

WATER PERMIT NO. 7346-3

Name of Applicant: Jack Schmidt

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

Amount of Water Claimed: 1.56 cfs Total Acres: 140 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Clark

Type of Waste Disposal System:

Location: 2 miles west of Willow Lake

PRIORITY Date Received: 4-9-12 Application/License Fee: \$ 1050.00

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

Remarks:

Diversion Point: NE ¼ SW ¼ Sec 33-T114N-
R57W

Land to be Irrigated: SW ¼ Sec 33-T114N-R57W

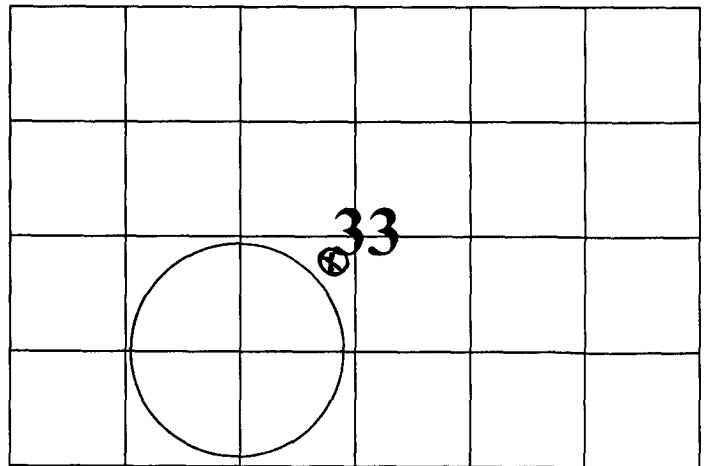
Depth of Well: 74 feet deep

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: _____

RECEIVED

APR - 9 2012

WATER RIGHTS
PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7346-3</u> (office use only)	Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>	
	Newspaper <u>Clark Co. Courier 1191st Ave E</u>	
	<u>605 532-3654</u>	<u>Clark 57225</u>

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 Hwy 28 Willow Lake State SD 57278
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.56 *CFS or 700 **GPM 140A ***AF Total Acreage 140A
(*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 the NE corner of the SW1/4 Section 33 T114 R57 W
- County or counties where water will be used CLARK
- Annual period during which water is to be used May - 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
NW 1/4 of the NE 1/4 Sec 33 T114 N R57 W 35'	}		
NW 1/4 of the SE 1/4 Sec 33 T114 N R57 W 35'			
NW 1/4 of the NW 1/4 Sec 33 T114 N R57 W 35'			
NW 1/4 of the SW 1/4 Sec 33 T114 N R57 W 35'			
		SW 1/4 Sec 33	

- 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 2nd day of April 2012

Melanie Schmidt
Notary Public signature

Commission Expires 1-23-2016

**SOUTH DAKOTA
WATER PERMIT NO. 7346-3**

Date of first receipt of application April 9, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7346-3 to Jack Schmidt, 42641 SD Hwy 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. 7346-3 appropriates 1.56 cubic feet of water per second 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.
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. The date of approval of Permit No. 7346-3 is July 16, 2012.
5. One-fifth of the construction is to be completed on or before January 16, 2015.
6. All construction is to be completed on or before July 16, 2017.
7. Water is to be put to beneficial use on or before July 16, 2021.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7346-3 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

JUL 26 2012

date



(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 74
- b) Casing Type pvc Diameter 12" Thickness 3/8
- c) Screen Type SS Screen Diameter 12" Thickness 1/4
- d) Gravel Pack pea rock Length of Gravel Pack 12 ft
- e) Depth to Top of Water Bearing Material 64 ft
- f) Depth to Water (ground surface to water level) 10 ft
- g) Distance to nearest existing domestic well:
- On applicants property 2600 ft On property owned by others 2600 ft

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

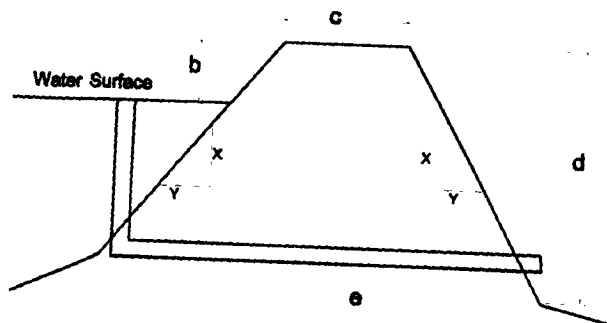
3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

