

WATER PERMIT NO. 7253-3

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: 68 acres

Source of Water Supply: groundwater

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 2 miles north of Yankton

PRIORITY

Date Received: 5-20-2011

Application/License Fee: \$950

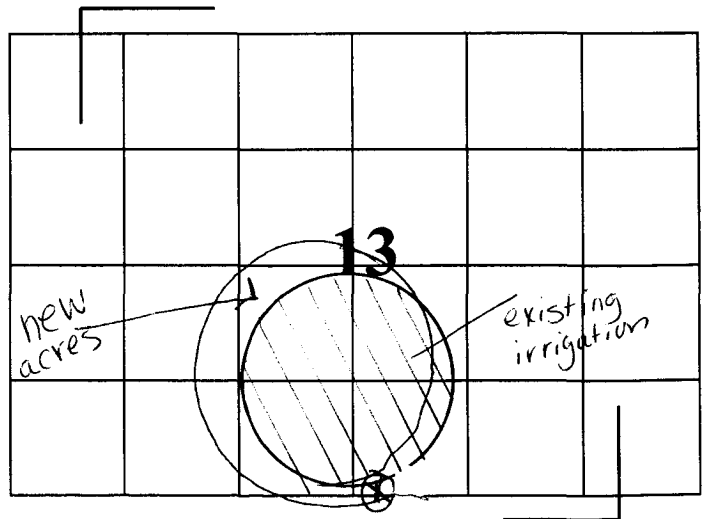
Corrected Application Received: 5-27-11

Period of Annual Use: June 1 – Sept 30

Remarks: Utilizing well authorized by Water Right No. 6483-3

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

Land to be Irrigated: W ½ SE ¼, SW ¼ NE ¼, SE ¼ NW ¼, SW ¼ Sec 13-T94N-R56W



Depth of Well: 220 feet deep

Well Driller: Christensen Well & Irrigation

Remarks:

Type of Map: aerial

Prepared by: Ron Duvall

Reviewed and the Number Assigned on: 5-31-2011

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

RECEIVED

MAY 20 2011

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7253-3</u> (office use only)	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Daily Press & Dakotan PO Box 56</u>	
	<u>605-665-7811</u> <u>Yankton 57078</u>	

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ 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.)

1. Name of Applicant Willard Schmidt Phone 605 665 4833
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 43970 306th ST Yankton SD 57078
(Address) (City) (State) (Zip Code)
2. Amount of water claimed NO ADD *CFS or 68 add **GPM ***AF Total Acreage 68 add
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply existing well
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) County Yankton
SW 1/4 SE 1/4 S 13 T 94N R 56 W
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used June 1 Sept. 30
7. List below each forty acre division, or lot, or fraction thereof and show number to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>SW 1/4 SE 1/4 Sec 13</u>	<u>24</u>	<u>NE 1/4 SW 1/4 Sec 13</u>	<u>40</u>
<u>NW 1/4 SE 1/4 Sec 13</u>	<u>28</u>	<u>NW 1/4 SW 1/4 Sec 13</u>	<u>18</u>
<u>SW 1/4 NE 1/4 Sec 13</u>	<u>5</u>	<u>SE 1/4 SW 1/4 Sec 13</u>	<u>38</u>
<u>SE 1/4 NW 1/4 Sec 13</u>	<u>12</u>	<u>SW 1/4 SW 1/4 Sec 13</u>	<u>15</u>

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

We now own the land to the west and north of the Farm and can now lengthed the pivot to irrigate more acres

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. Also, 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 SchmidtSubscribed and sworn to before me this 16th day of May 20 11Notary Public signature Roxanne FrickRoxanne Frick

**SOUTH DAKOTA
WATER PERMIT NO. 7253-3**

Date of first receipt of application May 20, 2011.

Date of return to applicant for corrections, amendments or changes May 20, 2011.

