

WATER PERMIT NO. 7345-3

Name of Applicant: Jack Schmidt

Address: 42641 SD Hwy 28, Willow Lake SD 57278 Phone: 605 881-0314

Amount of Water Claimed: 2.67 cfs Total Acres: 300 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clark

Type of Waste Disposal System:

Location: 6 miles northwest of Willow Lake

PRIORITY Date Received: 4-9-12 Application/License Fee: \$ 1250.00

Corrected Application Received: Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: NE ¼ NE ¼ Sec 26-T114N-R58W

Land to be Irrigated: N ½ Sec 26-T114N-R58W

Depth of Well: 190 feet deep

Well Driller:

Remarks:

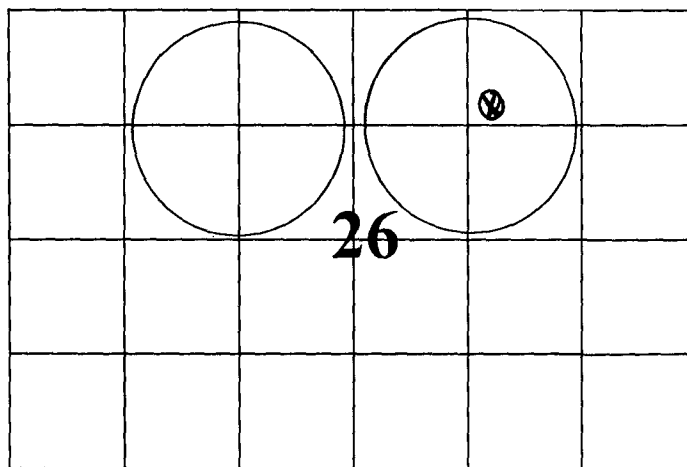
Type of Map: aerial

Prepared by: Craig Olsen, NRCS

Reviewed and the Number Assigned on: 4-9-12

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>7345-3</u>	(office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Clark Co. Courier</u>	<u>1191st Ave SE</u>
	<u>605-532-3654</u>	

RECEIVED
APR - 9 2012
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955)

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

- Name of Applicant Jack Schmidt Phone 605-881-0314
(check one) ☐ Owner ☐ Tenant/lessee
- Mailing Address 42641 SD Highway 28 Willow Lake State SD 57278
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or _____ **GPM 1200 ***AF Total Acreage 300A
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clark
1 well in NE 1/4 of the NE 1/4 850ft W side 600ft from East side
sect. m 26 114-58
- County or counties where water will be used Clark
- Annual period during which water is to be used May 1 - Sept 30
- 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 the NE 1/4 Sec 26 T114N R58W	38	NW 1/4 of the NE 1/4 Sec 26 T114N R58W	37
NE 1/4 of the SE 1/4 Sec 26 T114N R58W	38	NW 1/4 of the SE 1/4 Sec 26 T114N R58W	37
NE 1/4 of the NW 1/4 Sec 26 T114N R58W	38	NW 1/4 of the NW 1/4 Sec 26 T114N R58W	37
NE 1/4 of the SW 1/4 Sec 26 T114N R58W	38	NW 1/4 of the SW 1/4 Sec 26 T114N R58W	37

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

STATE OF SOUTH DAKOTA) SS
County of Clark

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, Jack 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

Subscribed and sworn to before me this 3rd day of April, 2012

Melanie Schmidt
Notary Public signature

Commission Expires 1-23-2016

SOUTH DAKOTA
WATER PERMIT NO. 7345-3 FOR IRRIGATION

Date of first receipt of application April 9, 2012.

The Water Management Board approved Water Permit No. 7345-3 on October 3, 2012 for Jack Schmidt, 42641 SD Highway 28, Willow Lake SD 57278 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. 7345-3 appropriates 2.67 cubic feet of water per second from one well to be completed into the Altamont Aquifer (190 feet deep) located in NE 1/4 NE 1/4 Section 26 for 300 acres located in the N 1/2 Section 26; all in T114N-R58W.
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: May 1 – September 30.
3. The date from which applicant may claim right is April 9, 2012.
4. One-fifth of the construction is to be completed on or before April 3, 2015.
5. All construction is to be completed on or before October 3, 2017.
6. Water is to be put to beneficial use on or before October 3, 2021.
7. 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. The well authorized by Permit No. 7345-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 26 2012
date



Supplemental Information

(Complete applicable portions only)

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 190ft
- b) Casing Type HDPE Diameter 12" Thickness 3/8
- c) Screen Type SS SCREEN Diameter 12" Thickness 1/4
- d) Gravel Pack 4" Length of Gravel Pack 12ft
- e) Depth to Top of Water Bearing Material 155ft
- f) Depth to Water (ground surface to water level) 155ft
- g) Distance to nearest existing domestic well:
- On applicants property NONE On property owned by others 3600ft

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

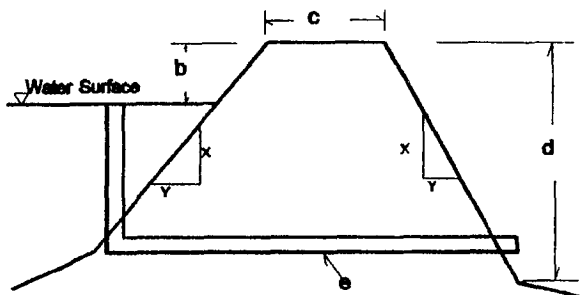
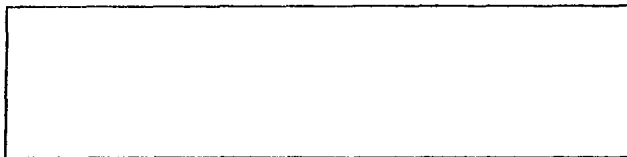
3. Dugout Information

- 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

WELL LOCATION
County Name

MINNESOTA DEPARTMENT OF HEALTH
WELL AND BORING RECORD
Minnesota Statutes, Chapter 103I

MINNESOTA UNIQUE WELL NO.

Ownership Name Township No. Range No. Section No. Fraction

SPS *Elbow* Latitude *244* degrees *39* minutes *37* seconds *7*
LOCATION: Longitude *097* degrees *45* minutes *31* seconds *4*
House Number, Street Name, City, and Zip Code of Well Location or Fire Number

WELL DEPTH (completed) *190* Date Work Completed *4-3-12*

DRILLING METHOD
☐ Cable Tool ☐ Driven ☐ Dug
☒ Auger ☒ Rotary ☐ Jetted

DRILLING FLUID *Bent.* WELL HYDROFRACTURED? ☐ Yes ☒ No
FROM _____ ft. TO _____ ft.

USE
☐ Domestic ☐ Monitoring ☐ Heating/Cooling
☐ Noncommunity PWS ☐ Environ. Bore Hole ☐ Industry/Commercial
☐ Community PWS ☐ Irrigation ☒ Remedial
☐ Dewatering ☒ *T. HOUSE*

CASING Drive Shoe? ☐ Yes ☐ No
☐ Steel ☐ Threaded ☐ Welded
☐ Plastic

CASING DIAMETER WEIGHT
in. to _____ ft. lbs./ft. *4 3/4* in. to *190* ft.
in. to _____ ft. lbs./ft.
in. to _____ ft. lbs./ft.

SCREEN OPEN HOLE
Mnks. FROM _____ ft. TO _____ ft.
Type _____ Diam. _____
Slot/Gauge _____ Length _____
Set between _____ ft. and _____ ft. FITTINGS

STATIC WATER LEVEL
_____ ft. ☐ below ☐ above land surface Date measured _____

PUMPING LEVEL (below land surface)
_____ ft. after _____ hrs. pumping _____ g.p.m.

WELL HEAD COMPLETION
☐ Pitless adapter manufacturer _____ Model _____
☐ Casing Protection _____ ☐ 12 in. above grade
☐ At-grade (Environmental Wells and Boring ONLY)

GROUTING INFORMATION
Well grouted ☒ Yes ☐ No
Grout material ☐ Neat cement ☐ Bentonite ☐ Concrete ☒ High Solids Bentonite
from *0* to *190* ft. *8* yds. ☒ bags
from _____ to _____ ft. _____ yds. ☐ bags
from _____ to _____ ft. _____ yds. ☐ bags

NEAREST KNOWN SOURCE OF CONTAMINATION
_____ feet _____ direction _____ type

Well disinfected upon completion ☐ Yes ☐ No

PUMP
☐ Not installed Date installed _____

Manufacturer's name _____

Model number _____ HP _____ Volts _____

Length of drop pipe _____ ft. Capacity _____ g.p.m.

Type: ☐ Submersible ☐ L.S. Turbine ☐ Reciprocating ☐ Jet ☐ _____

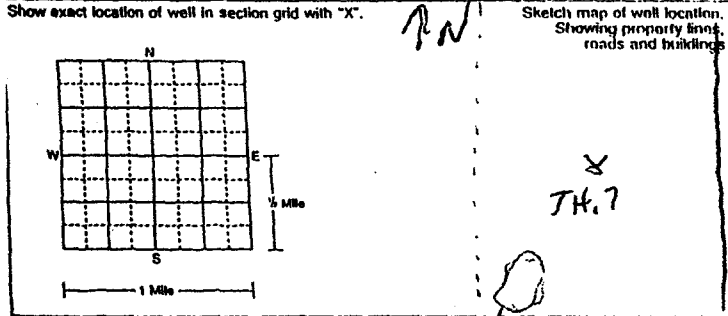
ABANDONED WELLS

Does property have any not in use and not sealed well(s) ☐ Yes ☐ No

VARIANCE

Was a variance granted from the MDH for this well? ☐ Yes ☐ No TN# _____

WELL CONTRACTOR CERTIFICATION
This well was drilled under my supervision and in accordance with Minnesota Rules, Chapter 4725.
The information contained in this report is true to the best of my knowledge.



PROPERTY OWNER'S NAME/COMPANY NAME
JACK Schmidt

Property owner's mailing address if different than well location address indicated above.
T. # 107
"WEST FIELD"

WELL OWNER'S NAME/COMPANY NAME

Well owner's mailing address if different than property owners address indicated above.