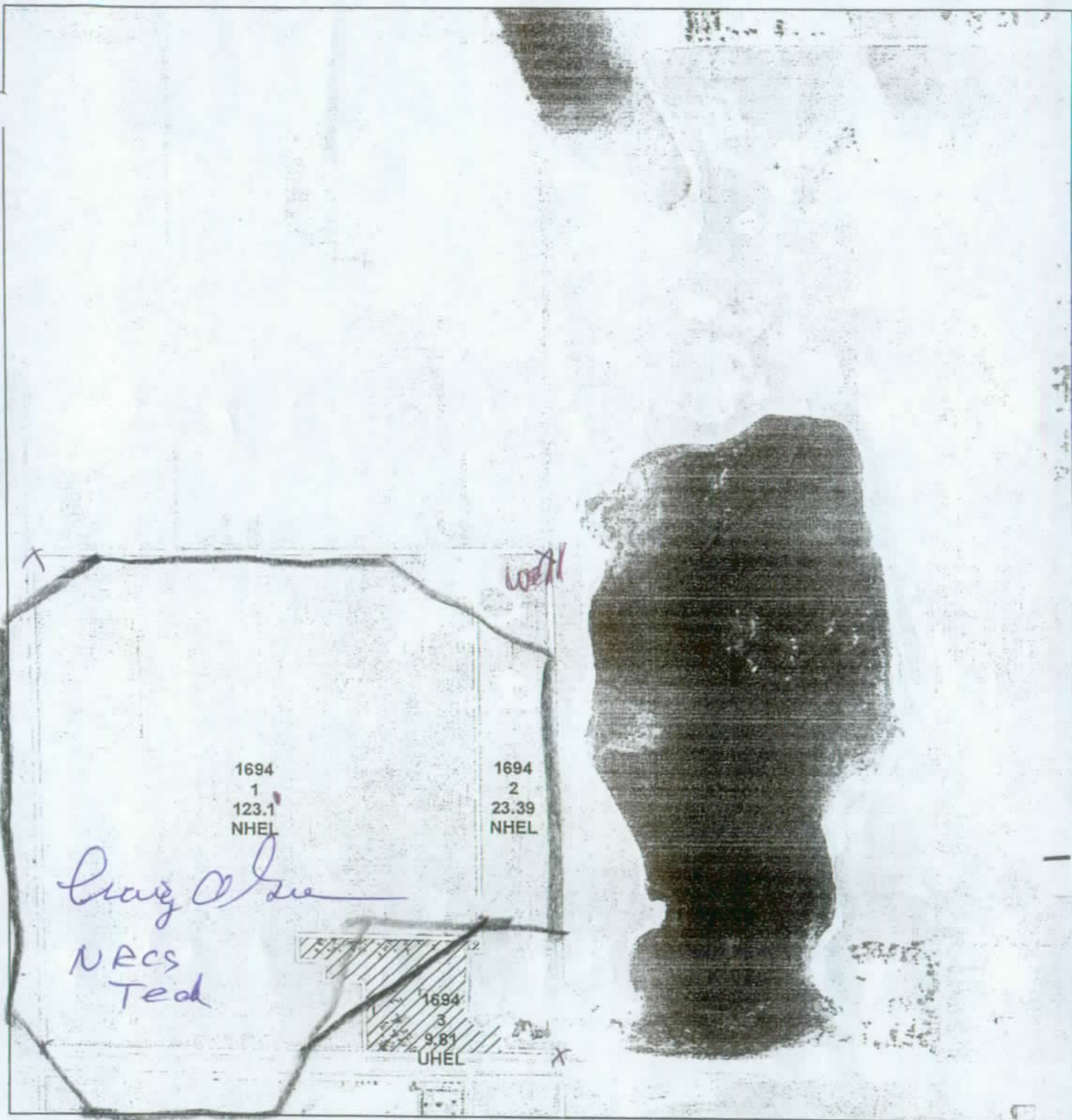
4. Water Storage Dams

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



United States Department of Agriculture
Farm Service Agency

PLSS: 33_114_57
Farm: 3897

Clark County, SD

1:8,269



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

