

WATER PERMIT NO. 7406-3

Name of Applicant: Jack Schmidt

Address: 42633 SD Hwy 28, Willow Lake SD 57278

Phone: 605 881-0314

Amount of Water Claimed: 1.89 cfs

Total Acres: 140

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: 8-17-12

Application/License Fee: \$ 1,050

Corrected Application Received: 8/28/12 - fee

Period of Annual Use: May 1 - October 31

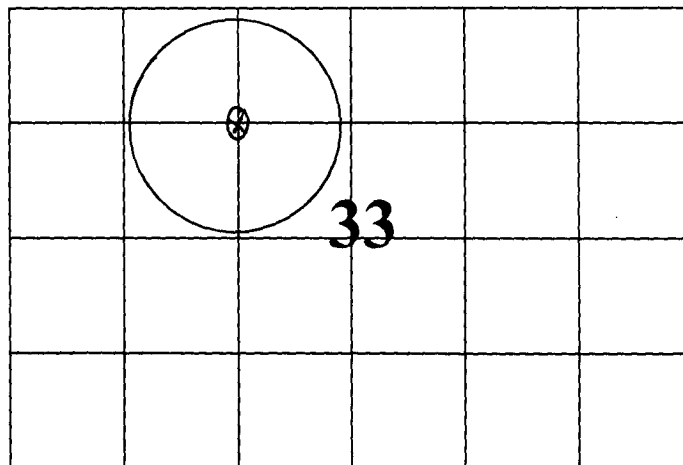
Remarks:

Diversion Point: approximate center of NW 1/4

Sec 33-T114N-R57W

Land to be Irrigated: NW 1/4 Sec 33-T114N-

R57W



Depth of Well: 75 feet deep

Well Driller: XX

Remarks:

Type of Map: aerial

Prepared by: Bill Schmidt

Reviewed and the Number Assigned on: 8-29-12

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7406-3</u> (office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Sionk River</u> <u>605-532-3651</u>
	Newspaper <u>Clark Co. Courier</u> <u>119 1st Ave E 57225</u>
	<u>Public Opinion PO Box 10 Watertown 57201 - 605-886-6901</u>

RECEIVED
AUG 17 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.) _____

1. Name of Applicant Jack Schmidt Phone 605-881-0314
(check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 42633 SD Hwy 28 Wilbur La State SD 57278
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 1.89 *CFS or 850 **GPM ***AF Total Acreage 1404
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well on NW1/4 33-114-57 (approximate center)
County Clark
5. County or counties where water will be used Clark
6. Annual period during which water is to be used May - October - 31
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
NW1/4 of NW1/4 33-114-57	35		
SW1/4 of NW1/4 33-114-57	35		
NE1/4 of NW1/4 33-114-57	35		
SE1/4 of NW1/4 33-114-57	35		

8. Give a description of the project. (Attach sheet if more space is needed)
Drill a proper size well, bury pipe to the pivot of a newly elected center-pivot irrigation system.

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 16 day of Aug 20 12

Melanie Schmidt
Notary Public signature
Comm Expires: 1-23-2016

SOUTH DAKOTA
WATER PERMIT NO. 7406-3

Date of first receipt of application August 17, 2012.

Date of return to applicant for corrections, amendments or changes August 20, 2012.

Date of receipt of corrected application August 28, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7406-3 to Jack Schmidt, 42633 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. 7406-3 appropriates 1.89 cubic feet of water per second from one well to be completed into the Vermillion East Fork:Willow Lake Aquifer (75 feet deep) located in the approximate center of the NW 1/4 Section 33 for irrigation of 140 acres located in the NW 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 – October 31.
3. The date from which applicant may claim right is August 17, 2012.
4. The date of approval of Permit No. 7406-3 is November 12, 2012.
5. One-fifth of the construction is to be completed on or before May 12, 2015.
6. All construction is to be completed on or before November 12, 2017.
7. Water is to be put to beneficial use on or before November 12, 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. 7406-3 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

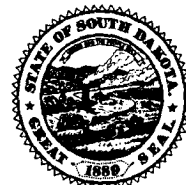
Garland Erbele, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

DEC 05 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

Will furnish drill log when test well is complete and harvest.

