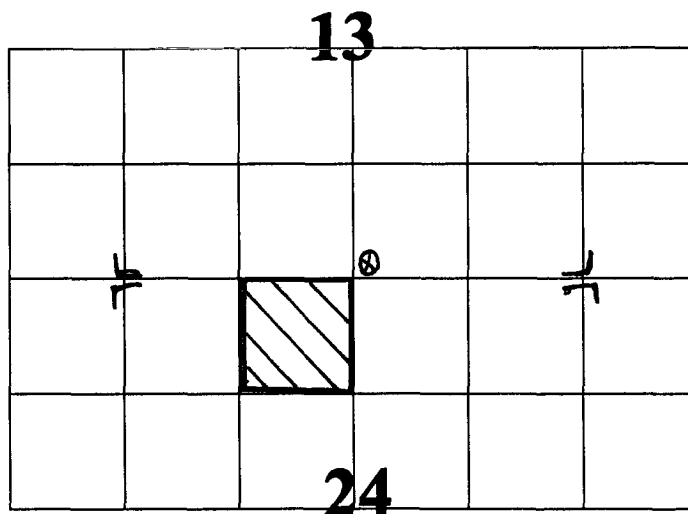
Corrected Application Received: **5-28-10**

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

Remarks: **Will utilize well authorized by Water Right No. 7202-3**

Diversion Point: **SW ¼ SW ¼ Sec 13-T94N-R56W**

Land to be Irrigated: **NE ¼ NW ¼ Sec 24-T94N-R56W**



Depth of Well: **220**

Well Driller: **Christensen Well & Irrigation**

Remarks:

Type of Map: **aerial**

Prepared by: **Mike Reifenroth, Yankton Co. FSA**

Reviewed and the Number Assigned on: **5-28-10**

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>7202-3</u> (office use only)	Hydrologic Unit <u>10160010</u>
	Basin <u>James River</u>	
	Newspaper <u>Daily Press & Dakotan</u>	P.O. Box <u>56</u>
	<u>605-665-0781</u>	<u>Yankton SD 57078</u>

RECEIVED
MAY 17 2010
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 6483-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

water an additional about 40 acres from
existing well

- Name of Applicant Willard Schmidt Phone 605 665 4833
(check one) X Owner Tenant/lessee
Mailing Address 43970 306th St Yankton SD State 57078
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed *CFS or 700 **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well (existing well)
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Well is located in SW corner of SE 1/4 of Sec 13 94-56
County Yankton
- County or counties where water will be used Yankton
- Annual period during which water is to be used March 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
NE 1/4 of NW 1/4 24-94-56	40		

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

Water 40 acres across the road from the well

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, 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 12th day of May 2010

My commission expires:

6/26/2010

Cheryl A. Oster
CHERYL A. OSTER Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7202-3

Date of first receipt of application May 17, 2010.

Date of return to applicant for corrections, amendments or changes May 17, 2010.

Date of receipt of corrected application May 28, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7202-3 to Willard Schmidt, 43970 306th 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. 7202-3 authorizes irrigation of an additional 40 acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (220 feet deep) located in SW 1/4 SE 1/4 Section 13 to irrigate 112 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 13; all in T94N-R56W. This permit authorizes irrigation of an additional 40 acres located in the NE 1/4 NW 1/4 Section 24-T94N-R56W. This permit does not increase the developed diversion rate.
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 May 17, 2010.
4. The date of approval of Permit No. 7202-3 is July 12, 2010.
5. One-fifth of the construction is to be completed on or before January 12, 2013.
6. All construction is to be completed on or before July 12, 2015.
7. Water is to be put to beneficial use on or before July 12, 2019.
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 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

JUL 28 2010
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

Existing well 6483-3

- 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 _____

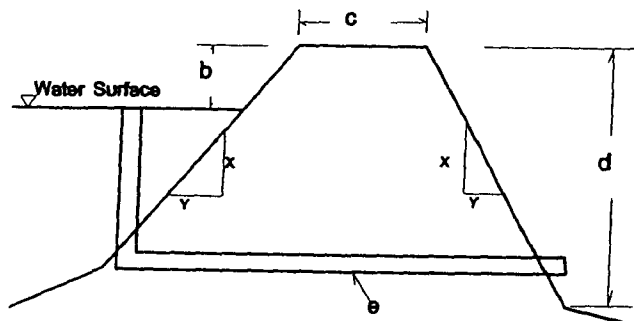
3. Dugout Information

- 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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/17, 20 10

RECEIVED OF Willard G Schmidt 43970 306th St Yankton SD 57078

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

Fee for Application for Permit No. <u>7302-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	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>7302-3</u>	200	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	700 00

No. 04553

By Willard G Schmidt
Chief Engineer



USDA - Farm Service Agency

Yankton County

RECEIVED

MAY 17 2010

WATER RIGHTS PROGRAM

24-94N-56W

1:7,668

April 22, 2008



Legend

- Tract Boundaries
- Section-Township-Range
- Easements
- CRP
- Common Land Units
- Rangeland

Wetland Determination Identifiers

- Restricted Use



USDA FSA maps are for FSA Program administration only. There is no guarantee or representation to the user as to the accuracy, currency, suitability or reliability. FSA MAPS DO NOT REPRESENT A LEGAL SURVEY. The user accepts the data 'as is' and assumes all risks associated with its use. Wetland points reflect records available with NRCS and may or may not constitute a full inventory of the property. The USDA Farm Service Agency assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data.