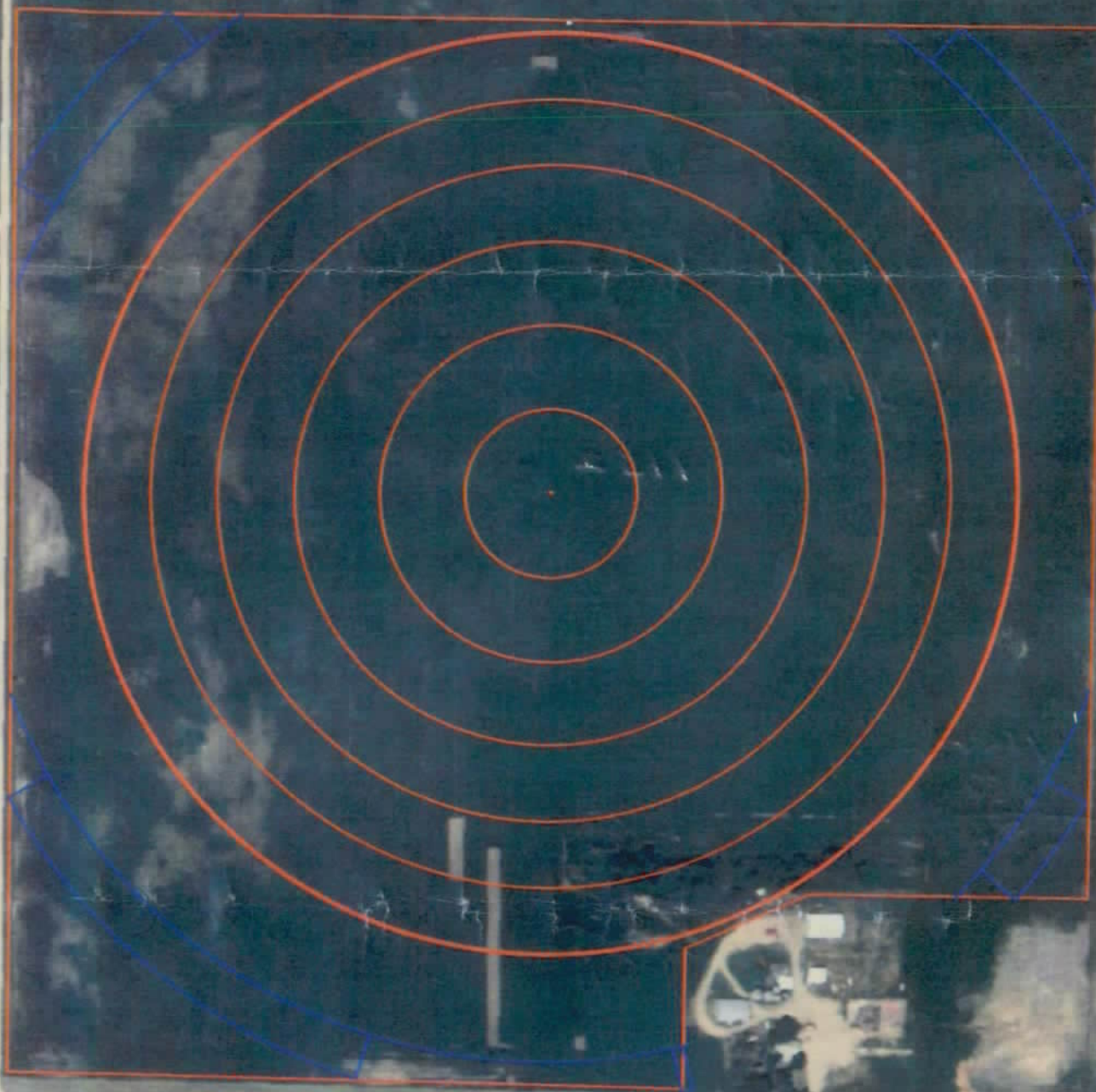
Common Land Units

//// Non Cropland

2010 Ortho-Photography - Not to Scale

February 15, 2011

136 IRR ACRES



Farmers
Implement and Irrigation
Brookings, SD

VALLEY

Data use subject to license.