- a) Drill Hole Diameter 18" Depth 75 ft
- b) Casing Type plastic Diameter 16" Thickness _____
- c) Screen Type plastic Diameter 16" Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property on NE property boundary line On property owned by others 100' N of NE property boundary line

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 _____

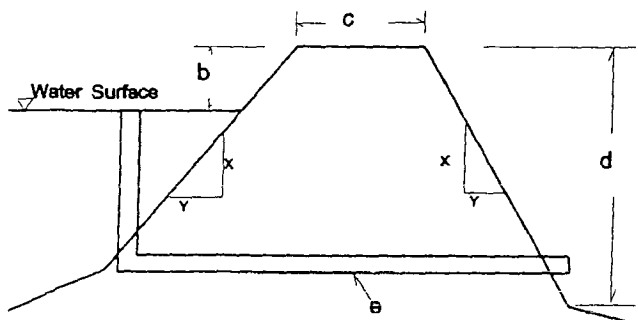
3. Dugout Information

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

4. Water Storage Dams

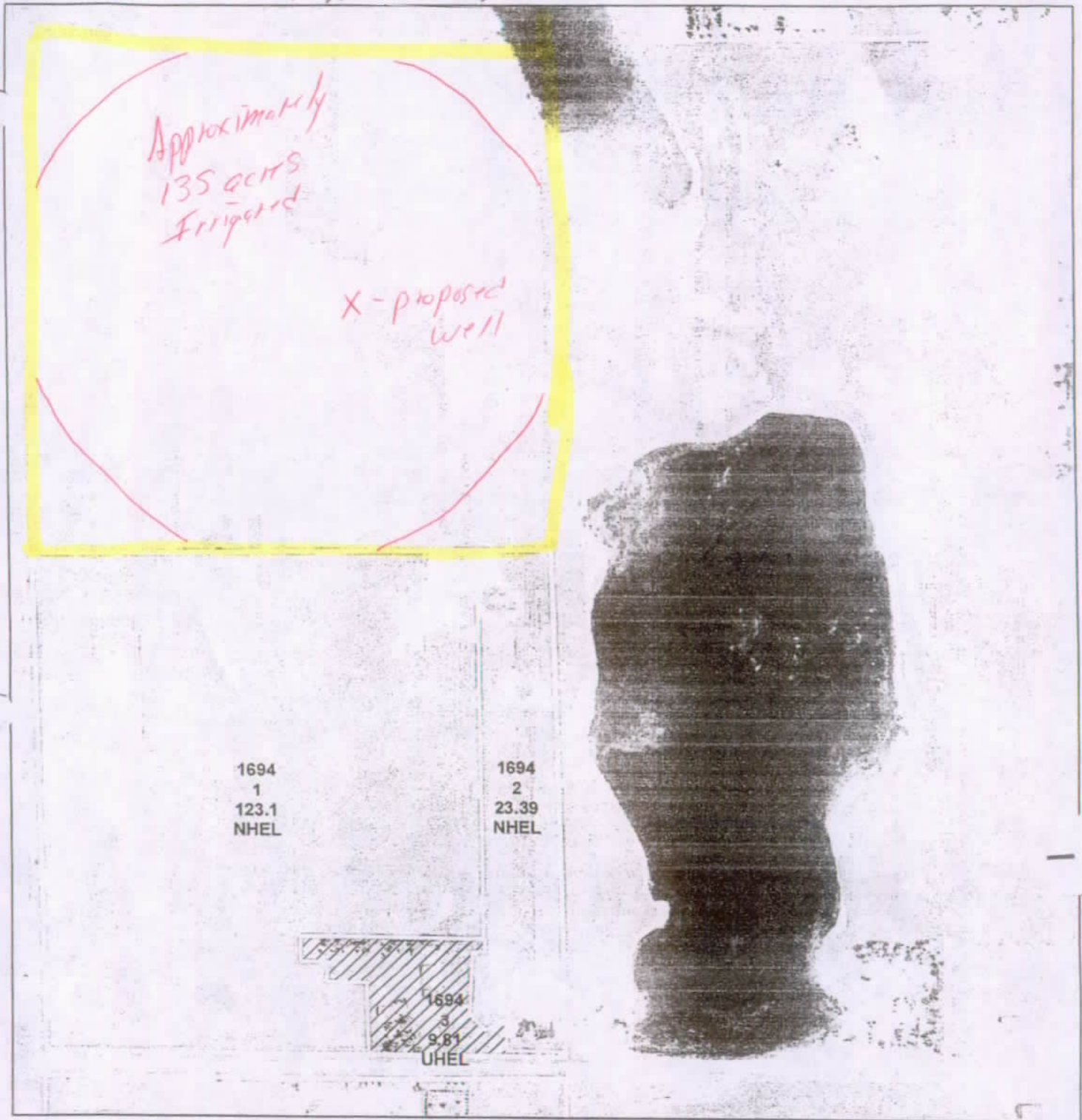
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