Mike Reichenbach PT 5/25/10 Farm Service Agency



RECEIVED

MAY 28 2010

WATER RIGHTS
PROGRAM

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 17, 2010

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

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

- Enclosed is the aerial photo map submitted with the application. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local FSA or NRCS office).
- This application is requesting to irrigate 40 additional acres utilizing the well authorized by Water Right No. 6483-3. I am assuming you will be pumping from the existing well on an alternating basis between the two systems. If this is not the case, please let know.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

↓
*We are pumping out of the
existing well.*



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7202-3, 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. 7202-3, Willard Schmidt, 43970 306th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7202-3 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 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
June 17, 2010

**Report on Water Permit Application No. 7202-3
for Willard Schmidt
May 28, 2010**

Application No. 7202-3 proposes to irrigate an additional forty acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second from one well approximately 220 feet deep located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 to irrigate 112 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13 in T94N R56W in Yankton County. This application proposes to irrigate an additional 40 acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24 in T94N-R56W. The annual period during which water will be used is June 1 through September 30.

AQUIFER: Lower James Missouri

This report will address the availability of unappropriated water from the Lower James Missouri aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Lower James Missouri is a buried outwash (sand and gravel) that is under water table conditions at this location. The aquifer underlies 92,500 acres and contains an estimated 2.08 million acre-feet of recoverable water in storage in Yankton County (Hedges, 1982). The aquifer extends into Hutchinson County to the north, blends into the Missouri Elk Point aquifer to the south and blends into the Lower James Missouri Scotland aquifer to the west (also extending into Bon Homme County). The aquifer appears to be hydraulically connected to the James River over portions of Yankton County. The aquifer is prolific and well yields from the Lower James Missouri aquifer can be expected to be at least 500 gpm (Bugliosi, 1986).

The test well log filed with the original application for Water Permit No. 6483-3 indicates yellow clay from the surface to 35 feet below surface, blue clay from 35 to 140 feet below surface and sand, gravel and rocks from 140 to 200 feet below surface. The static water level for that test well was about 150 feet below land surface.

Observation Well Data:

The Water Rights Program monitors three observation wells located within two miles of this application location. 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 due to natural discharge and to pumping. The water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). Hydrographs for two of these observation wells are included with this report.