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www.delorme.com



Scale 1 : 4,800



Data Zoom 15-4

WELL LOCATION					MINNESOTA DEPARTMENT OF HEALTH WELL AND BORING RECORD Minnesota Statutes, Chapter 1031					MINNESOTA UNIQUE WELL NO.																																							
City Name _____ Township No. _____ Range No. _____ Section No. _____ Fraction _____ Latitude <u>44</u> degrees <u>38</u> minutes <u>07</u> seconds <u>1</u> Longitude <u>091</u> degrees <u>21</u> minutes <u>06</u> seconds <u>0</u> Use Number, Street Name, City, and Zip Code of Well Location _____ or Fire Number _____					WELL DEPTH (completed) <u>74</u> Date Work Completed <u>4-3-12</u>																																												
DRILLING METHOD ☐ Cable Tool ☐ Driven ☐ Dug ☐ Auger ☒ Rotary ☐ Jetted					DRILLING FLUID <u>Bent.</u> 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 ☒ <u>Till House</u>					CASING ☐ Steel ☐ Drive Shoe? ☐ Yes ☐ No ☐ Plastic ☐ Threaded ☐ Welded					HOLE DIAM. _____																																							
CASING DIAMETER _____ WEIGHT _____ _____ in. to _____ ft. _____ lbs./ft. <u>43 lb. 74</u> _____ in. to _____ ft. _____ lbs./ft. _____ _____ in. to _____ ft. _____ lbs./ft. _____																																																	
SCREEN _____ OPEN HOLE _____ Mnks _____ FROM _____ ft. TO _____ ft. Type _____ Diam. _____ Slot/Gauze _____ 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 ☐ Pileless adapter manufacturer _____ Model _____ ☐ Casing Protection _____ ☐ 12 in. above grade ☐ At-grade (Environmental Wells and Boring ONLY)																																																	
GROUTING INFORMATION Well grouted ☒ Yes ☐ No Grout material <u>H.S. Bent.</u> ☒ Neat cement ☐ Bentonite ☐ Concrete ☒ High Solids Bentonite from <u>0</u> to <u>74</u> ft. _____ yds. <u>28</u> bags from _____ to _____ ft. _____ yds. _____ bags from _____ to _____ ft. _____ yds. _____ bags																																																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>GEOLOGICAL MATERIALS</th> <th>COLOR</th> <th>HARDNESS OF MATERIAL</th> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Top Soil</td> <td>Blk/Bn</td> <td>M</td> <td>0</td> <td>1</td> </tr> <tr> <td>Clay</td> <td>TAN</td> <td>M</td> <td>1</td> <td>10</td> </tr> <tr> <td>SAND</td> <td>TAN</td> <td>12-20X</td> <td>10</td> <td>24</td> </tr> <tr> <td>Gravel</td> <td>Blue</td> <td>20-100X</td> <td>24</td> <td>36</td> </tr> <tr> <td>SAND/Gravel</td> <td>Blue</td> <td>20-40X</td> <td>36</td> <td>74</td> </tr> <tr> <td>Rock</td> <td></td> <td></td> <td>74</td> <td>3</td> </tr> </tbody> </table>					GEOLOGICAL MATERIALS	COLOR	HARDNESS OF MATERIAL	FROM	TO	Top Soil	Blk/Bn	M	0	1	Clay	TAN	M	1	10	SAND	TAN	12-20X	10	24	Gravel	Blue	20-100X	24	36	SAND/Gravel	Blue	20-40X	36	74	Rock			74	3										
GEOLOGICAL MATERIALS	COLOR	HARDNESS OF MATERIAL	FROM	TO																																													
Top Soil	Blk/Bn	M	0	1																																													
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Gravel	Blue	20-100X	24	36																																													
SAND/Gravel	Blue	20-40X	36	74																																													
Rock			74	3																																													
NEAREST KNOWN SOURCE OF CONTAMINATION <u>150</u> feet <u>E</u> direction <u>Lake Park</u> type _____ Well disinfectd 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.																																																	
REMARKS, ELEVATION, SOURCE OF DATA, etc. Use a second sheet, if needed					Licensee Business Name _____ Lic. or Reg. No. _____ Authorized Representative Signature _____ Date <u>4-3-12</u> Name of Driller _____																																												

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 4-9, 20 12

Jack Schmidt, 42641 Hwy 28, Willow Lake SD 57278

RECEIVED OF _____

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

Fee for Application for Permit No. <u>7346-3</u> to Appropriate Water, to construct and to put water to beneficial use	850	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>7346-3</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	1050.00

No. **05405**

By Garland Erbeley
Chief Engineer KS

Water Rights Program - File Documentation

NAME: Dave Gullickson

ADDRESS: Farmers Implement, Brookings

DATE: 4-9-12 **COUNTY:** Clark **TELEPHONE:** 690-9013

RE: Pending application for Jack Schmidt

COMMENTS:

I called Dave Gullickson for clarification of the legal description on the application for irrigation in Section 33.

Mr. Gullickson stated the acreage outlined on the aerial photo map is correct and I should change the application to indicate the area to be irrigated is located in the SW ¼ Section 33 and the proposed location of the well is the NE ¼ SW ¼ Section 33; all in T114N-R57W.



Karen Schlaak
Environmental Scientist



**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. 7346-3, 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. 7346-3, Jack Schmidt, 42641 SD Highway 28, Willow Lake SD 57278.

The Chief Engineer is recommending APPROVAL of Application No. 7346-3 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. 7346-3 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.7346-3
JACK SCHMIDT
June 15, 2012

Water Permit Application No. 7346-3 proposes to appropriate 1.56 cubic feet of water per second (cfs) from one well to be completed in to the Vermillion East Fork - Willow Lake aquifer. The well is expected to be approximately 74 feet deep and is to be located in the NE ¼ SW ¼ of Section 33, T114N-R57W. This permit application proposes to irrigate 140 acres located in the SW ¼ of Section 33, T114N-R57W in Clark County.

AQUIFER: Vermillion East Fork-Willow Lake (VEF-WL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Vermillion East Fork Willow Lake aquifer is composed of surficial outwash (sand and gravel) that is predominantly under water table conditions (Hamilton, 1978). The aquifer underlies approximately 13,100 acres and contains an estimated 29,480 acre-feet of recoverable water in Clark County (Hedges et al., 1982). The aquifer extends north to blend into the Vermillion East Fork – Antelope Lake and south into the Vermillion East Fork – Spirit Lake aquifers. According to Jensen (2001), aquifer materials can be found less than fifty feet deep. The top of the aquifer is approximately 11 feet below ground surface and has a 30 foot saturated thickness in the area of the proposed well (Hamilton, 1986). Average saturated thickness is 20 feet and where the aquifer is thicker than average properly constructed wells may produce as much as 800 gallons per minute (gpm) (Hamilton, 1978).