Jack Schmidt



United States Department of Agriculture
Farm Service Agency

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Clark County, SD

1:8,269

WATER RIGHTS
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PLSS: 33_114_57
Farm: 3897



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

Blatt

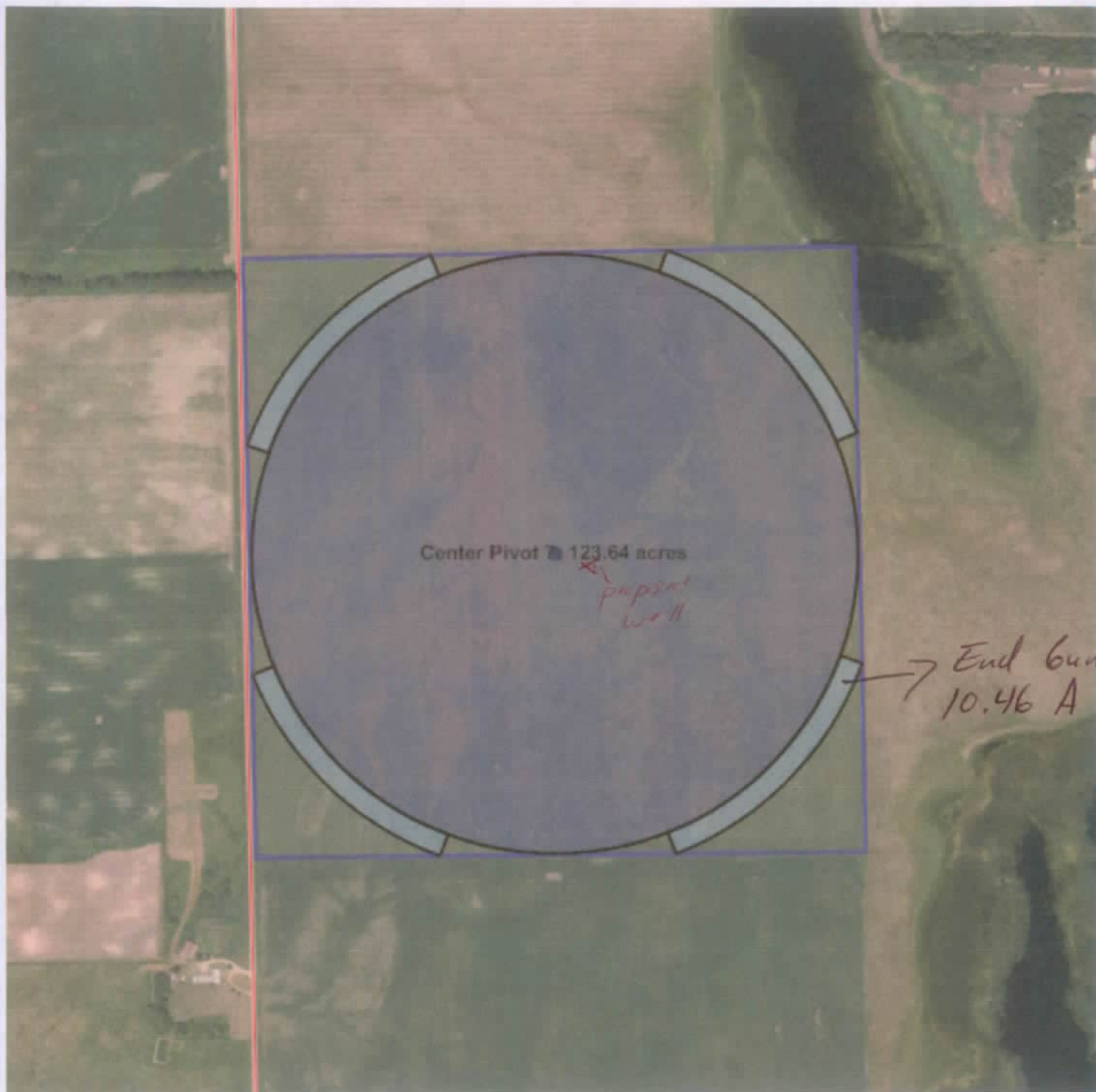
Schmidtco Ag (Reinke Dealer)