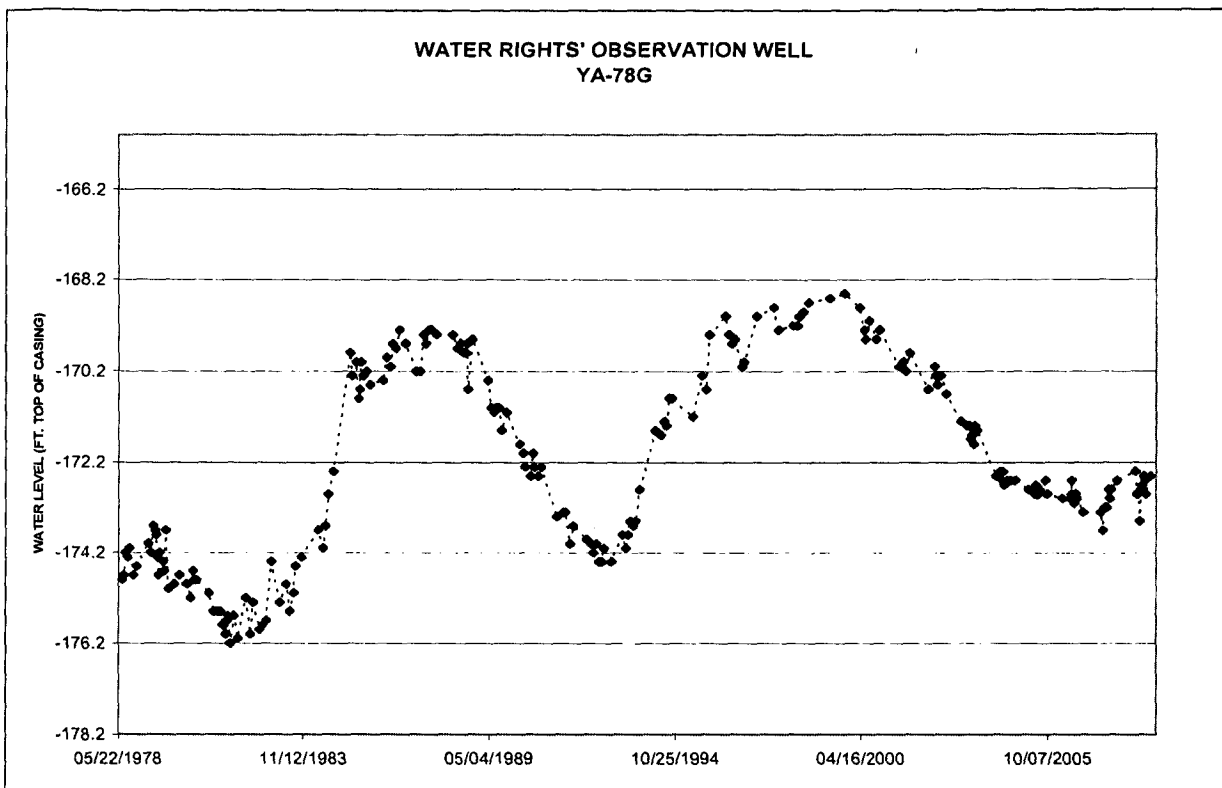


Figure 1. Hydrograph for Water Rights Observation Well YA-78G, completed into the Lower James Missouri Aquifer within one and a half miles of 7202-3

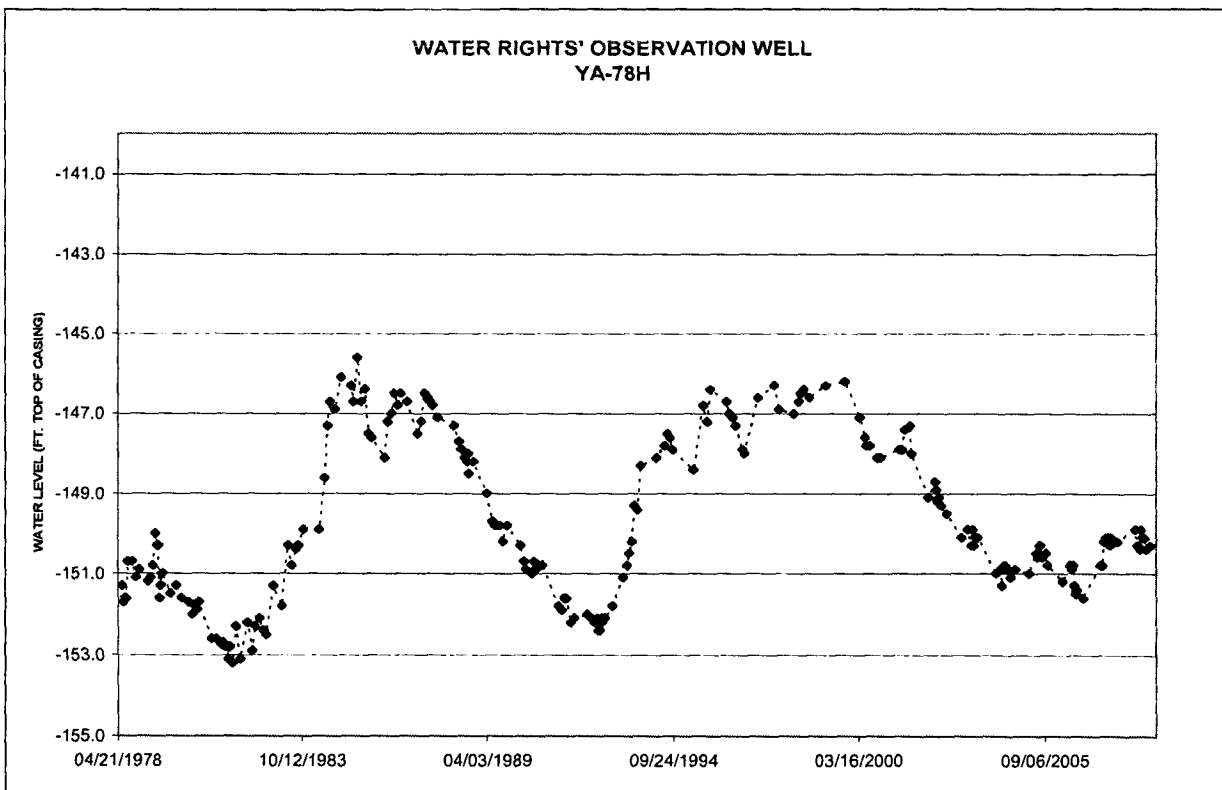


Figure 2. Hydrograph for Water Rights Observation Well YA-78H, completed into the Lower James Missouri Aquifer within one half mile of 7202-3

In general, the hydrographs show that over the period of record, withdrawals have not exceeded recharge.