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, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 280 acre-feet annually from the Vermillion East Fork – Willow Lake aquifer. Although the actual water use if this application is approved will most likely be less than 280 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 Withdrawals:

Recharge:

Recharge to the Vermillion East Fork – Willow Lake aquifer is primarily from infiltration of precipitation and inflow from till adjacent to the aquifer. The Vermillion East Fork – Willow Lake aquifer, as described by Hedges, is a small portion of the Prairie Coteau #1 aquifer described by

Hamilton (1986). The recharge rate for the Prairie Coteau #1 aquifer was estimated to be 3.8 inches per year by Hamilton (1986). Using Hamilton's recharge rate (1986) and Hedge's area (1982), total recharge for the aquifer is estimated to be 4,148.33 acre-feet per.

Withdrawals:

There are 12 water rights/permits appropriating water from the Vermillion East Fork - Willow Lake aquifer. There is one appropriation for municipal purposes and there are 11 for irrigation. The estimated withdrawal from the aquifer by the municipal appropriation is 152.04 acre-feet per year. This estimation assumes water is being withdrawn from the aquifer 14.4 hours per day at maximum diversion rate. Water use from the Vermillion East Fork - Willow Lake aquifer as reported to the DENR- Water Rights Program through annual irrigation questionnaires is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2010	11	4812.4	288.73
2009	10	4492.4	77.56
2008	9	4452.4	834.31
2007	9	4452.4	599.63
2006	10	4452.4	668.69
2005	10	4452.4	552.7
2004	10	4452.4	451.67
2003	9	4452.4	618.12
2002	9	4452.4	607.26
2001	9	4452.4	387.99
2000	9	4588.4	346.93
1999	9	4588.4	281.36
1998	9	4588.4	246.22
1997	8	4228.4	225
1996	8	4228.4	364.39
1995	7	3908.4	81.75
1994	8	4088.4	120.34
1993	8	3983.6	81
1992	8	3983.6	193
1991	8	3983.6	260
1990	8	3983.6	922
Average	8.86	4337.01	390.89

Table 1- Irrigation Water Use from the Vermillion East Fork – Willow Lake aquifer from Clark County. (Water Rights 1990-2011)

Comparing the estimated average annual recharge to the aquifer, 4,148.33 acre-feet, to the estimated average annual withdrawal from the aquifer, 542.93 acre-feet, the difference is 3,605.4 acre-feet of water. There is a reasonable probability that unappropriated water is available for this proposed appropriation of 280 acre-feet from the Vermillion East Fork - Willow Lake aquifer.

Observation Well Data:

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 of the aquifer.”

The DENR-Water Rights Program monitors five observation wells located into the Vermillion East Fork-Willow Lake aquifer (Water Rights, 2012a). The nearest of these wells, CK-68A and CK-78L, are 0.89 miles southwest and 1.64 miles north-northwest of the proposed well location. Water levels for both observation wells show a good response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. Both wells show pumping effects, but it does not appear to be adverse over most of the period of record. The climatic effects on water level greatly mask the temporal impacts of well withdrawal. Therefore, recharge to and natural discharge from the Vermillion East Fork- Willow Lake aquifer significantly exceeds pumping. Figures 1 and 2 are the hydrographs for observation wells CK-68A and CK-78L.