Schmidtco Ag Services, Inc

605-625-3456

Grower: Jack Schmidt



Blatt

8/27/12

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AUG 29 2012

WATER RIGHTS
PROGRAM



Schmidtco Ag Services, Inc

605-625-3456

Grower: Jack Schmidt



Blundt

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AUG 29 2012

WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/28, 20 12

RECEIVED OF Jack Schmidt Schmidt Farms 42633 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>7406-3</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>7406-3</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. 05547

By

Harold Erdahl
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 20, 2012

Jack Schmidt
42633 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

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

- Please submit a map (aerial photo) outlining the acres to be irrigated and mark the proposed well location with an "X". The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).
- The application/license filing fee will be \$1,050.00.

If you have any questions, please contact me.

Sincerely,

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



**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. 7406-3, 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. 7406-3, Jack Schmidt, 42633 SD Hwy 28, Willow Lake SD 57278.

The Chief Engineer is recommending APPROVAL of Application No. 7406-3 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. 7406-3 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
October 26, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7406-3
JACK SCHMIDT
OCTOBER 24, 2012

Water Permit Application No. 7406-3 proposes to appropriate 280 acre-feet (ac-ft) of water annually at a maximum diversion rate of 1.89 cubic feet of water per second (cfs) from one well to be completed into the Vermillion East Fork - Willow Lake aquifer. The well is expected to be approximately 75 feet deep and is to be located in the approximate center of the NW ¼ Section 33, T114N-R57W. This permit application proposes to irrigate 140 acres located in the NW ¼ of Section 33, T114N-R57W in Clark County.

AQUIFER: Willow Lake management unit of the Vermillion East Fork (VEF: WL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

Hamilton (1978) described six major glacial aquifers in Clark County; Prairie Coteau 1, 2, and 3 and Altamont 1, 2, and 3 and used the same nomenclature for his 1986 report as well. Based on the estimated depth of the proposed well it will be completed into Hamilton's (1978 and 1986) Prairie Coteau 1 aquifer. Hamilton's Prairie Coteau 1 aquifer occurs between 5-30 feet below ground surface and is made up of mostly silty, fine to coarse sand and gravel that has an average thickness of 20 ft. The aquifer is under unconfined conditions with water levels ranging from six to 40 feet below ground surface. The SD DENR-Water Rights Program calls Hamilton's (1978 and 1986) Prairie Coteau 1 aquifer the Vermillion East Fork: Willow Lake aquifer. The Vermillion East Fork: Willow Lake aquifer underlies approximately 13,100 acres and contains an estimated 29,480 ac-ft of recoverable water in storage in Clark County (Hedges et al., 1982). According to Jensen (2001), aquifer materials can generally be found less than fifty feet below ground surface.

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 VEF: WL is from infiltration of precipitation and inflow from till adjacent to the aquifer. Hamilton (1986) quantified the recharge rate to the Prairie Coteau 1, known as the Vermillion East Fork: Willow Lake by the SD DENR-Water Rights Program, 3.8 inches per year. Total recharge to the VEF: WL is estimated to be 4,148.33 ac-ft/yr.

Withdrawals:

Withdrawals from the Vermillion East Fork: Willow Lake aquifer are through: (1) well withdrawals, (2) evapotranspiration, and (3) discharge to the Vermillion East Fork: Spirit Lake.