Date of receipt of corrected application May 27, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7253-3 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. 7253-3 authorizes irrigation of 68 additional acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second (cfs) from one well completed into the Lower James Missouri Aquifer (200 feet deep) located in SW 1/4 SE 1/4 Section 13 for irrigation of 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 68 acres located in the W 1/2 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Section 13-T94N-R56W. This permit and Water Right No. 6483-3 authorize a total diversion rate of 1.56 cfs for irrigation of 180 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: June 1 – September 30.
3. The date from which applicant may claim right is May 20, 2011.
4. The date of approval of Permit No. 7253-3 is July 11, 2011.
5. One-fifth of the construction is to be completed on or before January 11, 2014.
6. All construction is to be completed on or before July 11, 2016.
7. Water is to be put to beneficial use on or before July 11, 2020.
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

AUG 30 2011

date



Application No. 7253-3

Breakdown of acres between Water Right No. 6483-3 and Water Permit No. 7253-3

All in Section 13, T94N, R56W

quarter-quarter	WR 6483-3	WP 7253-3	Total
SW ¼ SE ¼	25	-1 *	24
NW ¼ SE ¼	25	3	28
SW ¼ NE ¼	0	5	5
SE ¼ NW ¼	0	12	12
NE ¼ SW 1/4	31	9	40
NW ¼ SW 1/4	0	18	18
SE ¼ SW 1/4	31	7	38
SW ¼ SW 1/4	0	15	15
TOTAL	112	68	180

* Application No. 7253-3 listed one less acre being irrigated by the pivot than what was originally developed under WR No. 6483-3