GEOLOGICAL MATERIALS	COLOR	HARDNESS OF MATERIAL	FROM	TO
<i>TOPSOIL</i>	<i>BLACK</i>	<i>M</i>	<i>0</i>	<i>1</i>
<i>clay</i>	<i>TAN</i>	<i>M</i>	<i>1</i>	<i>15</i>
<i>clay</i>	<i>Blue</i>	<i>m</i>	<i>15</i>	<i>64</i>
<i>SAND</i>	<i>Blue</i>	<i>18-25</i>	<i>64</i>	<i>71</i>
<i>clay / rocks</i>	<i>Blue</i>	<i>m</i>	<i>71</i>	<i>155</i>
<i>SAND / rocks</i>	<i>TAN / BLUE</i>	<i>30-40</i>	<i>155</i>	<i>180</i>
<i>clay</i>	<i>TAN / GRN</i>	<i>HARD</i>	<i>180</i>	<i>190</i>

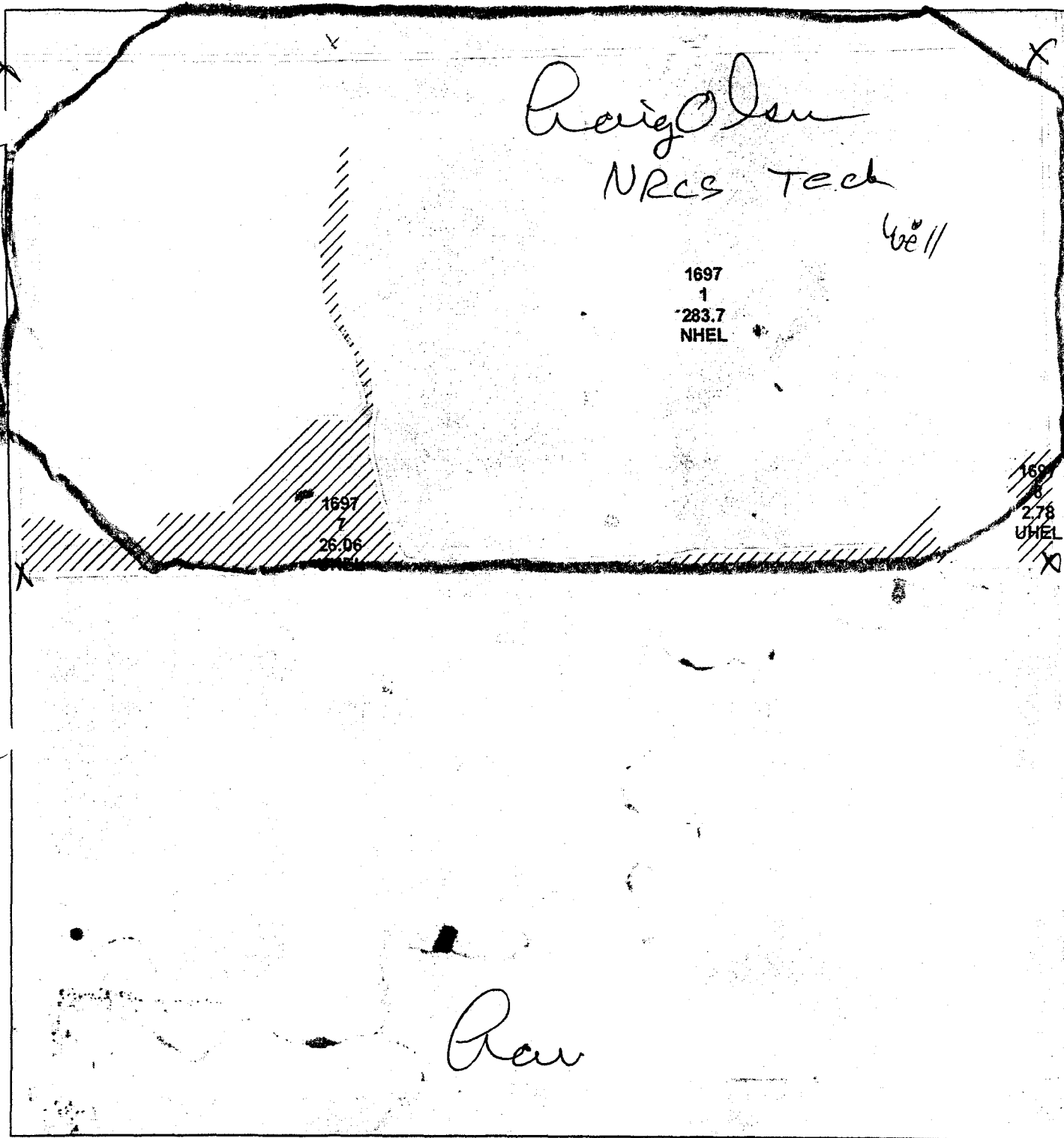
REMARKS, ELEVATION, SOURCE OF DATA, etc.

WORK COPY

Licensee Business Name _____ Lic. or Reg. No. _____

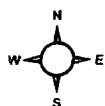
Authorized Representative Signature _____ Date _____

Name of Driller _____



United States Department of Agriculture
Farm Service Agency

PLSS: 26_114_58
Farm: 3897



Clark County, SD

1:8,191

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Wetland Determination Identifiers

- ⊙ Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

//// Non Cropland

2010 Ortho-Photography - Not to Scale

February 15, 2011

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Farmers Implement & Irrigation, Inc, PO Box 29, Brookings SD Date 4-9, 2012

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

Fee for Application for Permit No. <u>7345-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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	100.00

No. 05403

By Garland Eskdale
Chief Engineer KS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4-9, 20 12

RECEIVED OF Schmidt Farms, 4264+ SD Hwy 28, Willow Lake SD 57278

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

Fee for Application for Permit No. <u>7345-3</u> to Appropriate Water, to construct and to put water to beneficial use	950	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>7345-3</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	1150.00

No. **05404**

By Garland Erbeley
Chief Engineer IKS



**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. 7345-3, Jack 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. 7345-3, Jack Schmidt, 42641 SD Highway 28, Willow Lake SD 57278.

The Chief Engineer is recommending APPROVAL of Application No. 7345-3 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. The well authorized by Permit No. 7345-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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 18, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7345-3
JACK SCHMIDT
MAY 26, 2012

Water Permit Application No. 7345-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26, T114N-R58W. The proposed well will be approximately 180 feet deep and completed into the Altamont aquifer. Water is to be used to irrigate 300 acres located in the N $\frac{1}{2}$ Section 26, T114N-R58W.

AQUIFER: Altamont (A)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Hamilton (1986) described six major glacial aquifers in Clark County (i.e. the Prairie Coteau 1, 2 and 3, and the Altamont 1, 2 and 3 aquifers). The "sand/rocks" identified from 155-180 feet below grade on the test hole log submitted with this application corresponds with the "Altamont aquifer 2" as defined by Hamilton (1986). The Altamont aquifer 2 is a buried glacial outwash consisting of unconsolidated fine to very coarse sand and gravel and sandy silt. The aquifer underlies an estimated 630 square miles and contains an estimated 3.23 million acre-feet of water in storage in Clark County (Hamilton, 1986). Wells completed into the Altamont aquifer 2 yield up to 2,000 gallons per minute and the aquifer transmissivity was estimated from two aquifer tests to be 28,000 gallons per day per foot and 15,000 gallons per day per foot respectively (Hamilton, 1986). The Altamont aquifer 2 is hydraulically connected with the Altamont aquifer 1 near the center of Clark County, and the Altamont aquifer 2 and Altamont aquifer 3 are hydraulically connected near the western part of the county (Hamilton, 1986). In the past, the DENR-Water Rights Program has not differentiated between units and considered all of the deeper outwash deposits in Clark County the Altamont aquifer. When considering the Altamont a single aquifer, it underlies approximately 537,200 acres of Clark County and contains an estimated 3,326,400 acre-feet of recoverable water in storage in the county (Hedges and others, 1982). The Altamont is generally under confined conditions and in this area groundwater movement is toward the southwest (Hamilton, 1986).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the water availability and existing rights issues pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 600 acre-feet annually from the Altamont aquifer, although the actual water use if this application is approved will be less than 600 acre-feet/year. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the

quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Discharge:

Recharge:

Recharge to the Altamont aquifer is by infiltration of precipitation and lateral inflow. The average annual recharge from precipitation to the portion of the Altamont described as Altamont aquifer 2 alone is estimated to be 54,000 acre-feet (Hamilton, 1986).

Discharge:

Discharge from the Altamont aquifer from Clark County is by well withdrawals and by groundwater underflow out of the county. A considerable quantity of water “probably moves westward annually from the county where it discharges by evapotranspiration and streamflow in large areas of Spink County” (Hamilton, 1986).

There are a number of completion reports on file with the DENR-Water Rights Program for domestic wells completed into the Altamont aquifer in this area (Water Rights, 2012c). In addition, there are 47 water rights/permits in Clark County appropriating water from the aquifer. Appropriative rights are for commercial use (including three large confinement operations and one other), industrial use (two water rights), municipal use (two for Garden City and one for Clark (Clark is now on rural water (Freideman))), and for irrigation use.

The principal use of the Altamont aquifer is for irrigation. A summary of irrigation from the Altamont aquifer from Clark County is shown in table 1.

YEAR	NO. PMTS	APPRPRIATIONS (ac-ft/yr)	PUMPAGE (ac-ft/yr)
2010	36	17299.8	887.92
2009	36	17299.8	735.49
2008	36	17075.5	1660.16
2007	33	16299.5	2143.63
2006	31	14899.5	3336.34
2005	30	14547.5	2190.13
2004	30	14547.5	1766.3
2003	26	13402.3	2286.11
2002	25	13102.3	2695.04
2001	25	13102.3	1615.69
2000	26	13603.3	1995.52
1999	24	12691.3	1170.95
1998	23	12637.3	826.28
1997	25	12637.3	357
1996	25	12637.3	1320.61
1995	25	12429.3	260.8
1994	25	12429.3	579.68
1993	25	14283.3	42
1992	24	13963.3	585
1991	25	16516.3	1622.2
1990	24	18851.5	2023
1989	24	18852.3	3321.8
1988	24	18852.3	3123.6
1987	25	19401.6	2463
1986	27	19754.3	1436
1985	27	19823.5	1917
1984	27	19823.5	2470
1983	26	20210.3	2665.18
1982	24	19488.5	1226.1
1981	27	22651	2689.99
1980	25	21001	2329.09
1979	24	20527	1472.71
<i>Maximum</i>		<i>22651</i>	<i>3336.34</i>
<i>Minimum</i>		<i>12429.3</i>	<i>42</i>
<i>Average</i>		<i>16395.03</i>	<i>1725.4475</i>

Table 1. Irrigation use from the Altamont aquifer from Clark County (Water Rights, 2012b)

Observation Well Data:

The analysis of the DENR-Water Rights Program observation well data provides a qualitative means of assessing the aquifer and provides the best information reasonably available to evaluate the hydrologic budget for the Altamont aquifer. In addition, Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge to the aquifer.”

The DENR-Water Rights Program monitors a total of 31 observation wells completed into the Altamont aquifer with 22 of these wells located in Clark County (Water Rights, 2012a).

Hydrographs for three nearby observation wells completed into the Altamont aquifer are shown in figures 1-3.