There are 14 water rights/permits appropriating water from the Vermillion East Fork: Willow Lake aquifer. Water Right No. 1601-3 is for municipal use and the rest are for irrigation purposes. Two of the irrigation permits, Water Permit Nos. 7346-3 and 7372-3, were permitted in the past nine months and are yet to be developed. 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 (60 percent) at the maximum allowed 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)
2011	11	4812.4	664.66
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
1989	8	3995.6	549
1988	8	3995.6	666.7
1987	8	3995.6	289
1986	8	3995.6	190
1985	8	4088	304
1984	8	4089	607
1983	8	3995.6	900.23
1982	9	4931.6	627.54
1981	8	6164	611
1980	8	6164	540
1979	7	5502	99
Min	7	3908.4	77.56
Max	11	6164.0	922.00
Average	8.6	4448.7	432.02

Table 1- Irrigation Water Use from the Vermillion East Fork: Willow Lake aquifer from Clark County. (Water Rights 1979-2012)

Comparing the estimated average annual recharge to the aquifer, 4,148.3 acre-feet, to the estimated average annual withdrawal from the aquifer, 584.1 acre-feet, the difference is 3,564.2 acre-feet of water. If, Water Permit Nos. 7346-3 and 7372-3 are fully developed and withdraw the maximum amount of water allowed, 588 ac-ft, recharge would still exceed withdraw from the VEF: WL. Therefore, 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 1.26 miles southeast and 1.27 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 observation wells have several irrigation wells located within one mile. Both wells show pumping effects, but it does not appear to be adverse over 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.

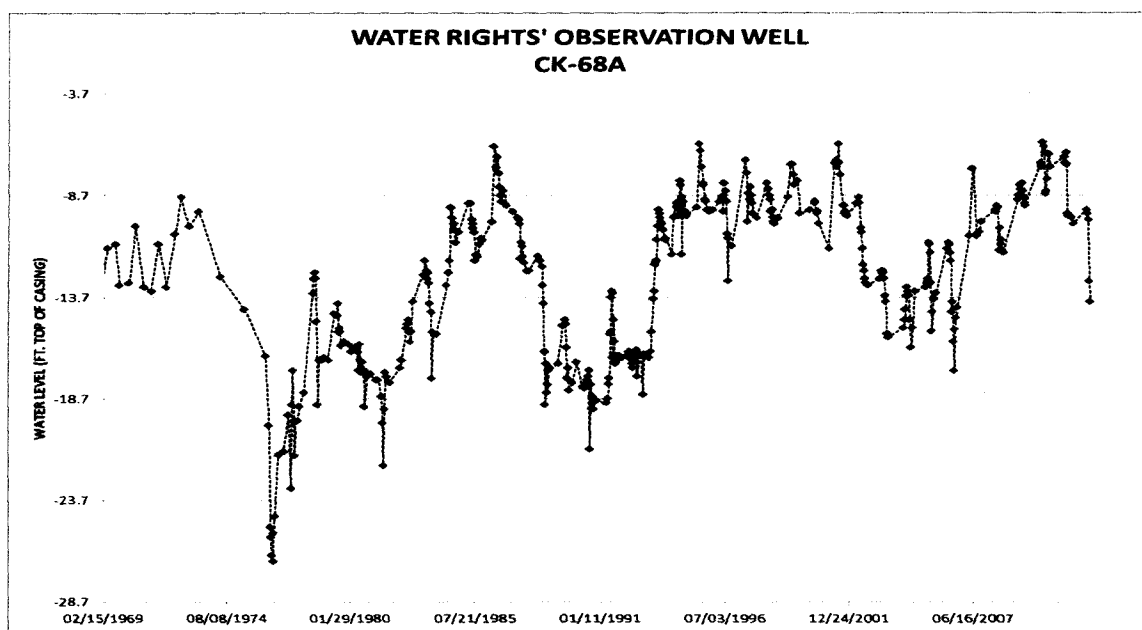


Figure 1- Hydrograph of DENR-Water Rights' observation well CK-68A, located approximately 1.26 miles southwest of the proposed well location (Water Rights, 2012a).