Eric Gronlund

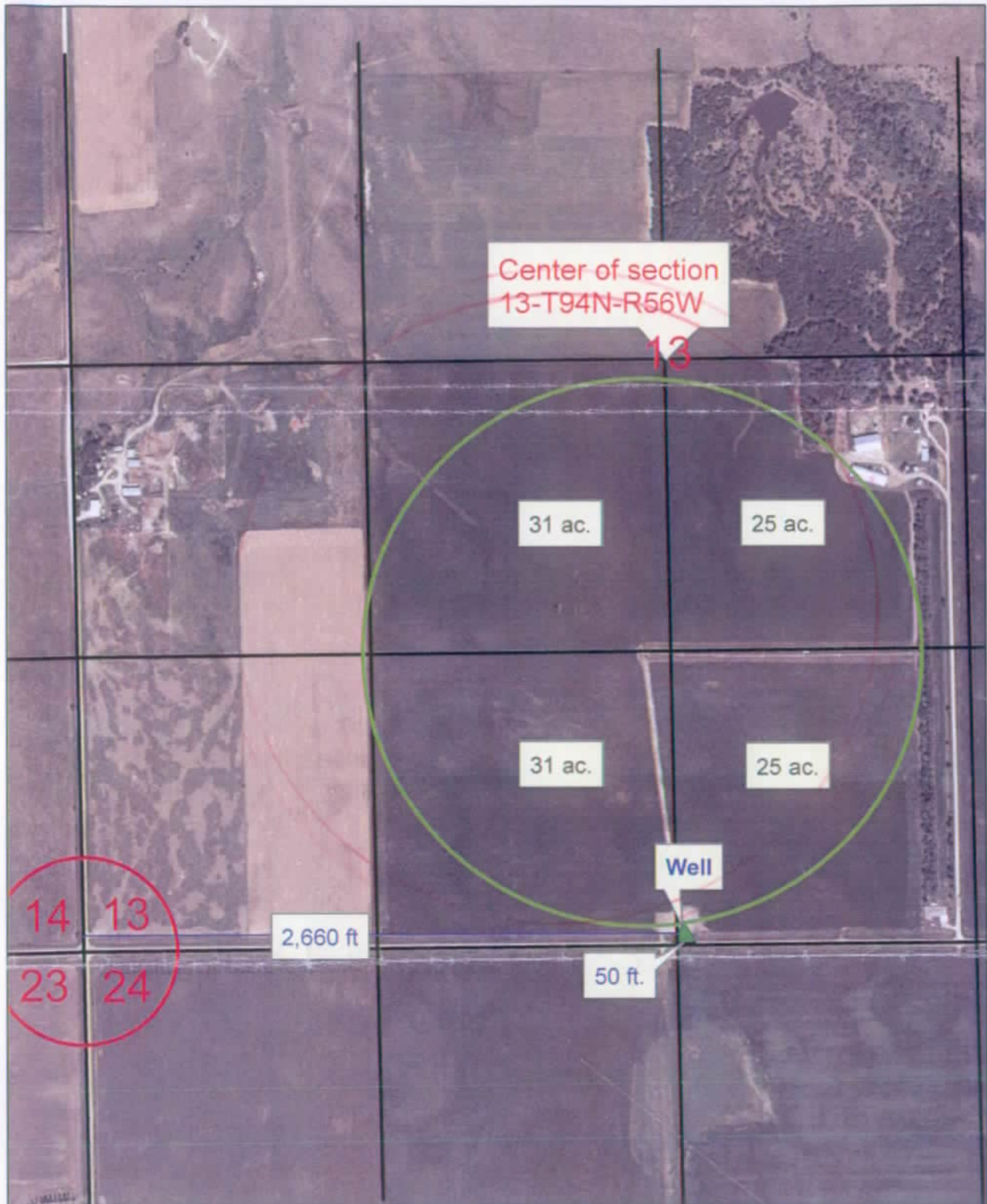
Water Rights Program, DENR

605 773-3352

Scale: 1 inch equals 668 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 2, 2006

Water Right No. 6483-3

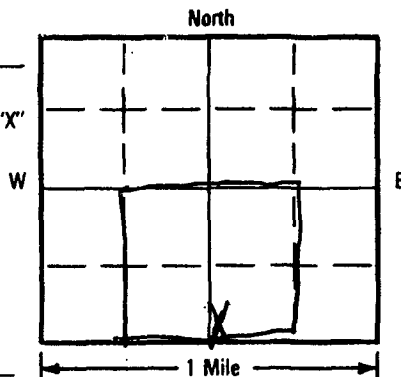
6483-3

07-92

SOUTH DAKOTA WATER WELL COMPLETION REPORT

Location SW 1/4 SE 1/4 Sec 13 Twp 94N Rg 56WCounty granston

Please mark well location with an "X"



Well Completion Date

5-17-2004

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 3000 ft. from feed lot (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

CASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>DR26</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>180</u> FT	<u>28</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Ponseal Cement</u>	_____	_____ lb./gal	<u>20</u> ft.	<u>120</u> ft.
_____	_____	_____ lb./gal	<u>0</u> ft.	<u>20</u> ft.

Describe grouting procedure pumped down w/ pressure groutSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 16 IN Length 40 FEETMaterial AWCSlot Size 085 Set From 180 Feet to 220 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorine

Laboratory sent to for water quality analysis _____

Well Owner: Willard Schmidt

Business Name: _____

Address: 43970 306 st
granston, SD 57078

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>top + blue clay</u>	<u>0</u>	<u>120</u>
<u>BAD ROCKS</u>	<u>120</u>	<u>150</u>
<u>med gravel + sand</u>	<u>150</u>	<u>173</u>
<u>ROCKS</u>	<u>173</u>	<u>185</u>
<u>med gravel</u>	<u>185</u>	<u>217</u>
<u>shale</u>	<u>217</u>	<u>220</u>

STATIC WATER LEVEL 158 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:

☒ PumpedDescribe: 4 hrs w/ turbine pump☐ Bailed☐ Other

Pumping Level Below Land Surface

1105 ft. After 2 Hrs. pumped 1100 GPM1105 ft. After 4 Hrs. pumped 100 GPMIf pump installed, pump rate 700 GPM

REMARKS

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Cheltonen Well + PumpingSignature of License Representative: Cheltonen RECEIVED

Signature of Well Owner or Equitable Property Holder: _____

JAN - 3

WATER 113

PROGRAM

Date: _____

1-3-05

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5-20, 20 11

RECEIVED OF Willard 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>7253-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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	300.00

No. 04979

By Harland Erbelev
Chief Engineer

(KS)

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/31, 20 11

RECEIVED OF Willard 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>7253-3</u> to Appropriate Water, to construct and to put water to beneficial use	450	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>7253-3</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	650 00

No. 04585

By

Shirley E. Erbe
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

May 20, 2011

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

Thank you for submitting the *Application for a Permit to Appropriate Water* for additional irrigation in Section 13-T94N-R56W. In order to complete the application the following is required.