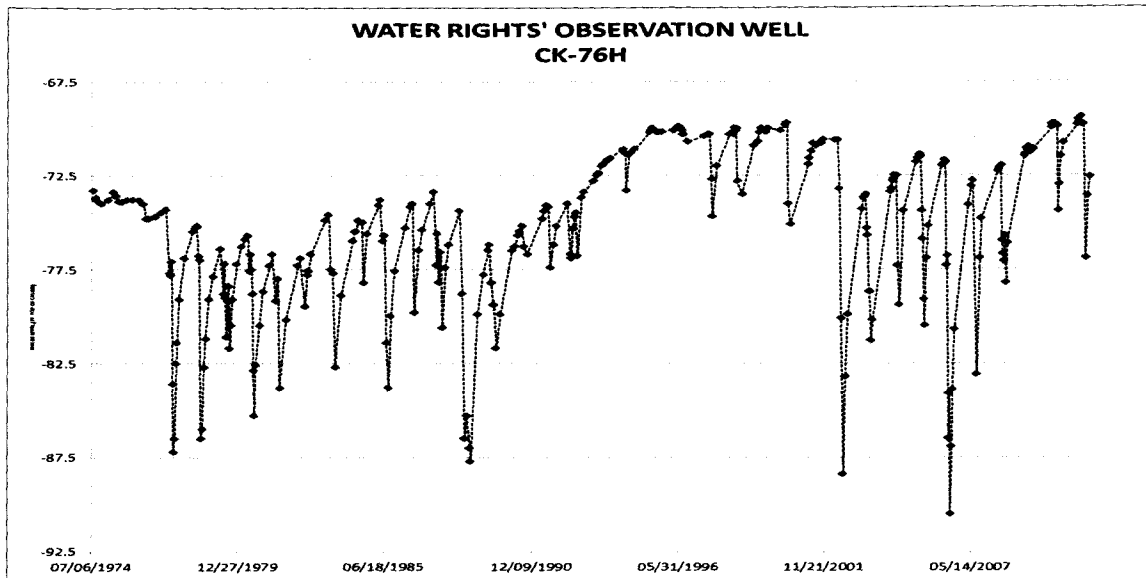


Figure 1. Hydrograph for an Altamont aquifer observation well located approximately 1.2 miles southwest of the well site proposed by Application No. 7345-3

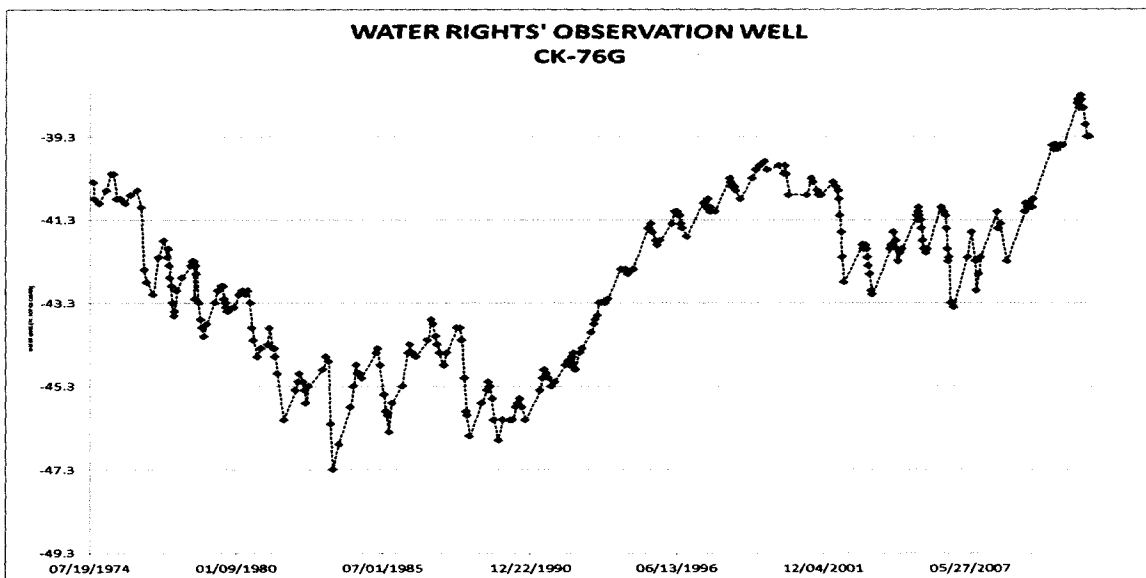


Figure 2. Hydrograph for an Altamont aquifer observation well located approximately 3.7 miles northwest of the well site proposed by Application No. 7345-3

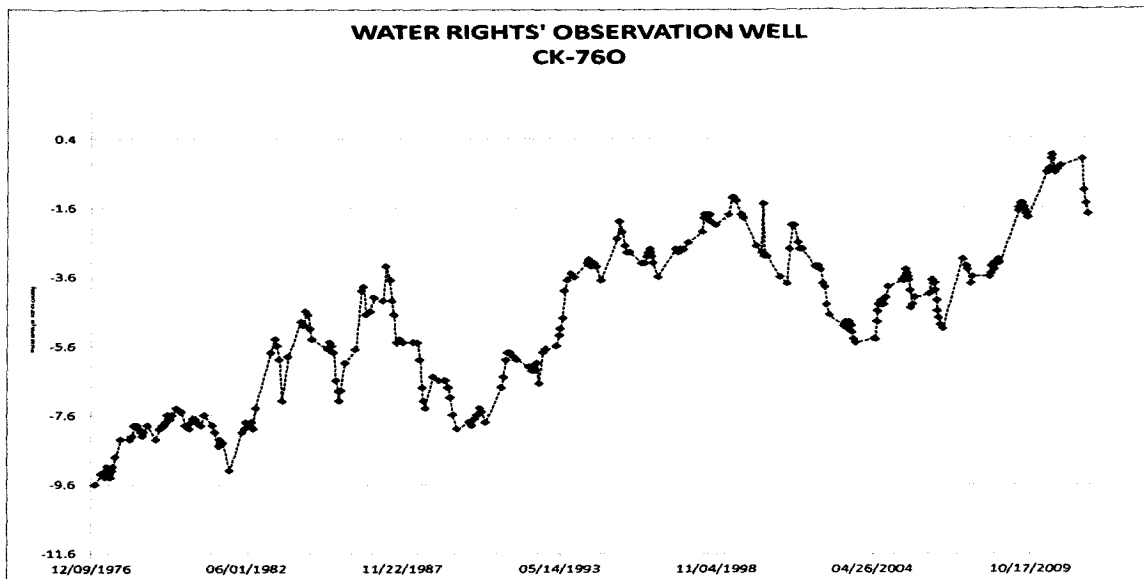


Figure 3. Hydrograph for an Altamont aquifer observation well located approximately six miles west of the well site proposed by Application No. 7345-3

The hydrographs show that although the potentiometric surface (head pressure) in the Altamont aquifer varies with the climate, the amount of water in aquifer is greater now than it has been over the entire period of record. Most importantly, the observation well data shows that at the current level of development, climatic conditions greatly mask the temporal effects of well withdrawals. Therefore, recharge to and natural discharge from the Altamont aquifer significantly exceeds pumping. Recognizing that natural discharge from the aquifer can be captured for pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

Existing Water Rights within approximately six miles of the well site proposed by this application are shown in figure 3. In addition to appropriative rights, there are a number of completion reports on file with the DENR-Water Rights Program for domestic wells completed into the Altamont aquifer in this area (Water Rights, 2012c). It is possible that drawdown from this proposed project may be measurable in domestic wells and/or in the well that supplies Water Right No. 5764-3.

In 1983, the SD Department of Water and Natural Resources Water Rights Division staff investigated a well interference complaint regarding Water Right No. 4658-3. The complaint alleged that two wells quit pumping when the irrigation well authorized by Water Right No. 4658-3 was pumped “more than 12 hours.” Drawdown data was obtained from the irrigation well and it was determined that the water level could not be drawn down to a level that would impair the wells. The Water Rights Program is not aware of any other complaints regarding well interference in this area.

Although some drawdown does occur in the Altamont aquifer, SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may

occur. To balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board has defined an "adversely impacted domestic well" in ARSD 74:02:04:20(7) as:

"a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

In reality, the assurance of reasonable domestic use provided by SDCL 46-6-6.1 and ARSD 74:02:04:20(7) ensures not only that interference will not be adverse to domestic well users but also in existing appropriative rights. Depending on the characteristics of the Altamont aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute and rule, well interference from this proposed application is not likely to be significant and there is a reasonable probability that any interference will not be adverse.

CONCLUSIONS:

1. This application proposes to appropriate up to 600 acre-feet annually for irrigation but the amount of water that actually will be used is expected to be considerably less.
2. There is a reasonable probability that unappropriated water is available from the Altamont aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely effecting existing water rights.



Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

Friedeman, Barbara. Environmental Scientist, SD DENR-Drinking Water Program. "Re: Garden City." E-mail to Ken Buhler . 29 May 2012

Hamilton, L.J., 1986, Geology and Water Resources of Clark County, South Dakota; Part II: Water Resources: South Dakota Geological Survey Bulletin 29, 62 p

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss
Bldg, Pierre, SD.

Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss
Bldg, Pierre, SD.