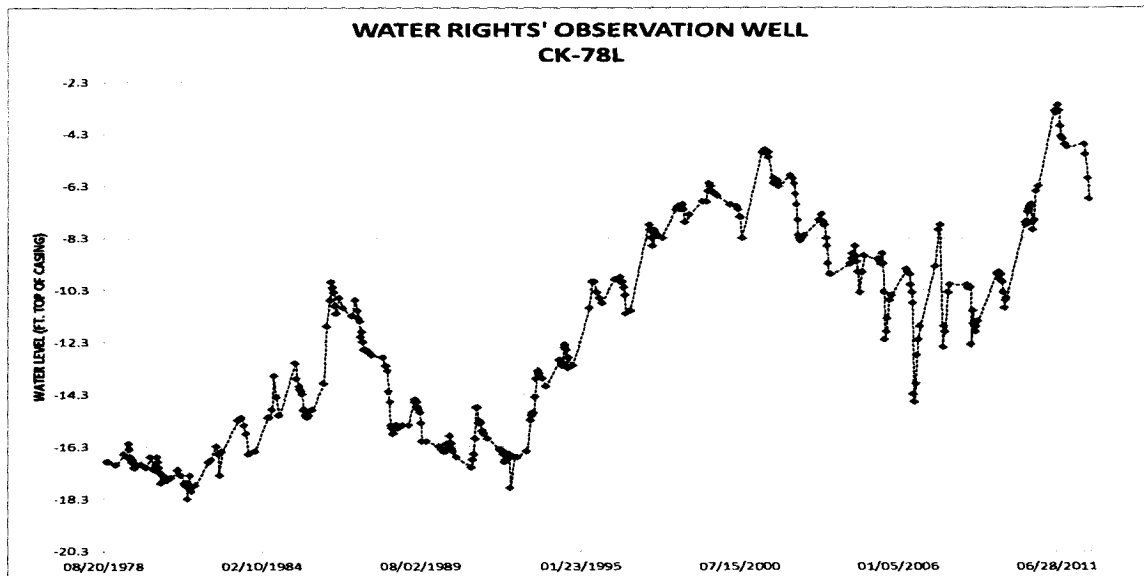


Figure 2- Hydrograph of DENR-Water Rights' observation well CK-78L, located approximately 1.27 miles north-northwest of the proposed well location (Water Rights, 2012a).

EXISTING WATER RIGHTS:

There are 14 water rights/permits authorizing to appropriate water from the Vermillion West Fork: Willow Lake aquifer. The wells authorized by Water Permit Nos. 7346-3 and 7372-3 are both within one mile of the proposed well location. There is one domestic well on file with the SD DENR-Water Rights Program that is completed into the VEF: WL within one mile of 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
7346-3	Jack Schmidt	PE*	IRR	1.56	160
7372-3	Mark Kannegieter	PE*	IRR	1.92	134
LC= Water Right, PE= Water Permit, IRR= Irrigation, MUN= Municipal, * = Water Permit approved within the last 12 months					

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

An adversely impacted domestic well as defined in 74:02:04:20(7) is “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.” There has not been a history of well interference issues in the area of the application. The proposed well location is also more isolated than many of the other water rights/permits in the VEF: WL as shown in figure 3. Pumping does not have a significant effect on water level, as evidenced by the water levels shown in the hydrographs for observation wells CK-68A and CK-78L.



Figure 3- Map of the area of Water Permit Application 7406-3 (Water Rights, 2012).

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.



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. 1979-2012. "1979-2011 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.
- Water Rights. 2012c. Water Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

NOTICE OF APPLICATION NO.**7406-3 to Appropriate Water**

Notice is given that Jack Schmidt, 42633 SD Hwy 28, Willow Lake, SD 57278 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Vermilion East Fork: Willow Lake Aquifer (75 feet deep) located in the approximate center of the NW 1/4 Section 33 for irrigation of 140 acres located in the NW 1/4 Section 33; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7406-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 2012.

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

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

Published once at the total
approximate cost of \$24.91.