- We have received your check for \$300.00. The application/license fee for this application is \$950.00. Please submit an additional \$650.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

*received \$
5/27/11*



**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. 7253-3, 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. 7253-3, Willard Schmidt, 43970 306th Street, Yankton SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 7253-3 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
June 14, 2011

**Report on Water Permit Application No. 7253-3
for Willard Schmidt
June 6, 2011**

Application No. 7253-3 proposes to irrigate an additional 68 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. Water Right No. 7202-3 irrigates an additional 40 acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24 in T94N R56W. This application proposes to irrigate an additional 68 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13 in T94N-R56W. The annual period during which water will be used is June 1 through September 30. This application, if approved and Water Rights No. 6483-3 and 7202-3 will authorize a total diversion rate of 1.56 cfs for irrigation of 180 acres.

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, 2011). Hydrographs for two of these observation wells are included with this report.

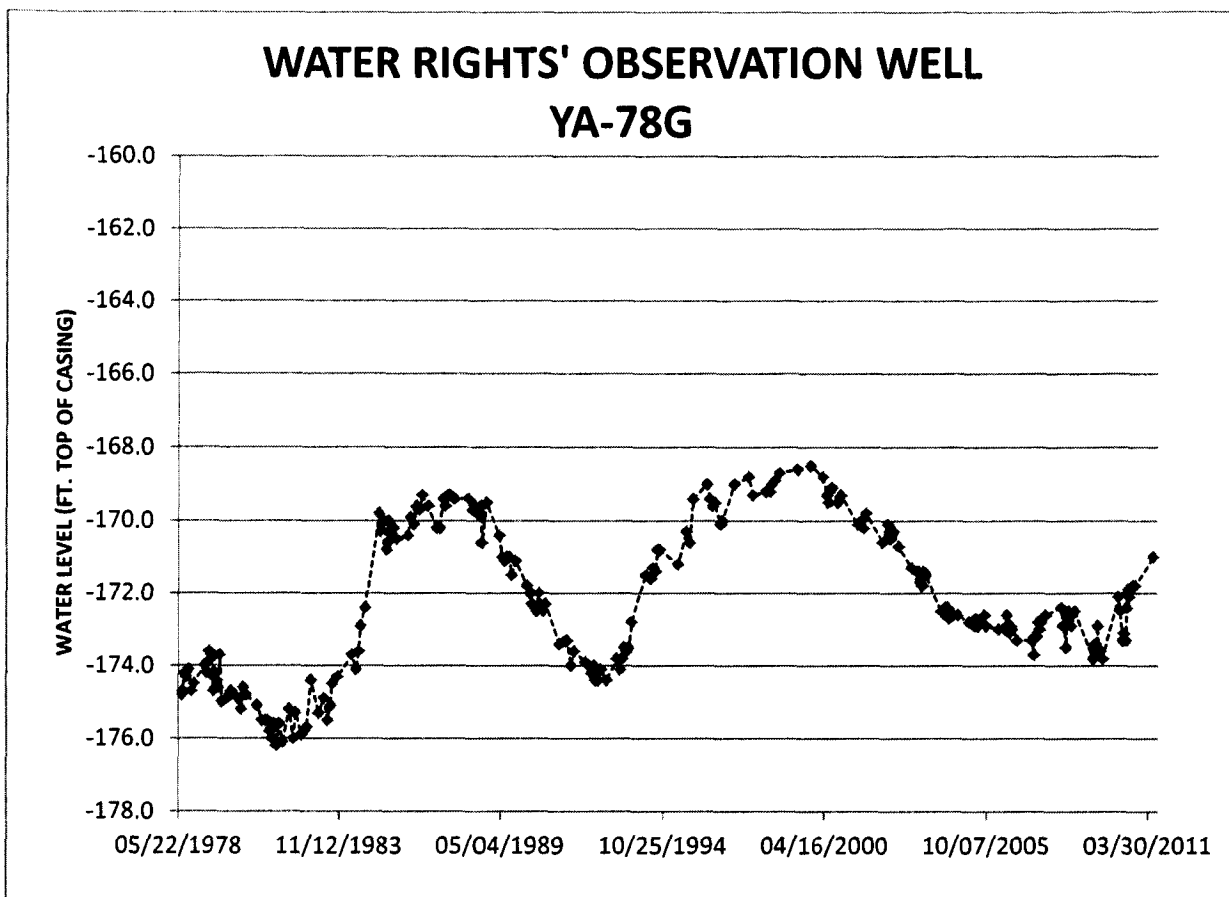


Figure 1. Hydrograph for Water Rights Observation Well YA-78G, completed into the Lower James Missouri Aquifer within one and a half miles of 7253-3