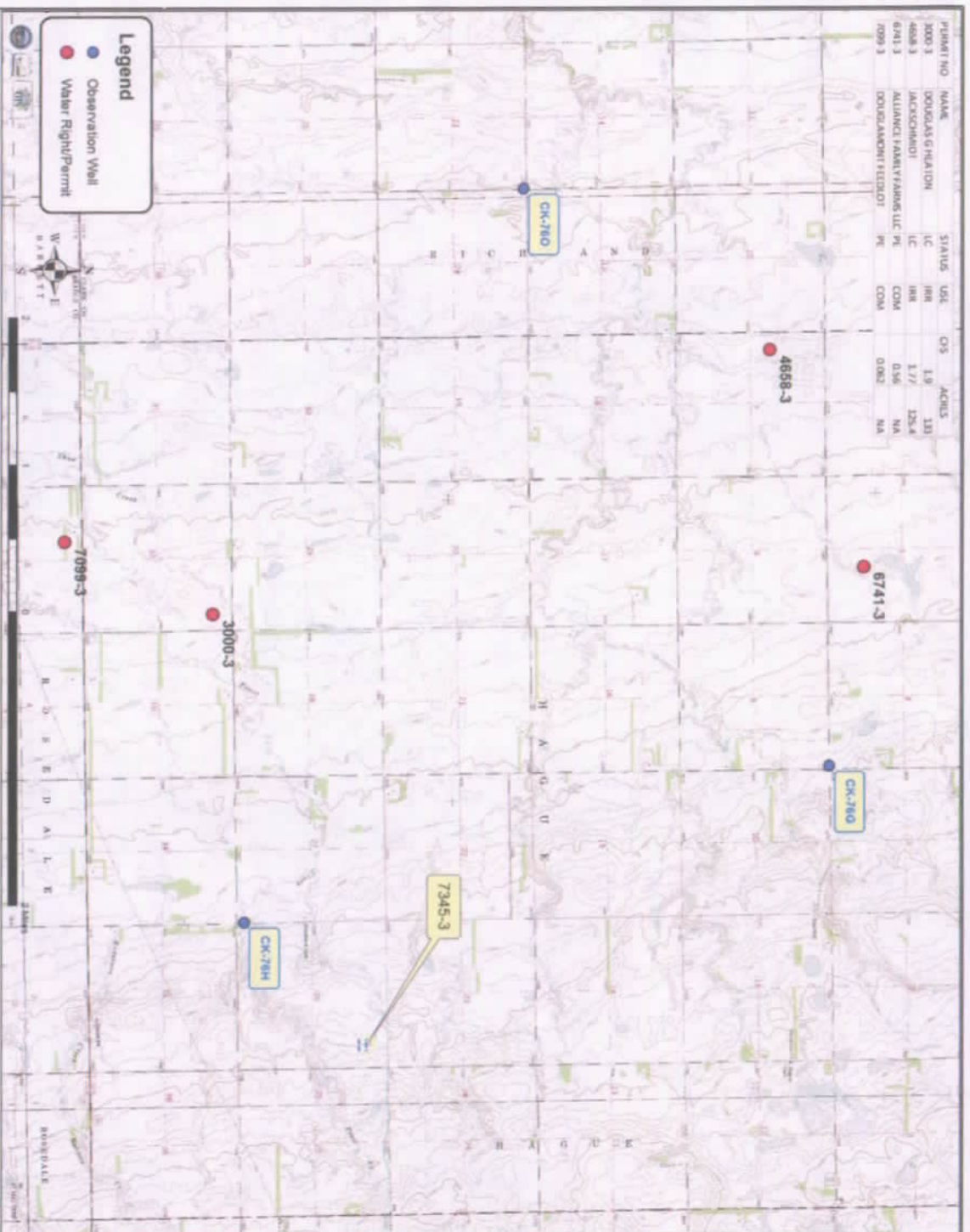


Figure 3. Location of the well site proposed by Water Permit Application No. 7345-3, DENR-Water Rights' observation wells, and existing Water Rights/Permits

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JUL - 6 2012

WATER RIGHTS
PROGRAM**Affidavit of Publication**

State of South Dakota

§

County of Clark

**NOTICE OF APPLICATION NOS.
7345-3 and 7346-3 to Appropriate Water**

Notice is given that Jack Schmidt, 42641 SD Hwy 28, Willow Lake, SD 57278 has filed the following applications for a water permit.

Application No. 7345-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (190 feet deep) located in NE 1/4 NE 1/4 Section 26 for 300 acres located in the N 1/2 Section 26; all in T114N-R58W.

Application No. 7346-3 proposes to appropriate 1.56 cfs from one well to be completed into the Vermillion: East Fork-Willow Lake Aquifer (74 feet deep) located in the NE 1/4 SW 1/4 Section 33 for irrigation of 140 acres located in the SW 1/4 Section 33; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7345-3 and 7346-3 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 these applications, as recommended, unless a petition is filed opposing these applications or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the applications or contesting the recommendation is filed, then a hearing will be scheduled and the Water Manage-

ment Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.

Published twice at the total
approximate cost of \$49.20.
6-27-2t

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the **Clark County Courier**, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

JACK SCHMIDT

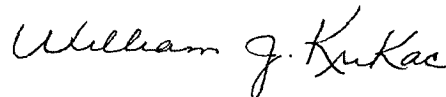
a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

JUNE 27, 2012**JULY 3, 2012**

that the full amount of the fees for the publication of the annexed notice is

49.20


Subscribed and sworn to before me this

5TH DAY OF JULY, 2012


Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013

RECEIVED

JUL 10 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 26th, 2012

July 3rd, 2012

Cost of Printing \$106.96

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

July 3rd, 2012

(Date Signed)

SOUTH DAKOTA

NOTICE OF APPLICATION NOS. 7345-3 AND 7346-3 TO APPROPRIATE WATER

Notice is given that Jack Schmidt, 42641 SD Hwy 28, Willow Lake SD 57278 has filed the following applications for a water permit.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7345-3 and 7346-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water

Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Published twice at the total approximate cost of \$119.25.

(June 26, 2012 & July 3, 2012)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublishnotices.com



**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, 2012

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

Water Permit Application Nos. 7345-3 & 7346-3 for irrigation use have 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 Clark County Courier printed at Clark SD (Ph # 605-532-3654). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the 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 recommendations, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.

Instruction to Newspaper - Publish first Notice on June 27, 2012 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 NOS. 7345-3 and 7346-3 to Appropriate Water

Notice is given that Jack Schmidt, 42641 SD Hwy 28, Willow Lake SD 57278 has filed the following applications for a water permit.

Application No. 7345-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (190 feet deep) located in NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 26 for 300 acres located in the N $\frac{1}{2}$ Section 26; all in T114N-R58W.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7345-3 and 7346-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

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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
denr.sd.gov

June 18, 2012

Clark County Courier
119 1st Ave E
Clark SD 7225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7345-3 & 7346-3 to Appropriate Water to be published twice. Please publish the first notice on June 27, 2012 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 Jack Schmidt, 42641 SD Hwy 28, Willow Lake SD 57278 (Ph # 605-881-0314).

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

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

Nos. 7345-3&7346-3

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

Date _____

We are in receipt of your letter of June 18, 2012 enclosing Notice to Appropriate Water by Application Nos. 7345-3 & 7346-3 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

June 18, 2012

Watertown Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

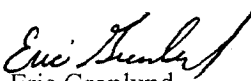
Enclosed is a Notice on Application Nos. 7345-3 and 7346-3 to Appropriate Water to be published twice. Please publish the first notice on June 27, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the Water Rights Program for the cost of publication.

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 second publication, please send bill and affidavit to the Water Rights Program.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 7345-3 and 7546-3

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

Date _____

We are in receipt of your letter of June 15, 2012 enclosing Notice to Appropriate Water by Application Nos. 7345-3 and 7346-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

July 19, 2012

PAYMENT REQUEST FORM

PAYEE: Public Opinion
PO Box 10
Watertown SD 57201

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

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Public notice for 7345-3 & 7346-3 (Schmidt)

AMOUNT: \$106.96

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Carl Jackson 7/19/12

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.

Publisher, Mark Roby

Watertown PUBLIC OPINION

Public Opinion
120 3rd Avenue NW
PO Box 10
Watertown, SD 57201-0010
(605) 886-6901 (Press 5)
(605) 886-4280 FAX
www.thepublicopinion.com

DUE DATE 07/13/12

AMOUNT DUE

106.96

AMOUNT PD

INVOICE

Order Number - 350455

Account #
3094

Invoice Date
06/28/12

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JUL 10 2012

WATER RIGHTS
PROGRAM

WATER RIGHTS PROGRAM
ERIC GRONLUND
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SD 57501-3181

Credit Cards Accepted		
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☐		☐
☐		☐
Card #: _____		
Expiration Date: _____		
Signature _____		

TERMS: NET 15

PLEASE RETURN TOP PORTION WITH YOUR PAYMENT

Order Number	Start Date	Stop Date	Pub	Class	Description	Times	Size	Ad Cost
350455	06/26/12	06/26/12	PO		WATER RIGHT APPLICATION N	1	1.0 X 9.75	5.00
350455	06/26/12	06/26/12	PO		WATER RIGHT APPLICATION N	1	1.0 X 9.75	101.96

Account Number	Account Name
3094	SD STATE OF

Please Remit To:

Public Opinion
PO Box 10
Watertown, SD 57201-0010

THERE WILL BE AN ADDITIONAL \$30 CHARGE FOR ALL RETURNED CHECKS

RECEIVED

JUL 10 2012

WATER RIGHTS
PROGRAM

7-8-12

Waters Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Chief Engineer,

I wish to oppose the water permit application # 7345-3 by Jack Schmidt to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamount Aquifer located in NE ¼ NE ¼ Section 26 for 300 acres located in the N 1/2 Section 26: all in T114NR58W in Hague Township.

I own the other 2 quarters in section 26 in T114NR58W. Both quarters are pastureland with many hills and not suitable to be farmland. There are two stock dams there that are spring fed in them. I believe that if the water permit is given to Jack Schmidt, the water table would be drastically affected on my land and it would deem my quarters nearly worthless. If the water table on my quarters is lessened or redirected, the stock dams would no longer have water and my options would be very limited. Even if Clark Rural Water could extend their line, that would be an additional cost to me, plus a huge bill for water for 75 cattle every month.

Currently I live in an assisted living facility in Bryant, South Dakota and rent out the pasture to my nephew and I use the rent money to pay for my stay here at Bryant. I would not be able to charge enough rent to cover my expenses and my land would become nearly worthless. It would affect my nephew as well as he would have to find new pasture land for his cattle that might not be as close.

I am not against progress but one should not be allowed to do so by destroying others property. I oppose giving this water permit to Jack Schmidt.

Sincerely,



Welma Nelson
410 S Broadway Room 108
Bryant, SD 57221

Carbon copy to:
Jack Schmidt
42641 SD Hwy 28
Willow Lake, SD 57278

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JUL 16 2012

WATER RIGHTS
PROGRAM

Henry Berkeland
18844 421st Ave
Willow Lake SD 57278
(605) 625-3106

Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

Dear Chief Engineer;

I am writing to inform you of my opposition to the water permit application # 7345-3 Jack Schmidt regarding the NE ¼ of the NE ¼ of Section 26. I own two quarters of land in the N ½ of section 27 and 1 quarter in the SE ¼ of Section 22; both of these areas have a water dugout. I believe that it is possible that this application may affect the springs that are located in these dugouts.

Thank you in advance for your attention to this matter.

Yours sincerely,

A handwritten signature in cursive script that reads "Henry Berkeland".

Henry Berkeland

Cc: Jack Schmidt

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JUL 16 2012

WATER RIGHTS
PROGRAM

7-12-12

Waters Right Program

Foss Building

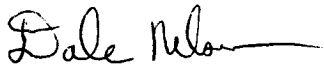
523 E Capitol

Pierre, SD 57501

Dear Chief Engineer,

I am sending you this letter of opposition to the water permit #7345-3 that Jack Schmidt has filed for the north half of NE 1/2 section 26 all in T114NR58W Hauge Township. I am a son of Welma Nelson and heir to the land. I am very concerned that the proposed irrigation well on the same section may very well dry up the springs that provide water for the pasture ground in the south half of the section. Because of the terrain, the land in the south half of the section mentioned above is only able to be pasture. Pasture land value is drastically reduced without having water for pasture land. I am not opposed to farm progress and irrigation for increasing production, but I do believe this will have a very negative impact on the land in the south 1/2 section mentioned above.