10-31-1t

Affidavit of Publication

State of South Dakota

County of Clark

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

ONE

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

OCTOBER 31, 2012

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

24.91

William J. Krikac

Subscribed and sworn to before me this

1ST DAY OF NOVEMBER, 2012

Annexed Helke

Notary Public
Clark County, South Dakota

My Commission expires: 06/04/2013

RECEIVED

NOV - 2 2012

**§ WATER RIGHTS
PROGRAM**

RECEIVED

NOV - 2 2012

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Codington) SS

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 date:

October 31st, 2012

Cost of Printing 52.06

Monica K. Saathoff
(Signature)

Bookkeeper

(Title)

October 31, 2012

(Date Signed)

DEPARTMENT OF ENVIRON- MENT AND NATURAL RESOURCES

NOTICE OF APPLICATION NO. 7406-3 to Appropriate Water

Notice is given that Jack Schmidt, 42633 SD Hwy 28, Willow Lake SD 57278 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Vermillion East Fork Willow Lake Aquifer (75 feet deep) located in the approximate center of the NW 1/4 Section 33 for irrigation of 140 acres located in the NW 1/4 Section 33; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7406-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

be filed by November 12, 2012.

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

Published once at the approximate cost of \$52.25.
(October 31, 2012)

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2012

Clark County Courier
119 1st Ave E
Clark SD 57225

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7406-3 to Appropriate Water. Please publish the notice once on October 31, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jack Schmidt, 42633 SD Hwy 28, Willow Lake SD 57278 (Ph # 605-881-0314).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2012

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7406-3 to Appropriate Water. Please publish the notice once on October 31, 2012. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jack Schmidt, 42633 SD Hwy 28, Willow Lake SD 57278 (Ph # 605-881-0314).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**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 DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

October 25, 2012

Jack Schmidt
42633 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

Water Permit Application No. 7406-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Clark County Courier printed at Clark SD (Ph # 605-532-3654) and the Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund

Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on October 31, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7406-3 to Appropriate Water

Notice is given that Jack Schmidt, 42633 SD Hwy 28, Willow Lake SD 57278 has filed an application for a water permit to appropriate 1.89 cubic feet of water per second from one well to be completed into the Vermillion East Fork:Willow Lake Aquifer (75 feet deep) located in the approximate center of the NW 1/4 Section 33 for irrigation of 140 acres located in the NW 1/4 Section 33; all in T114N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7406-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 12, 2012.

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

Published once 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

DEC 05 2012

Jack Schmidt
42633 SD Hwy 28
Willow Lake SD 57278

Dear Mr. Schmidt:

Enclosed is Water Permit No. 7406-3 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

7406-3
RECEIVED

AUG - 5 2013

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 8/1/13TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Jack Schmidt
(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. 7406-3 states that the water use system is to be constructed by Nov 12, 2017, and water is to be put to beneficial use by Nov 12, 2021.
(date) (date)

The water use system was completed on 7/15/2013.
(date)

Applying the water to beneficial use was completed on 7/15/2013.
(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 7, 2013

7406-3

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.

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

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

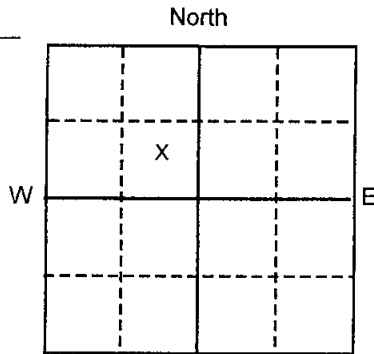
Sincerely,

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

7406-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 33 Twp 114N Rg 57WCounty CLARKPlease mark well
location with an "X"

Well Completion Date

2-7-13

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:

Direct Rotary Drill

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
40.0 LB/FT	16.00 IN	0.0 FT	45.0 FT	24.00 IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Grt Well DF	27	54.0 Lb/gal	0.0 Ft	45.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Pressure Pull

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 20.0 FeetMaterial STAINLESS STEELSlot Size .060 Set From 45.0 Feet to 65.0 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 28City, State, Zip: Willow Lake SD 57278

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Yellow Clay	1	5
Yellow Gravel	5	12
Yellow Clay	12	18
Yellow Mixed Gravel	18	26
Gray Sand	26	30
Rocks mixed with gravel	30	33
Fine - Med Gray	33	58
Med- Course	58	65

STATIC WATER LEVEL 16.0 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

33.0 Ft. After 24.0 Hrs. pumped 1,500.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800.0 GPM

REMARKS

RECEIVED

JAN 31 2014

WATER RIGHTS
PROGRAMThis 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: _____



7406-3

**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
42633 SH Hwy 28
Willow Lake SD 57257

7406-3

Dear Mr. Schmidt:

Enclosed is Water License No. 7406-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7406-3

(1) Jack Schmidt; 42633 SD Hwy 28, Willow Lake SD 57257, made Application No. 7406-3, August 17, 2012, for a water permit to divert 1.89 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. 7406-3, with a priority date of August 17, 2012, was approved November 12, 2012, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before November 12, 2017, and for the application to beneficial use of water on or before November 12, 2021.