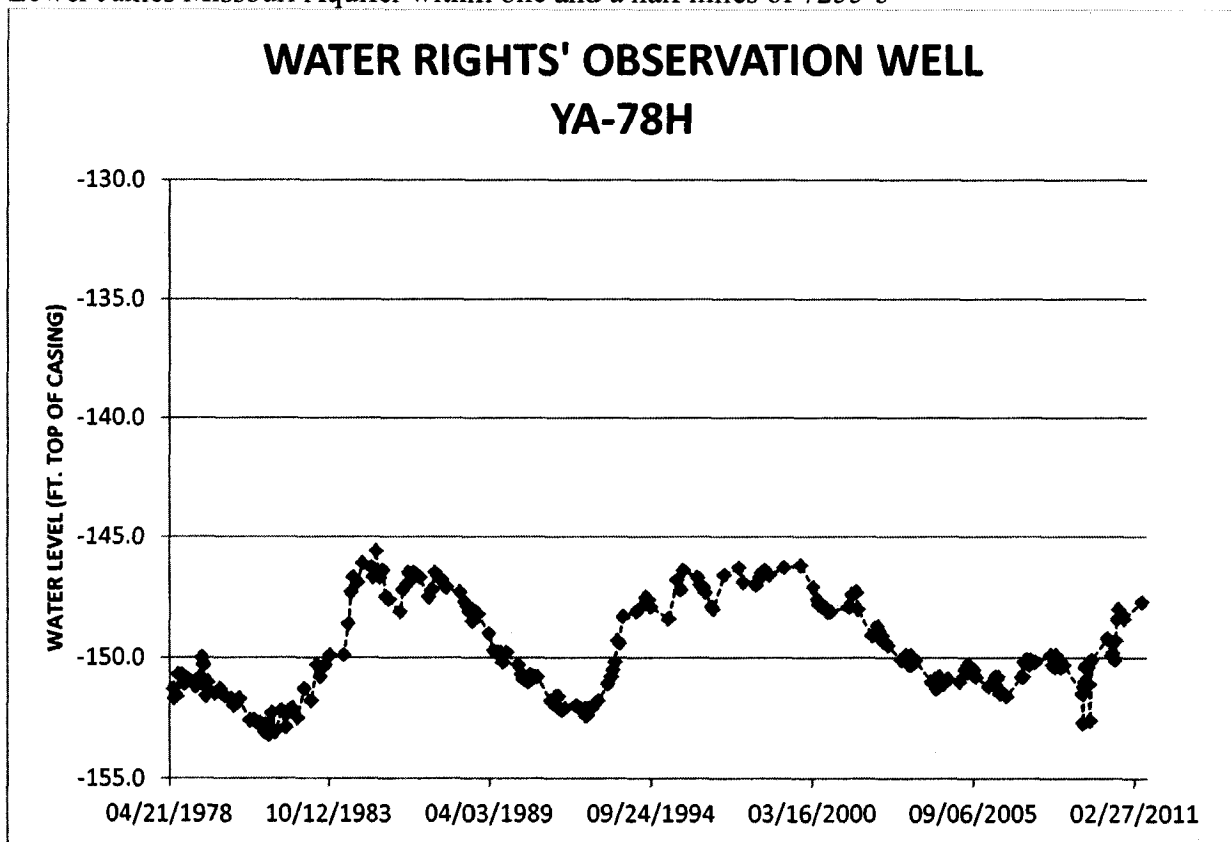


Figure 2. Hydrograph for Water Rights Observation Well YA-78H, completed into the Lower James Missouri Aquifer within one half mile of 7253-3

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 49, with the average annual appropriation being about 17,018 acre-feet and the average annual pumpage reported at less than 2,500 acre-feet.