Sincerely,



Dale Nelson

45122 Herman Blvd.

Madison, SD 57042

Copy to:

Jack Schmidt

42641 SD Hwy 28

Willow Lake 57278

RECEIVED

JUL 16 2012

WATER RIGHTS
PROGRAM

July 12, 2012

Water Rights Program

Foss Building

523 E Capitol

Pierre, SD 57501

Dear Chief Engineer,

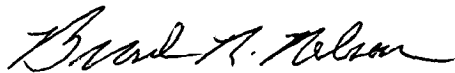
This letter is being written in opposition to Application # 7345-3 by Jack Schmidt petitioning to appropriate 2.67 cubic feet of water per second from one well to be completed into the Altammount Aquifer located in NE ¼ NE1/4 Section 2 for 300 acres located in the N ½ Section 26, all in T114NR58W in Hague Township, Clark County.

I am heir to this property in the event of my mother Welma Nelson's death, and am asking that the application for the water permit be denied. It is very probable that the water table which feeds the two stock dams on these quarters would be drastically affected. Neither quarter is suitable to be used as farmland due to the hilliness of the land and it is currently used as pastureland. If the option for use of this land as pasture is not available, the property, in effect, would be worthless.

In addition, this land is currently rented out to my cousin and is a vital source of income for my mother who resides in an assisted living facility in Bryant, SD. If she is unable to rent the land as pasture, she would not be able to cover her expenses.

We feel that a fair evaluation of this situation is warranted and that the personal financial gain of the applicant, Jack Schmidt should not come at the expense of adjacent landowners. Please consider this a formal petition of opposition to this application.

Sincerely,



Brad N. Nelson

734 E Inverness Dr.

Sioux Falls, SD 57108

Cc Jack Schmidt

42641 SD Hwy 28

Willow Lake, SD 57278

RECEIVED

JUL 16 2012

WATER RIGHTS
PROGRAM

7-12-12

Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

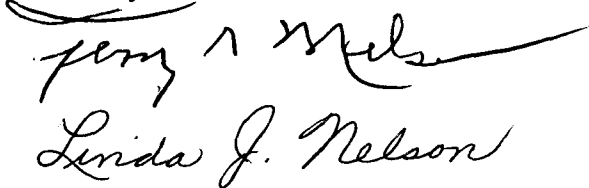
Dear Chief Engineer,

I wish to oppose the water permit application #7345-3 by Jack Schmidt to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamount Aquifer located in NE ¼ NE ¼ Section 26 for 300 acres located in the N ½ Section 26: all in T114NR58W in Hague Township.

I own farmland and pastureland in NE ¼ Sec 34 TWP114 RNG58 and NW ¼ Sec 35 TWP114 RNG58 . There are two spring-fed dug-outs on this land. I believe that if the water permit is given to Jack Schmidt to drill his well, the water table would be drastically affected on my land, and land values would be decreased.

I oppose giving this water permit to Jack Schmidt.

Sincerely,



Terry G. and Linda J. Nelson
7608 Bluebird Lane
Black Hawk, SD 57718

Carbon copy to:
Jack Schmidt
42641 SD Hwy 28
Willow Lake, SD 57278



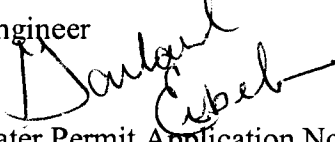
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 25, 2012

NOTICE OF HEARING

TO: Jack Schmidt
42641 SD Highway 28
Willow Lake SD 57278
And Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Notice of Hearing on Water Permit Application No. 7345-3, Jack Schmidt

Petitions opposing approval of Water Permit Application No. 7345-3 have been filed in response to the Notice of Application published in the Clark County Courier and Watertown Public Opinion. This notice schedules a hearing on the application before the South Dakota Water Management Board.

Application No. 7345-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (190 feet deep) located in NE 1/4 NE 1/4 Section 26 for 300 acres located in the N 1/2 Section 26; all in T114N-R58W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7345-3 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.

The Water Management Board will consider Application No. 7345-3 at 10:30 AM on October 3, 2012 in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave. Pierre SD. Parties will be provided written notice if there is a change to the hearing time or date. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based on the facts presented at the public hearing.

The October 3, 2012 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any person who has filed a petition to oppose or support the application. The request for an automatic delay must be filed by September 21, 2012. If an automatic delay is requested, the hearing will be rescheduled for a future Board meeting and personal notice will be provided to all petitioners regarding the time, date and location.

The hearing is an adversary proceeding and any party has the right to be present at the hearing and to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing and decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Contact Eric Gronlund at the above Chief Engineer's address to request copies of the staff report, recommendation, application or any other information. Notice is given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the Department of Environment and Natural Resources at least 48 hours before the hearing if you have a disability for which special arrangements must be made at the hearing. The telephone number for making arrangements is (605) 773-3352.

Enclosed is a copy of the report, recommendation, affidavit of publication and petition in the matter of Water Permit Application No. 7345-3. State law directs the Chief Engineer to provide Water Management Board members with a copy of all pleadings including petitions for each proceeding. This same information will be sent to the Board members in advance of the hearing. In addition, enclosed are two documents intended to acquaint parties with the hearing process entitled "Procedure for Hearings before the Water Management Board" and "Summary of South Dakota Water Laws and Rules". You are encouraged to review these documents prior to the hearing.

Under SDCL 1-26-17(7) notices must state that "if the amount in controversy exceeds \$2,500.00 or if a property right may be terminated, any party to the contested case may require the agency to use the Office of Hearing Examiners by giving notice of the request to the agency no later than ten days after service of a notice of hearing issued pursuant to SDCL 1-26-17." This is a Notice of Hearing, service is being provided by publication, and the applicable date to give notice to the Chief Engineer is August 6, 2012. However, since this particular matter is a water permit application and not a monetary controversy in excess of \$2,500.00 or termination of a property right the Chief Engineer disputes the applicability of this provision and maintains that the hearing must be conducted by the Board.

As applicable, the following provides the legal authority and jurisdiction under which the hearing will be held and the particular statutes and rules pertaining to this application: SDCL 1-26-16 thru 1-26-28; SDCL 46-1-1 thru 46-1-9, 46-1-13 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-1 thru 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21, 46-2A-23; 46-5-1.1, 46-5-2 thru 46-5-26, 46-5-30.2 thru 46-5-30.4, 46-5-31 46-5-32 thru 46-5-34.1, 46-5-38 thru 46-5-39, 46-5-46, 46-5-47, 46-5-49; 46-6-1 thru 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-6-26; Board Rules ARSD 74:02:01:01 thru 74:02:01:24.02 and ARSD Chapter 74:02:04.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

c: Diane Best, Assistant Attorney General

enclosures

Parties of Record List for 7345-3 Jack Schmidt

Applicant:

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

Petitioners:

Henry Berkeland
18844 421s t Ave
Willow Lake SD 7278-3106

Dale Nelson
45122 Herman Blvd
Madison SD 57042

Brad Nelson
734 E Inverness Dr
Sioux Falls SD 57108

Terry G & Linda J Nelson
7608 Bluebird Lane
Black Hawk SD 57718

Welma Nelson
410 S Broadway Rm 8
Bryant SD 57221

CERTIFICATION

I hereby certify that on July 25, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated July 25, 2012, regarding scheduling the hearing for Water Right Permit Application No. 7345-3, as addressed below and on the parties of record list:

Jack Schmidt
42641 SD Highway 28
Willow Lake SD 57278

Diane Best, Assistant Attorney General
317 North Main Avenue
Sioux Falls SD 57104



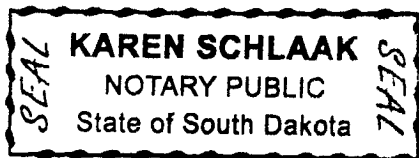
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 25th day of July, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



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JUL 10 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

June 26th, 2012

July 3rd, 2012

Cost of Printing \$106.96

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

July 3rd, 2012

(Date Signed)

**SOUTH
DAKOTA**

**NOTICE OF APPLICATION
NOS. 7345-3 AND 7346-3
TO APPROPRIATE WATER**

Notice is given that Jack Schmidt, 42641 SD Hwy 28, Willow Lake SD 57278 has filed the following applications for a water permit.

Application No. 7345-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (190 feet deep) located in NE 1/4 NE 1/4 Section 26 for irrigation of 300 acres located in the N 1/2 Section 26; all in T114N-R58W.

Application No. 7346-3 proposes to appropriate 1.56 cfs from one well to be completed into the Vermillion: East Fork-Willow Lake Aquifer (74 feet deep) located in the NE 1/4 SW1/4 Section 33 for irrigation of 140 acres located in the SW 1/4 Section 33; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7345-3 and 7346-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water

Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Published twice at the total approximate cost of \$119.25.

(June 26, 2012 & July 3, 2012)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at www.sdpublicnotices.com

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WATER RIGHTS
PROGRAM

Affidavit of Publication

State of South Dakota

§

County of Clark

NOTICE OF APPLICATION NOS.

7345-3 and 7346-3 to Appropriate Water

Notice is given that Jack Schmidt, 42641 SD Hwy 28, Willow Lake, SD 57278 has filed the following applications for a water permit.

Application No. 7345-3 proposes to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamont Aquifer (190 feet deep) located in NE 1/4 NE 1/4 Section 26 for 300 acres located in the N 1/2 Section 26; all in T114N-R58W.

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ment Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendations. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 16, 2012.

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

Steven M. Pirner, Secretary,
Department of Environment
and Natural Resources.

Published twice at the total
approximate cost of \$49.20.

6-27-2t

William J. Krikac of said county, being first duly sworn, on oath says that he is the publisher of the *Clark County Courier*, a weekly newspaper printed and published in Clark in said County of Clark and has a full and personal knowledge of all the facts therein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

JACK SCHMIDT

a printed copy of which taken from the paper in which same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week for

TWO

successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

JUNE 27, 2012

JULY 3, 2012

that the full amount of the fees for the publication of the annexed notice is

49.20

William J. Krikac

Subscribed and sworn to before me this

5TH DAY OF JULY, 2012

Anna D. Zelke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013

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JUL 16 2012

WATER RIGHTS
PROGRAM

Henry Berkeland
18844 421st Ave
Willow Lake SD 57278
(605) 625-3106

Water Rights Program
Foss Building
523 E Capitol
Pierre SD 57501

Dear Chief Engineer;

I am writing to inform you of my opposition to the water permit application # 7345-3 Jack Schmidt regarding the NE ¼ of the NE ¼ of Section 26. I own two quarters of land in the N ½ of section 27 and 1 quarter in the SE ¼ of Section 22; both of these areas have a water dugout. I believe that it is possible that this application may affect the springs that are located in these dugouts.