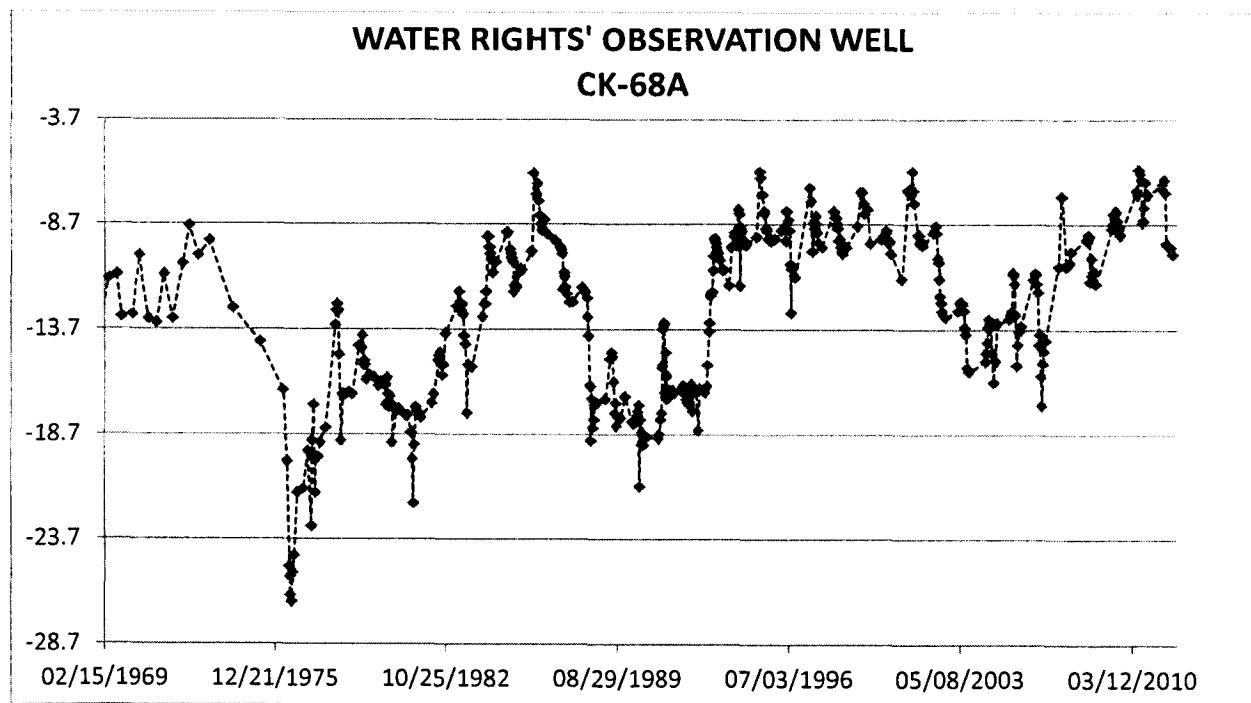


Figure 1- Hydrograph of DENR-Water Rights' observation well CK-68A, located approximately 0.89 miles southwest of the proposed well location

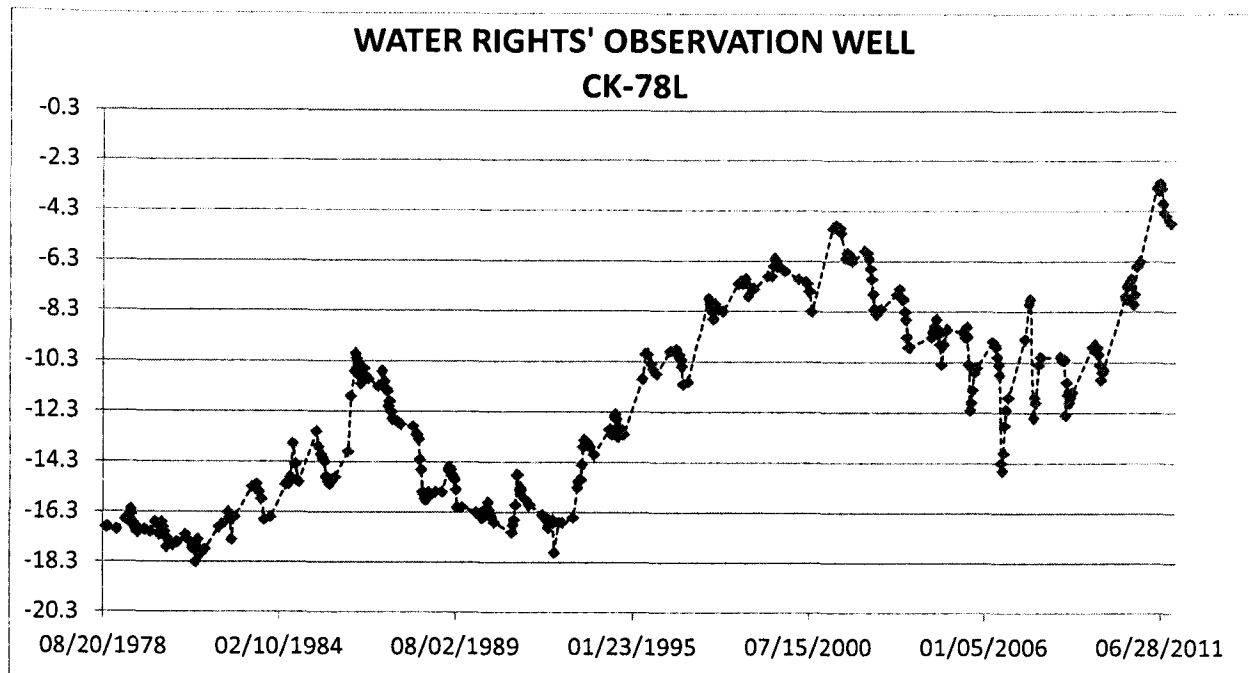


Figure 2- Hydrograph of DENR-Water Rights' observation well CK-78L, located approximately 1.64 miles north-northwest of the proposed well location

EXISTING WATER RIGHTS:

There are 12 water rights/permits appropriating water from the Vermillion West Fork - Willow Lake aquifer. Water Right Nos. 1601-3 and 2212-3 are both within one mile of this proposed appropriation by this application. Interference from pumping is not expected to be adverse at these distances from the proposed well location. Table 2 lists the water rights appropriating water from the Vermillion East Fork - Willow Lake aquifer.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
1601-3	City of Willow Lake	LC	MUN	0.35	N/A
1721-3	Phyllis Schmidt	LC	IRR	1.71	120
2212-3	Phyllis Schmidt	LC	IRR	1.6	112
2322-3	CT Wildlife Management	LC	IRR	1.78	264
2970-3	CT Wildlife Management	LC	IRR	1.78	238
3145-3	Dwight Warkenthien	LC	IRR	2	140
3146-3	Dwight Warkenthien	LC	IRR	1.78	132
3827-3	Marlin D. Warkenthien	LC	IRR	1.78	132
4414-3	Donald E Schmidt	LC	IRR	2.44	284.8
5857A-3	Clinton (Lee) Houghton	LC	IRR	1.31	92
7115-3	Lee Houghton	PE	IRR	0	20
7180-3	Bratland Seed Inc	PE	IRR	1.56	160
LC= Water Right, PE= Water Permit, IRR= Irrigation, MUN= Municipal					

Table 2- Water Rights from the Vermillion West Fork – Willow Lake aquifer in Clark County. (Water Rights, 2012b)

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof". The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application No. 7346-3 proposes to divert at a rate of 1.56 cfs to irrigate 140 acres, or the equivalent to 0.78 cfs per 70 acres. The applicant proposes to drill a new well that will be pumped at 700 gallons per minute to supply one pivot irrigation system with a corner system. This diversion rate is reasonable for the proposed use.

CONCLUSIONS:

1. This application proposes to appropriate 280 acre-feet annually for the irrigation of 140 acres, 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 Vermillion East Fork-Willow Lake aquifer to supply this proposed diversion
3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights.
4. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1978. Major Aquifers in Clark County, South Dakota. U.S. Geological Survey. Information Pamphlet No. 16.
- Hamilton, L.J. 1986. Geology and Water Resources of Clack County, South Dakota Part II: Water Resources. U.S. Geological Survey. Bulletin 29, p 14.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 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.
- Jensen, A.R. 2001. First Occurrence of Aquifer Materials in Clark County, South Dakota: South Dakota Geological Survey Aquifer Materials Map 2, scale 1:100,000.
- Water Rights. 1991-2011. "1991-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- 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.

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.

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.sdpublishnotices.com

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

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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 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-

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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

Anne D. Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013



**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

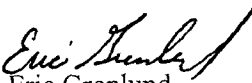
Enclosed is a Notice on Application Nos. 7345-3 and 7346-3 to Appropriate Water to be published twice. Please publish the first notice on June 27, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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



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

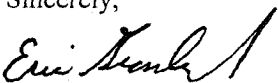
Enclosed is a Notice on Application Nos. 7345-3 & 7346-3 to Appropriate Water to be published twice. Please publish the first notice on June 27, 2012 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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

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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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_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, July 18, 2012 10:13 AM
To: legals@thepublicopinion.com
Subject: FW: Jack Schmidt corrected legal

I have not received this. Mr. Schmidt's permit cannot be issued until the corrected clipping is received, and he is anxious to start his irrigation project.

Thanks, Karen

-----Original Message-----

From: Schlaak, Karen
Sent: Monday, July 16, 2012 4:14 PM
To: 'Legals'
Subject: RE: Jack Schmidt corrected legal

Our address is: Water Rights Program, 523 E Capitol, Pierre SD 57501.

Thanks,
Karen

-----Original Message-----

From: Legals [<mailto:legals@thepublicopinion.com>]
Sent: Monday, July 16, 2012 4:02 PM
To: Schlaak, Karen
Subject: Jack Schmidt corrected legal

Karen,

I was going to send the newspaper clipping for Jack Schmidt. I can not seem to find your address to mail it to you. Could I get that from you?

Rachel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 26 2012

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

Enclosed is Water Permit No. 7346-3 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

7346-3
RECEIVED
AUG 03 2012
WATER RIGHTS
PROGRAM

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Date 8/1/12

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

FROM: Sack Schmide
(name)

42633 SD Hwy 28
(address)

Willow Lake SD 57278 605-881-0314
(city, state, zip) (phone)

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

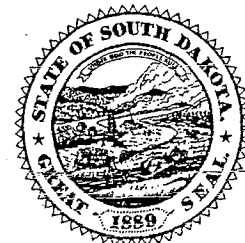
Water Permit No. 7346-3 states that the water use system is to be constructed by
7/16/2017, and water is to be put to beneficial use by 7/16/2021
(date) (date)

The water use system was completed on 7/26/2012
(date)

Applying the water to beneficial use was completed on 7/26/2012
(date)

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

[Signature]
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 6, 2012

7346-3

Jack Schmidt
42633 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system. I note from the form that you have a change of address. I have updated all of your permits to include the new address.