IRRIGATION USE (ac-ft/yr) M:LJ			
Year	Number of Appropriations	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2009	94	29690.10	1574.45
2008	89	28130.70	4852.39
2007	63	20962.70	3638.03
2006	57	17564.10	4161.77
2005	55	16366.10	3250.23
2004	54	16142.10	3063.42
2003	60	18990.10	3327.43
2002	59	18709.10	4484.12
2001	59	18809.10	3324.79
2000	57	18649.10	4197.04
1999	56	17593.10	2373.41
1998	60	18950.10	3036.50
1997	57	19359.10	2565.00
1996	56	19527.10	2342.64
1995	48	17462.10	1758.35
1994	52	19468.10	2114.36
1993	53	18658.30	256.44
1992	52	19022.30	1279.00
1991	49	17728.30	2882.00
1990	42	14903.50	3345.10
1989	38	13139.50	2441.80
1988	38	13999.90	3104.30
1987	37	13843.90	1236.00
1986	30	11613.50	989.60
1985	33	12179.10	2724.00
1984	34	13429.20	1546.00
1983	31	11596.50	1292.06
1982	28	11466.10	1427.20
1981	31	14665.00	1890.80
1980	26	12611.00	1372.00
1979	25	12315.00	706.00
AVERAGE	49.13	17017.55	2469.56
MAXIMUM	94	29690.10	4852.39
MINIMUM	25	11466.10	256.44

Table 1. Irrigation usage from the Lower James Missouri aquifer (Water Rights, 2011).

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 sixty-eight additional acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13 in 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, 2011, Irrigation Questionnaire Summaries, SD DENR, Water Rights Program, Pierre, SD, 57501

Water Rights, 2011, Unpublished Observation Well Records for Yankton County, SD DENR, Water Rights Program, Pierre, SD, 57501

NOTICE OF APPLICATION
NO. 7253-3 to
Appropriate Water

RECEIVED

JUL - 5 2011

**WATER RIGHTS
PROGRAM**

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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 of Application No 7253-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 30th DAY OF June 2011
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: 6/23/2011 & 6/30/2011

FILED ON: 6/30/2011

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF June 2011

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that Willard Schmidt, 43970 306th St, Yankton SD 57078 has filed an application for a water permit to irrigate 68 additional acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second (cfs) from one well completed into the Lower James Missouri Aquifer (200 feet deep) located in SW 1/4 SE 1/4 Section 13 for irrigation of 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 68 acres located in the W 1/2 SW 1/4, SE 1/4 NW 1/4, SW 1/4 NE 1/4 Section 13-T94N-R56W. This application, if approved, and Water Right No. 6483-3 will authorize a total diversion rate of 1.56 cfs for irrigation of 180 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7253-3 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 11, 2011.

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.

Estimated publishing cost per published page \$0.0032



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 15, 2011

Daily Press & Dakotan
PO Box 56
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7253-3 to Appropriate Water to be published twice. Please publish the first notice on June 23, 2011 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. 7253-3

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

Date _____

We are in receipt of your letter of June 15, 2011 enclosing Notice to Appropriate Water by Application No. 7253-3 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.

June 15, 2011

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

Water Permit Application No. 7253-3 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 23, 2011 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. 7253-3 to Appropriate Water

Notice is given that Willard Schmidt, 43970 306th St, Yankton SD 57078 has filed an application for a water permit to irrigate 68 additional acres. Water Right No. 6483-3 appropriates 1.56 cubic feet of water per second (cfs) from one well completed into the Lower James Missouri Aquifer (200 feet deep) located in SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 for irrigation of 112 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; all in T94N-R56W. This application proposes to irrigate an additional 68 acres located in the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13-T94N-R56W. This application, if approved, and Water Right No. 6483-3 will authorize a total diversion rate of 1.56 cfs for irrigation of 180 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7253-3 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 11, 2011.

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 _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 30 2011

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

Enclosed is Water Permit No. 7253-3 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

7253-3

RECEIVED

SEP - 6 2011

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate Sep 2-11

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

FROM:

Willard Schmidt

(name)

43970 306th St

(address)

Yankton SD 57078

(city, state, zip)

605 665 4833

(phone)

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

Water Permit No. 7253-3 states that the water use system is to be constructed by

Aug 9-11
(date)

, and water is to be put to beneficial use by

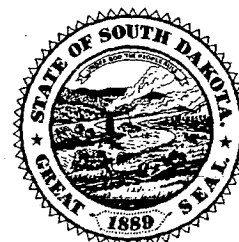
Aug 9-11
(date)

The water use system was completed on Aug 9-11
(date)

Applying the water to beneficial use was completed on Aug 9-11
(date)

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

Willard Schmidt
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

September 6, 2011

7253-3

Willard Schmidt
43970 306th St
Yankton SD 57078

Dear Mr. Schmidt:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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,

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.