An investigation conducted for licensing purposes found the diversion point developed outside of the permitted area. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer made a finding that the change in the diversion point location did not increase the potential for adverse effects to existing diversions.

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

- 1,300 ft S & 2,640 ft E of the NW corner of Section 33, T114N, R57W (NE ¼ NW ¼)
(Latitude 44.64190 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 ¼ NW ¼	34.1 acres
NE ¼ NW ¼	32.2 acres
SE ¼ NW ¼	31.5 acres
SW ¼ NW ¼	35.9 acres
TOTAL: 133.7 acres	

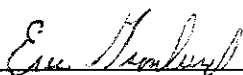
(4) Pursuant to South Dakota Water Law 46-5-30.1 Jack Schmidt, the holder and/or owner of Water Right No. 7406-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater, one well (Vermillion East Fork: Willow Lake Aquifer), with a priority date of August 17, 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. 7406-3 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.

continued

2. The well authorized by Permit No. 7406-3 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 Kaiser Well Drilling Inc. in 2013. A copy of the well completion report is on file with the Water Rights Program.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.


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. 7406-3

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. 7406-3, bearing the priority of August 17, 2012 authorizing the diversion of 1.89 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: Kaiser Well Drilling
- 2) No. of Wells 1
- 3) Depth(s) 65 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 16 inches
- 2) Length 45 feet
- 3) Type Plastic

Screen:

- 1) Type Stainless steel
- 2) Length 20 feet
- 3) Static water level 16 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 1320 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Reinke
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate N

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 LOCATION
From the NW corner Sec 33 T114N R57W, 1300 ft S & 2640 ft E, Lat 44.64190 Long -97.68502 (NE
1/4 NW 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 NW 1/4 – 34.1 acres
NE 1/4 NW 1/4 – 32.2 acres
SE 1/4 NW 1/4 – 31.5 acres
SW 1/4 NW 1/4 – 35.9 acres

comprising a total of 133.7 acres of land and the license should be issued for 1.78 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.

A handwritten signature in black ink, appearing to read "Darrell W DeBoer". The signature is fluid and cursive, with the first name "Darrell" and last name "DeBoer" clearly distinguishable.

Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

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

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Jack Schmidt

ADDRESS: 42641 SD Hwy 28, Willow Lake SD 57278

DATE: June 22, 2023

COUNTY: Clark

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to construct constructed one 75 foot deep well into the East Fork:Willow Lake Aquifer in the center of the NW1/4 of Section 33 T114N-R57W for irrigation of 140 acres in the NW 1/4 of Section 33 T114N-R57W.

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 same as permitted source and no additional water appropriated**

The permit holder constructed one 65 foot deep well into the East Fork:Willow Lake Aquifer in the NE1/4 NW1/4 of Section 33 T114N-R57W

- **If irrigation, no new land is irrigated**

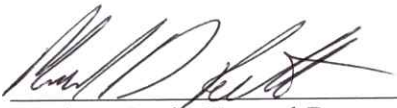
The permit holder has developed 133.7 acres in the NW1/4 of Section 33 T114N-R57W

- **Review of Existing Diversions**

There are two existing water permits/rights within a mile of where the this well was developed by other water permit holders. One of the two was an existing permit/right when this permit was issued, it was determined that there was reasonable probability any well interference due to pumping of this well would not adversely or unlawfully impair existing rights. The same would be expected for the well constructed in the new location.

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Mark D. Rath, Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Eric Gronlund, Chief Engineer
Water Rights Program



0 0.125 0.25 0.5 0.75 1 Miles



Darrell DeBoer
Water Right Inspector
DNR-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
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