Review of Existing Water Permits/Rights/Water Use:

Records of irrigation use from the Lower James Missouri aquifer date back to 1979.

Table 1 shows the number of appropriations, the total amount of water appropriated, and the reported amount of water pumped for each year. The average number of appropriations is over 47, with the average annual appropriation being about 16,450 acre-feet and the average annual pumpage reported at under 2,500 acre-feet.

IRRIGATION USE (ac-ft/yr) M:LJ			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2008	79	23891.7	4494.03
2007	63	20962.7	3638.03
2006	57	17564.1	4161.77
2005	55	16366.1	3250.23
2004	54	16142.1	3063.42
2003	60	18990.1	3327.43
2002	59	18709.1	4484.12
2001	59	18809.1	3324.79
2000	57	18649.1	4197.04
1999	56	17593.1	2373.41
1998	60	18950.1	3036.5
1997	57	19359.1	2565
1996	56	19527.1	2342.64
1995	48	17462.1	1758.35
1994	52	19468.1	2114.36
1993	53	18658.3	256.44
1992	52	19022.3	1279
1991	49	17728.3	2882
1990	42	14903.5	3345.1
1989	38	13139.5	2441.8
1988	38	13999.9	3104.3
1987	37	13843.9	1236.0
1986	30	11613.5	989.6
1985	33	12179.1	2724
1984	34	13429.2	1546
1983	31	11596.5	1292.06
1982	28	11466.1	1427.2
1981	31	14665	1890.8
1980	26	12611	1372
1979	25	12315	706
AVERAGE	47.30	16453.83	2487.45
MAXIMUM	79	23891.7	4494.03
MINIMUM	25	11466.1	256.44

Table 1. Irrigation usage from the Lower James Missouri aquifer (Water Rights, 1979-2008).

There are ten existing water permits/rights for irrigation located within one and a half miles of this application. The nearest water permit, 6756-3, is located approximately three quarters of a mile south of this permit application. Water levels do fluctuate as a result of area pumping but this does not affect the availability of water from the aquifer.

Conclusions:

1. This application does not increase the developed diversion rate for Water Right No. 6483-3. This application will use the existing well developed for Water Right No. 6483-3 to irrigate forty acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24-T94N-R56W.
2. Water is available from the Lower James Missouri aquifer.
3. The aquifer appears to be under water table conditions at this location. Drawdown will result from pumping. Interference is not expected to be a problem.
4. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
5. This well appears to be constructed in accordance with SD Well Construction Standards.



Hayes Haas
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. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Water Rights, 2010, Unpublished Observation Well Records for Yankton County, SD DENR, Water Rights Program, Pierre, SD, 57501

NOTICE OF APPLICATION
NO. 7202-3 to
Appropriate Water

RECEIVED

JUL - 8 2010

**WATER RIGHTS
PROGRAM**

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Notice is given that Willard Schmidt, 43970 306th St, Yankton SD 57078 has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (220 feet deep) located in SW 1/4 SE 1/4 Section 13 to irrigate 112 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 13; all in T94N-R56W. This application proposes to irrigate an additional 40 acres located in the NE 1/4 NW 1/4 Section 24-T94N-R56W. This application, if approved, does not increase the developed diversion rate.

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

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 to Appropriate Water No 7202-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE NEWSPAPER ON THE 2nd DAY OF July 2010 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$53.62 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: 6/25/2010 & 7/2/2010

FILED ON: 7/5/2010

SUBSCRIBED AND SWORN TO BEFORE ME THIS 5th DAY OF July 2010

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES 8/19/2015

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7202-3 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 July 12, 2010.

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

Published twice at the total approximate cost of \$53.62.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 18, 2010

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7202-3 to Appropriate Water to be published twice. Please publish the first notice on June 25, 2010 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 306th St., Yankton SD 57078 (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. 7202-3

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

Date _____

We are in receipt of your letter of June 18, 2010 enclosing Notice to Appropriate Water by Application No. 7202-3 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
denr.sd.gov

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

June 18, 2010

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

Water Permit Application No. 7202-3 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
eric.gronlund@state.sd.us

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 June 25, 2010, with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7202-3 to Appropriate Water

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7202-3 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.

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Published twice at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2010

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

Enclosed is Water Permit No. 7202-3 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

7202-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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AUG 31 2020

8251-3

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

Enclosed is Water License No. 8251-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in cursive script that reads 'Eric Gronlund'.

Eric Gronlund, Chief Engineer
Water Rights Program
(605)-773-3352

enclosures

Note: Upon licensing, the applicable portions of Water Right No. 6483-3 and Water Permit Nos. 7202-3 & 7253-3 were incorporated into Water License No. 8251-3.