Thank you in advance for your attention to this matter.

Yours sincerely,

A handwritten signature in cursive script that reads "Henry Berkeland".

Henry Berkeland

Cc: Jack Schmidt

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JUL 16 2012

WATER RIGHTS
PROGRAM

7-12-12

Waters Right Program

Foss Building

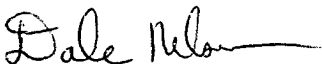
523 E Capitol

Pierre, SD 57501

Dear Chief Engineer,

I am sending you this letter of opposition to the water permit #7345-3 that Jack Schmidt has filed for the north half of NE 1/2 section 26 all in T114NR58W Hauge Township. I am a son of Welma Nelson and heir to the land. I am very concerned that the proposed irrigation well on the same section may very well dry up the springs that provide water for the pasture ground in the south half of the section. Because of the terrain, the land in the south half of the section mentioned above is only able to be pasture. Pasture land value is drastically reduced without having water for pasture land. I am not opposed to farm progress and irrigation for increasing production, but I do believe this will have a very negative impact on the land in the south 1/2 section mentioned above.

Sincerely,



Dale Nelson

45122 Herman Blvd.

Madison, SD 57042

Copy to:

Jack Schmidt

42641 SD Hwy 28

Willow Lake 57278

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JUL 16 2012

WATER RIGHTS
PROGRAM

July 12, 2012

Water Rights Program

Foss Building

523 E Capitol

Pierre, SD 57501

Dear Chief Engineer,

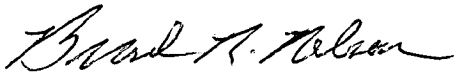
This letter is being written in opposition to Application # 7345-3 by Jack Schmidt petitioning to appropriate 2.67 cubic feet of water per second from one well to be completed into the Altammount Aquifer located in NE ¼ NE1/4 Section 2 for 300 acres located in the N ½ Section 26, all in T114NR58W in Hague Township, Clark County.

I am heir to this property in the event of my mother Welma Nelson's death, and am asking that the application for the water permit be denied. It is very probable that the water table which feeds the two stock dams on these quarters would be drastically affected. Neither quarter is suitable to be used as farmland due to the hilliness of the land and it is currently used as pastureland. If the option for use of this land as pasture is not available, the property, in effect, would be worthless.

In addition, this land is currently rented out to my cousin and is a vital source of income for my mother who resides in an assisted living facility in Bryant, SD. If she is unable to rent the land as pasture, she would not be able to cover her expenses.

We feel that a fair evaluation of this situation is warranted and that the personal financial gain of the applicant, Jack Schmidt should not come at the expense of adjacent landowners. Please consider this a formal petition of opposition to this application.

Sincerely,



Brad N. Nelson

734 E Inverness Dr.

Sioux Falls, SD 57108

Cc Jack Schmidt

42641 SD Hwy 28

Willow Lake, SD 57278

RECEIVED

JUL 16 2012

WATER RIGHTS
PROGRAM

7-12-12

Water Rights Program
Foss Building
523 E. Capitol
Pierre, SD 57501

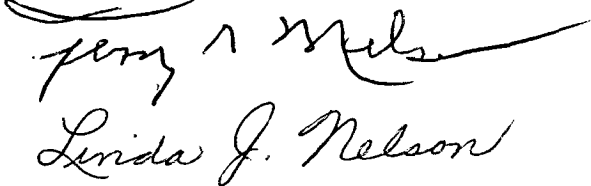
Dear Chief Engineer,

I wish to oppose the water permit application #7345-3 by Jack Schmidt to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamount Aquifer located in NE ¼ NE ¼ Section 26 for 300 acres located in the N ½ Section 26: all in T114NR58W in Hague Township.

I own farmland and pastureland in NE ¼ Sec 34 TWP114 RNG58 and NW ¼ Sec 35 TWP114 RNG58 . There are two spring-fed dug-outs on this land. I believe that if the water permit is given to Jack Schmidt to drill his well, the water table would be drastically affected on my land, and land values would be decreased.

I oppose giving this water permit to Jack Schmidt.

Sincerely,



Terry G. and Linda J. Nelson
7608 Bluebird Lane
Black Hawk, SD 57718

Carbon copy to:
Jack Schmidt
42641 SD Hwy 28
Willow Lake, SD 57278

RECEIVED

JUL 10 2012

WATER RIGHTS
PROGRAM

7-8-12

Waters Rights Program
Foss Building
523 E Capitol
Pierre, SD 57501

Dear Chief Engineer,

I wish to oppose the water permit application # 7345-3 by Jack Schmidt to appropriate 2.67 cubic feet of water per second (cfs) from one well to be completed into the Altamount Aquifer located in NE ¼ NE ¼ Section 26 for 300 acres located in the N 1/2 Section 26: all in T114NR58W in Hague Township.

I own the other 2 quarters in section 26 in T114NR58W. Both quarters are pastureland with many hills and not suitable to be farmland. There are two stock dams there that are spring fed in them. I believe that if the water permit is given to Jack Schmidt, the water table would be drastically affected on my land and it would deem my quarters nearly worthless. If the water table on my quarters is lessened or redirected, the stock dams would no longer have water and my options would be very limited. Even if Clark Rural Water could extend their line, that would be an additional cost to me, plus a huge bill for water for 75 cattle every month.

Currently I live in an assisted living facility in Bryant, South Dakota and rent out the pasture to my nephew and I use the rent money to pay for my stay here at Bryant. I would not be able to charge enough rent to cover my expenses and my land would become nearly worthless. It would affect my nephew as well as he would have to find new pasture land for his cattle that might not be as close.

I am not against progress but one should not be allowed to do so by destroying others property. I oppose giving this water permit to Jack Schmidt.

Sincerely,



Welma Nelson
410 S Broadway Room 108
Bryant, SD 57221

Carbon copy to:
Jack Schmidt
42641 SD Hwy 28
Willow Lake, SD 57278



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 14, 2012

NOTICE OF HEARING

TO: Jack Schmidt
42641 SD Highway 28
Willow Lake SD 57278
And Parties of Record (see attached list)

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Change in Hearing Time for Water Permit Application No. 7345-3, Jack Schmidt

The hearing time for the Water Management Board to consider Water Permit Application No. 7345-3 is being changed to 1:30 PM. The Water Management Board will now consider Application No. 7345-3 at 1:30 PM on October 3, 2012 in the Matthew Training Center, Joe Foss Building, 523 E. Capitol Ave. Pierre SD.

Applicable provisions of the notice of hearing sent to parties of record on July 25, 2012 will still apply at the hearing.

Questions regarding the hearing process may be directed to Eric Gronlund, Water Rights Program at (605) 773-3352 or eric.gronlund@state.sd.us.

c: Diane Best, Assistant Attorney General

enclosures

PARTIES OF RECORD

Water Permit Application No. 7345-3, Jack Schmidt

Applicant

Jack Schmidt
42641 SD Highway 28
Willow Lake SD 57278

Petitioners

Henry Berkeland
18844 421st Avenue
Willow Lake SD 57278

Dale Nelson
45122 Herman Blvd
Madison SD 57042

Brad N. Nelson
734 E Inverness Dr
Sioux Falls SD 57108

Terry G and Linda J Nelson
7608 Bluebird Lane
Black Hawk SD 57718

Welma Nelson
410 S Broadway Room 108
Bryant SD 57221

CERTIFICATION

I hereby certify that on September 14, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice of Hearing dated July 25, 2012, regarding change to hearing time for Water Right Permit Application No. 7345-3, as addressed below and on the parties of record list:

Jack Schmidt
42641 SD Highway 28
Willow Lake SD 57278

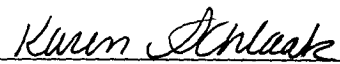
Diane Best, Assistant Attorney General
317 North Main Avenue
Sioux Falls SD 57104



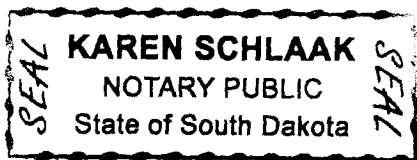
Gail Jacobson
Water Rights Program, DENR

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 14th day of September, 2012.



Karen Schlaak
Notary Public
My Commission expires April 1, 2013



STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

317 N. Main Avenue
Sioux Falls, South Dakota 57104
Phone (605) 367-5880
FAX (605) 367-5886
www.state.sd.us/atg

MARTY J. JACKLEY
ATTORNEY GENERAL

CHARLES D. McGUIGAN
CHIEF DEPUTY

October 5, 2012

Jeff Hallem
1302 E. HWY 14
Pierre, SD 57501

Re: *In the Matter of Water Permit Application No. 7345-3, Jack Schmidt*

Dear Jeff:

I am sending this letter to you in your capacity as counsel for the South Dakota Water Management Board.

At the close of the Board hearing in the above entitled matter, the Board rendered an oral ruling granting the Schmidt application. The Board advised all parties present that they have the right, as parties in the case, to receive Findings of Fact and Conclusions of Law explaining the basis for the oral decision. Findings are necessary if a party wishes to appeal the Board's decision to the courts. The Board further explained that they would ask me (as counsel for the Chief Engineer) to prepare the proposed Findings and provide them to the Board and all parties and, further, that the parties would have an opportunity to respond with any objections.

In talking to the Intervenorers who were present, they indicated that they may waive the right to receive Findings. Dale Nelson indicated that he would call me as to whether they would waive the right to receive the Findings and, further, that he would be able to represent the consensus of the intervenors. Dale Nelson has now called and left a message stating that he does not see a necessity for having Findings of Fact and Conclusions of Law and that the intervenors would waive them.

Mr. Berkeland also intervened, but he did not appear at the hearing. Consequently he has waived the right to receive Findings.

Mr. Schmidt also indicated after the hearing that he did not see the necessity for findings. He will, of course, receive the permit from the Chief Engineer.

Based on these discussions, I do not intend to prepare findings for the Board's consideration. The Chief Engineer will go ahead and issue the permit based on the Board's verbal authorization.

I'm sending a copy of this letter to the parties (see attached list). Ms. Welma Nelson is a party to this proceeding and I'm sending her copy to Gary Nelson who has the POA.