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

7346-3

SD EForm - 1621LD V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

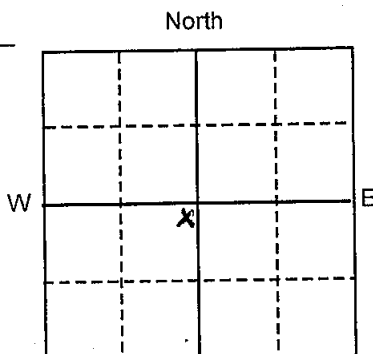
11-02

Location NE 1/4 SE 1/4 Sec 33 Twp 114N Rg 57W

SW

County Clark

Please mark well location with an "X"



Well Completion Date

April 4, 2012

1 Mile

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:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other
 If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	2.0 FT	54.0 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
HS Bentonit	14	Lb/gal	0.0 Ft	44.0 Ft
Red Flint	30	Lb/gal	44.0 Ft	74.0 Ft

Describe grouting procedure
Tremmie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 12.00 Inches Length 20.0 Feet

Material Stainless Steel

Slot Size 100 Set From 54.0 Feet to 74.0 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? Granular Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis

Well Owner: Jack Schmidt

Business Name: JS Farms

Address: 42633 SD Hwy 28

City, State, Zip: Willow Lake SD 57278

WELL LOG:

			DEPTH	
FORMATION			FROM	TO
Top Soil	Blk/Brn	M	0	1
Clay	Tan	M	1	10
Sand	Tan	12-20 slt	10	24
Gravel	Blue	20-100 slt	24	36
Sand/Gravel	Blue	20-40 slt	36	74
Rock			74	

STATIC WATER LEVEL 10.0 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:☐ Bailed☐ Other

Pumping Level Below Land Surface

31.5 Ft. After 5 Hrs. pumped 1000 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 850 GPM

REMARKS

44 38 17.1
097 41 06.0
 RECEIVED
 APR 18 2013
 WATER RIGHTS
 PROGRAM

This well was drilled under license # 463 and this report is true and accurate.

Drilling firm: Steffi Drilling & Pump Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 4/30/13



7346-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

JUN 26 2023

Jack Schmidt
42641 SD Hwy 28
Willow Lake SD 57278

7346-3

Dear Mr. Schmidt:

Enclosed is Water License No. 7346-3. 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 investigation found your irrigation system is capable of diverting 1.78 cubic feet of water per second (cfs) which is equivalent to approximately 800 gallons per minute. The authorized diversion rate in your permit was 1.56 cfs (700 gallons per minute). Diversion of water under this water license is limited to 1.56 cfs.

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7346-3

(1) Jack Schmidt; 42641 SD Hwy 28, Willow Lake SD 57278, made Application No. 7346-3, April 9, 2012, for a water permit to divert 1.56 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake Aquifer), Clark County, South Dakota for irrigation purposes. Permit No. 7346-3, with a priority date of April 9, 2012, was approved July 16, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 16, 2017, and for the application to beneficial use of water on or before July 16, 2021.

(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 1.56 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,645 ft S & 2,630 ft E of the NW corner of Section 33, T114N, R57W (NE $\frac{1}{4}$ SW $\frac{1}{4}$)
(Latitude 44.63820 Longitude -97.68502)

(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 33, T114N, R57W	
NW $\frac{1}{4}$ SW $\frac{1}{4}$	38.5 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	34.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	25.7 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	36.9 acres
TOTAL: 135.6 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jack Schmidt, the holder and/or owner of Water Right No. 7346-3 is issued a license to appropriate water, the right to use 1.56 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake 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. 7346-3 and subject to the following qualifications:

1. The well 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.
2. The well authorized by Permit No. 7346-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump 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. *(The well was drilled by Steffl Drilling & Pumping Inc. in 2012. A copy of the well completion report is on file with the Water Rights Program.)*

continued

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

JUN 26 2023

date



Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 7346-3

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. 7346-3, bearing the priority of April 9, 2012 authorizing the diversion of 1.56 cu. ft. per second of the waters of the Vermillion:East Fork – Willow Lake Aquifer for irrigation purposes, in Clark County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Steffl Drilling & Pump
- 2) No. of Wells 1
- 3) Depth(s) 74 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 54 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 10 feet

Pump:

- 1) Make Submersible
- 2) Model Unknown
- 3) Size Unknown
- 4) Capacity 800 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 1800 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1430 feet
- 3) Number of towers 6 + corner leg
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate Y

Comments: **Uses commercially available injection equipment**

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by N

If no, describe: **Pumping 1.78 cfs (800 gpm) while authorized for 1.56 cfs (700 gpm)**

- 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 LOCATION**
From the NW corner Sec 33 T114N R57W, 2645 ft S & 2630 ft E, Lat 44.63820 Long -97.68502 (NE
1/4 SW 1/4).
2. The works are capable of diverting and conveying to the place of use 1.78 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 33 T114N R57W
NW 1/4 SW 1/4 – 38.5 acres
NE 1/4 SW 1/4 – 34.5 acres
SE 1/4 SW 1/4 – 25.7 acres
SW 1/4 SW 1/4 – 36.9 acres

comprising a total of 135.6 acres of land and the license should be issued for 1.56 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 by telephone during the field inspection visit.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: **June 16, 2023**



0 0.125 0.25 0.5 0.75 1 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