Sincerely,


Diane Best

PARTIES OF RECORD

Water Permit Application No. 7345-3, Jack Schmidt

Applicant

Jack Schmidt
42641 SD Highway 28
Willow Lake SD 57278

Interested Parties

Henry Berkeland
18844 421st Avenue
Willow Lake SD 57278

Dale Nelson
45122 Herman Blvd
Madison SD 57042

Brad N. Nelson
734 E Inverness Dr
Sioux Falls SD 57108

Terry G and Linda J Nelson
7608 Bluebird Lane
Black Hawk SD 57718

Gary and Peggy Nelson
POA for Welma Nelson
42204 189th Street,
Willow Lake SD 57278



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 28 2012

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

Dear Schmidt:

Enclosed is Water Permit No. 7345-3 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

RECEIVED

AUG - 5 2013

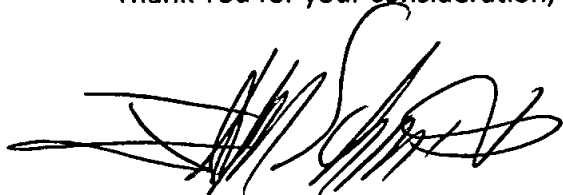
WATER RIGHTS
PROGRAM

8/1/2013

The well for permit #7345-3 was dug in February, 2013. It is a 12" plastic casing and stainless steel screen to a depth of 179'. I have not received a log at this time. The irrigation system, covering nearly 180 acres and fully functional, was designed and built to use 1000 gal/min of water. The well produces 300 gal/min. I request permission to construct a second well to produce a minimum 500 gal/min. I have not drilled a test hole yet, but have some pre-determined sites (see map).

The map shows the N1/2 of section 26-114-58 and with the area covered by the irrigation system highlighted in purple. A blue dot marked "well" represents the approximate location of the existing well. The red dots and corresponding number show the sites I intend to drill test holes, with number "1" representing the first place to drill, number "2" representing the second, and so on. It is my intention to drill into the Altamont aquifer to the same approximate depth as the existing well. I have no intention of pumping more water than currently permitted.

Thank You for your consideration,

A handwritten signature in black ink, appearing to read 'Jack Schmidt', with a large, stylized flourish extending from the end of the signature.

Jack Schmidt

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	(office use only) No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

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 AUG - 5 2013
 WATER RIGHTS
 PROGRAM

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7345-3

(Use predates Mar 2, 1955)

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

 1. Name to Appear on Irrigation Permit Jack Schmidt
 (check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

 Mailing Address 42633 SD Hwy 28 Willow Lake SD 57278
 (Address) (City) (State) (Zip Code)

 Home Phone _____ Cell 605-881-0314 Email jschmidt@itcher1.com

 2. Amount of water claimed _____ *CFS or 1000 **GPM _____ ***AF Total Acreage 300
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable

 3. Source of water supply Almont Aquifer

 4. Location of point of diversion N 1/2 26-114-58
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
County Clark
 5. County or counties where water will be used Clark

 6. Annual period during which water is to be used June 1 - Oct 1

 7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres

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

Well constructed is producing only approx. 300 gpm/min.
 Went to construct additional well to supplement first well.
 See attached

 I, Jack Schmidt, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

Supplemental Information

(type or print)

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AUG - 5 2013

WATER RIGHTS
PROGRAM

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☐ Yes ☒ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 1 Provide copy of log(s), if available. Drilled by Keiser

c) Well Depth 179 Depth to Top of Water Bearing Material 157 Depth to Water from Surface _____

d) Distance to nearest existing domestic well:

On applicant's property _____ On property owned by others 1/2 mile

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 (e.g. 3 to 1 is a typical slope)

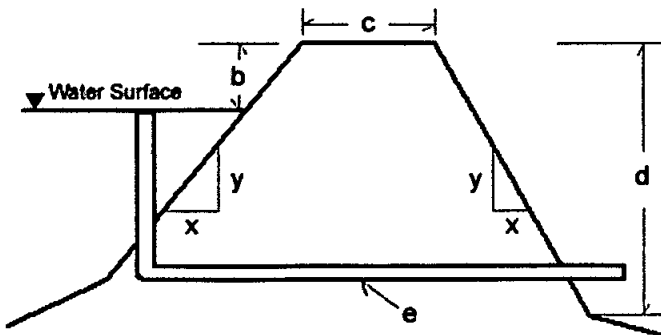
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Schmidtco Ag Services, Inc

605-625-3456

RECEIVED

AUG - 5 2013

WATER RIGHTS
PROGRAM

Grower: Jack Schmidt

Date: 01/11/2013

Farm: Full Circle w/SSAC

Field Name: Copy of Calamity Hill

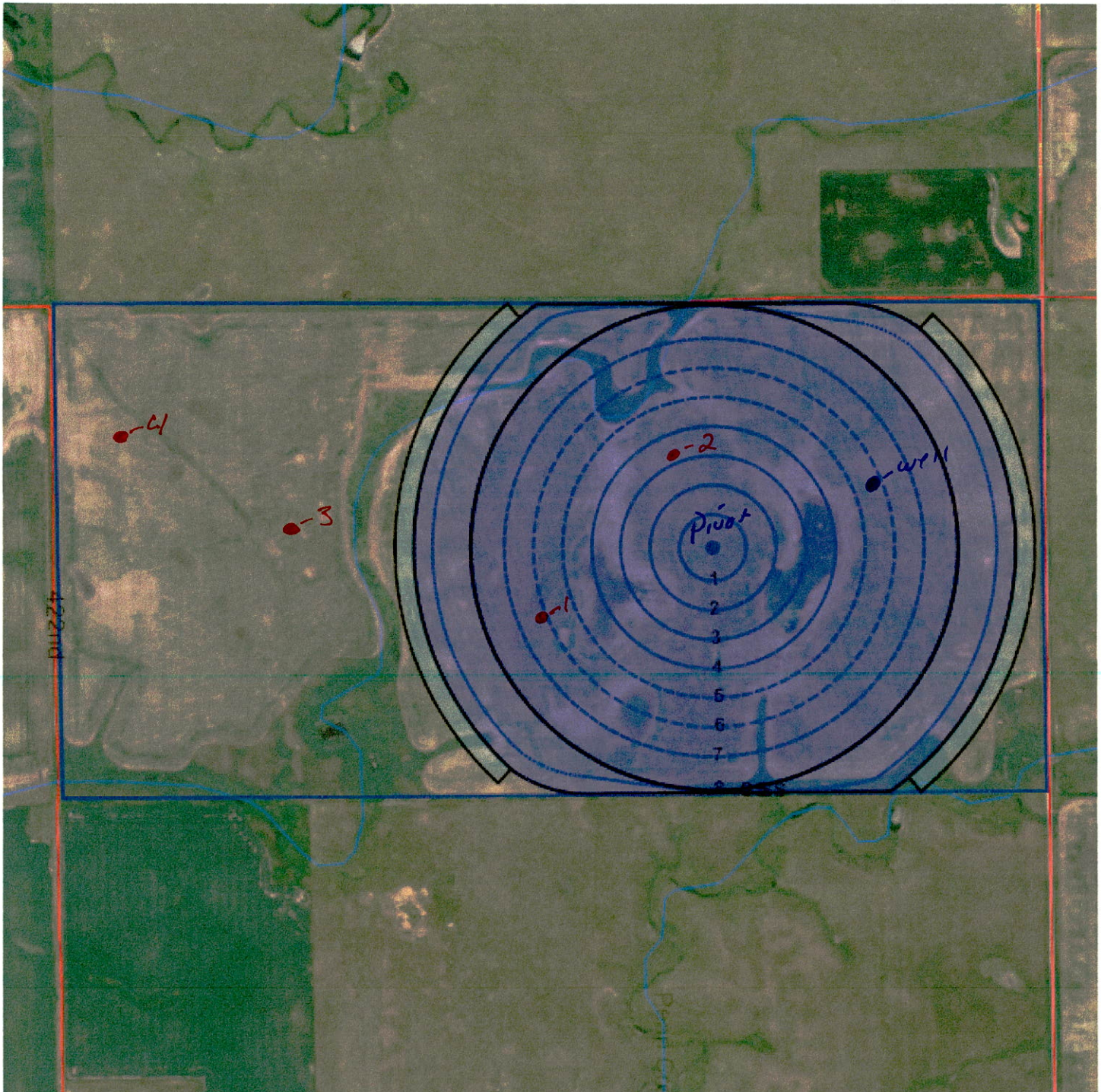
Field Area: 314.61 acres

System Model: E2065

System Length: 1,610.00 ft

Total Irr. Area: 179.44 acres

Number of Spans: 8



File No. 7345-3

Approval of a Change of Diversion Point

NAME: Jack Schmidt

ADDRESS: 42641 SD HWY 28

DATE: August 26, 2013

COUNTY: Clark

TELEPHONE: (605) 881-0314

BACKGROUND:

Water Permit No. 7345-3 appropriates 2.67 cubic feet per second (cfs) from one well completed into the Altamont aquifer at approximately 190 feet deep. The well is located in the NE ¼ NE1/4 of Sec 26, T114N R58W in Clark County. The permit has a priority date of April 9, 2012 and is conditioned with well interference, well construction, and irrigation questionnaire qualifications.

Mr. Schmidt has requested to supplement the existing well with another well located in the N ½ of Sec 26, T114N R58W. The existing well only produced 0.67 cfs. Mr. Schmidt's request states the second well will provide a minimum of 1.11 cfs for a total of at least 1.78 cfs to be used for irrigation. Although a test holes has not been drilled, Mr. Schmidt has chosen several locations (all in the N ½ of Sec 26, T114N R58W) for the additional well, see attached map.

AUTHORITY:

Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source is the same as permitted source and no additional water is appropriated.**

The water source authorized by Water Permit No. 7343-3 is the Altamont aquifer. The original well was estimated to be 190 feet deep. Although a test hole for the new well has not yet been drilled, the request estimates the depth to be 179 feet, which is consistent with the Altamont aquifer. In addition, there are no other formations beneath Mr. Schmidt's property capable of supplying this quantity of water.

The additional diversion point will be for the purposes of diverting the full permitted amount of water from the Altamont aquifer. No additional appropriation of water beyond the permitted amount is authorized. Water Permit No. 7345-3 appropriates 2.78 cfs and no additional diversion rate authority is being requested.

Review of Existing Diversions

The well completion report and water rights databases were reviewed for the nearest domestic wells and water rights on file. The nearest domestic well is located approximately 1 mile to the north, with other domestic wells all being a distance of greater than 2 miles from Mr. Schmidt's property. None of the additional diversion sites proposed by Mr. Schmidt are closer to this domestic well than the existing diversion point. Therefore, potential for unlawful interference is not expected to increase.

All other existing diversion points are at distances of greater than 2 miles from Mr. Schmidt's property. These distances are expected to be sufficient in preventing any interference as a result of pumping from the proposed second diversion site for Water Permit No. 7345-3.

Observation Well Data

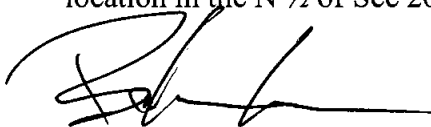
The Water Rights Program monitors several observation wells located in the Altamont aquifer. The closest observation well (CK-76H) is located approximately 1.2 miles to the southwest of the existing well. The historic water levels for this well show the seasonal effects of pumping have not prevented a full annual recovery of the water level within the aquifer and that the water level is primarily controlled by climatic conditions.

CONCLUSION:

- The change in well location does not propose to appropriate additional water.
- The new well is to be completed into the Altamont aquifer.
- Given the distance from existing domestic wells and water rights, interference is not expected to be a concern.

RECOMMENDED ACTION:

Based on the above criteria, it is recommended that the request for an additional diversion point location in the N ½ of Sec 26, T114N R58W be approved.



Bracken Capen
Natural Resources Engineer

The Chief Engineer makes a finding pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14:01 that:

This change in diversion point does not increase the potential for adverse effects to existing diversions.

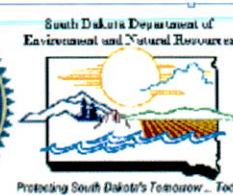
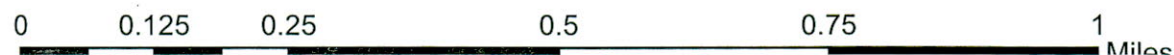


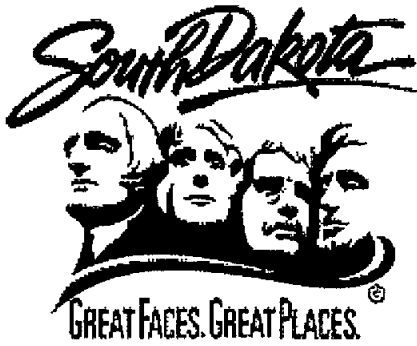
Jeanne Goodman, Chief Engineer
Water Rights Program



Legend

- Proposed Well Sites
- Section Boundaries - PLSS
- Existing Water Rights/Permits
- Domestic Wells





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 27, 2013

7345-3

Jack Schmidt
42633 SD HWY 28
Willow Lake, SD 57278

Dear Mr. Schmidt:

Water Permit No. 7345-3 appropriates 2.67 cubic feet per second (cfs) from one well completed into the Altamont aquifer (190 feet deep) located in the center of the N ½ of Sec 26, T114N R58W for the irrigation of 300 acres in Clark County.

You requested authorization to construct an additional well located in the N ½ of Sec 26, T114N R58W to supplement the flow of water from the existing well. The basis for this request was an inadequate flow of water from the existing well associated with Water Permit No. 7345-3.

Upon review of the request and pursuant to SDCL 46-5-13.1, the additional well is authorized without application or publication of a notice of hearing pursuant to SDCL 45-2A-4. No increase in the authorized diversion rate of 2.67 cfs (1200 gallons per minute) or the number of acres irrigated (300 acres) from the Altamont aquifer is authorized. If the total diversion rate or the number of acres irrigated increases, a new water right permit will need to be obtained.

If you have any questions, please contact Bracken Capen at (605) 773-3352.

Sincerely,

A handwritten signature in black ink, reading "Jeanne Goodman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jeanne Goodman
Chief Engineer
Water Rights Program

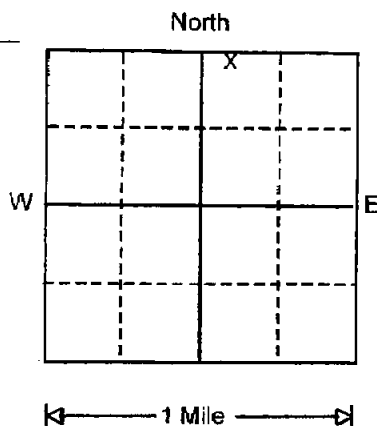
7345-3
SD EForm - 1621LD V'

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NE ¼ Sec 35 Twp 114N Rg 58W

County CLARK

Please mark well
location with an "X"

Well Completion Date

2-20-2013

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

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary Drill

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
21.0 LB/FT	12.00 IN	0.0 FT	156.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
3rt Well DF		54.0 Lb/gal	0.0 Ft	
		Lb/gal	Ft	Ft

Describe grouting procedure
Pressure Pull

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 22.0 Feet

Material Stainless Steel

Slot Size Set From 156.0 Feet to 178.0 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?
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner: Jack Schmit

Business Name:

Address: 46241 SD Hwy 28

City, State, Zip: Willow Lake SD 57278

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	2
Yellow Clay Sandy	2	4
Yellow Sand	4	12
Soft Yellow Clay	12	14
Blue Clay	14	20
Grey Fine Sand w/ coal	20	28
Blue Clay firm	28	64
Grey mixed med	64	73
Coarse Rock	73	74

STATIC WATER LEVEL 97.0 FEET

If flowing: closed in pressure PSI

GPM flow through Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

Submersible pump

☐ Bailed☐ Other

Pumping Level Below Land Surface

155.0 Ft. After 48.0 Hrs. pumped 300.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

 Blue Clay 74-154
 Yellow Gravel Mixed 154-178
 Yellow Clay+

This well was drilled under license # 689 and this report is true and accurate.

Drilling firm: Kaiser Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

7345-3

JUL 10 2023

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

7345-3

Dear Mr. Schmidt:

Enclosed is Water License No. 7345-3. 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

NOTE: The production of the wells at the time of the inspection was 300 gpm (0.67 cubic feet of water per second). Since the time to complete construction and place water to beneficial use has expired, the water license is being issued for this amount. You acknowledged to the water rights inspector at the time that you need to another well(s) to have an adequate water supply to run the pivot. An additional water permit will be required prior to increasing the diversion capability above 300 gpm.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7345-3

(1) Jack Schmidt; 42641 SD Hwy 28, Willow Lake SD 57278, made Application No. 7345-3, April 9, 2012, for a water permit to divert 2.67 cubic feet of water per second from groundwater, one well (Altamont Aquifer), Clark County, South Dakota for irrigation purposes. Permit No. 7345-3, with a priority date of April 9, 2012, was approved October 3, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 3, 2017, and for the application to beneficial use of water on or before October 3, 2021.

In August 2013, Jack Schmidt's request for an additional well, with no increase to the rate of diversion, was approved.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.67 cubic feet of water per second for beneficial use. The locations of the diversion points are:

- Well #1: 30 ft S & 660 ft W of the NE corner of Section 26, T114N, R58W (NE ¼ NE ¼)
(Latitude 44.65992 Longitude -97.75791)
- Well #2: 810 ft S & 865 ft W of the NE corner of Section 26, T114N, R58W (NE ¼ NE ¼)
(Latitude 44.65771 Longitude -97.75850)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 26, T114N, R58W			
NE ¼ NE ¼	30.5 acres	NE ¼ NW ¼	19.5 acres
NW ¼ NE ¼	40.0 acres	SE ¼ NW ¼	19.5 acres
SW ¼ NE ¼	40.0 acres		
SE ¼ NE ¼	30.5 acres	TOTAL:	180.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jack Schmidt, the holder and/or owner of Water Right No. 7345-3 is issued a license to appropriate water, the right to use 0.67 cubic feet of water per second from groundwater, two wells (Altamont Aquifer), with a priority date of April 9, 2012, from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7345-3 and subject to the following qualifications:

1. The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right 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.

continued

2. The wells authorized by Permit No. 7345-3 shall be constructed by a licensed well driller and construction of the wells and installation of the pumps shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

JUL 10 2023
date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7345-3

I have this day, June 8, 2023, made a thorough examination of the water use system constructed by Jack Schmidt, 42641 SD Hwy 28, Willow Lake, SD 57278 of Permit No. 7345-3, bearing the priority of April 9, 2012 authorizing the diversion of 2.67 cu. ft. per second of the waters of the Altamont Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling - Well #2; Steffl Well Drilling -- Well #1 (on map)
- 2) No. of Wells 2
- 3) Depth(s) #2 - 178 ; #1 - ??? feet
- 4) Well log is available Y If no, explain in comments

Comments: for WELL #2 (is available) Nothing in DANR well data bases regarding Well #1

Casing:

- 1) Diameter 12 inches
- 2) Length 156 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 22 feet
- 3) Static water level 09 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 300 - total GPM

Motor:

- 1) Make Unknown
- 2) Model No. Unknown
- 3) Horsepower rating Unknown hp

B. Works used to transport water to place of use:

- 1) Type Buried PVC
- 2) Size 8 inches
- 3) Length 1900 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke
- 2) Overall length 1620 feet
- 3) Number of towers 8 + corner leg
- 4) End gun Y
- 5) Capacity 300 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: **Uses commercially available injection equipment**

D. Compliance with Permit Requirements:

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

E. Condition and Location:

1. The system is in **good** condition with the point(s) of diversion located as follows: **WELL LOCATIONS**
From the NE corner Sec 26 T114N R58W WELL #1: 30 ft S & 660 ft W, Lat 44.65992 Long - 97.75791
(NE ¼ NE ¼) WELL #2: 810 ft S & 865 ft W, Lat 44.65771 Long -97.75850 (NE ¼ NE ¼)
2. The works are capable of diverting and conveying to the place of use **0.67** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

legal description/acreage
All land in Sec 26 T114N R58W
NE ¼ NW ¼ – 19.5 acres
SE ¼ NW ¼ – 19.5 acres

NW ¼ NE ¼ – 40.0 acres
NE ¼ NE ¼ – 30.5 acres
SE ¼ NE ¼ – 30.5 acres
SW ¼ NE ¼ – 40.0 acres

comprising a total of **180.0** acres of land and the license should be issued for **0.67** cfs

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was estimated with the aid of FSA imagery and ArcMAPS software.

The pump rate reported in a recent Irrigation Questionnaire was used to establish the system flow capacity.

The mailing address and the telephone number in the permit materials are current

I talked to Jack Schmidt on the phone during the field inspection visit. He acknowledged that he needs to construct another well or two to get an adequate water supply for the center pivot. 300 gpm (0.67 cfs) is a very low flow rate for his system.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **June 21, 2023**



0 0.075 0.15 0.3 0.45 0.6 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 14, 2025

NOTICE

TO: JACK SCHMIDT, 42633 SD HWY 28, WILLOW LAKE, SD 57278

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1911-3 & 2731-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4658-3, 7345-3, 7346-3 & 7406-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4658-3, 7345-3, 7346-3 & 7406-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1911-3 & 2731-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: **PAJKUP****

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 17, 2025

1911-3, 2731-3, 4658-3,
7345-3, 7346-3 & 7406-3

Jack Schmidt
42633 SD HWY 28
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1911-3, 2731-3, 4658-3, 7345-3, 7346-3 & 7406-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us