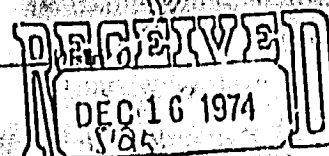


2168-3

1. Considered JANUARY 22, 1975
2. Name of Applicant GARY FEMICKA
3. Post Office Address WATERTOWN
4. Amount of water claimed 3.25"
5. Source of water supply GROUND WATER (37')
6. Water to be used for IRRIGATION
Acres to be irrigated 228
7. Water to be diverted and used in CODINGTON county
about 7N, 1E miles _____ of WATERTOWN.
8. Proof of Publication Received 1-14-75
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2168-3
 Map No. 1560-3 Water Division No. 3 Big Sioux River
 (Blanks to be filled by the Engineer for the W. R. C.)

 APPLICATION FOR PERMIT TO APPROPRIATE WATER RIGHTS COMM.
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Gary Zemlicka
 Postoffice address Watertown, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
3. Name of diversion work Gary Zemlicka Irrigation Project #1
4. Amount of water claimed (cubic feet per second) 3.25
5. Source of water supply well
6. Location of point of diversion E 375' N 56°W of SE corner of Sec 20 - 11R-52
 _____ County Colman
7. Annual period or periods during which water is to be used April through October
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, _____ Total number of acres to be irrigated 228

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
NE 1/4 of SE 1/4 of Sec 20 - 11R-52	35	NW 1/4 + SE 1/4 of Sec 20	40
SE 1/4 of SW 1/4 Sec 20	37	NE 1/4 of SE 1/4 of Sec 20	39
		SW 1/4 of SE 1/4 of Sec 20	39
		SE 1/4 of SE 1/4 of Sec 20	39

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use Three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Watertown Public Opinion
12. Principal Features of the Proposed Water Supply System.

 A. Works proposed to divert water from its natural source. well with turbine pump electrically driven

 B. Works proposed to transport water to place of use. close conduit pipes

 C. Works proposed to apply water to beneficial use. center pivot irrigation system
Estimated Total Cost \$40,000
 Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Colman
 I, Gary Zemlicka the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.
Signed Gary ZemlickaSubscribed and sworn to before me this 12 day of March, 1974
Emery Morris
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 2168-3

GARY ZEMLIKA

(Applicant)

RTE 1, WATERTOWN

(Post Office Address)

SOUTH DAKOTA 57201

(State)

With the following modifications:

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application DECEMBER 16, 19 74

Date of return to applicant for correction, amendments or changes required _____, 19 _____

Date of receipt of corrected application _____, 19 _____

Approved JANUARY 22, 19 75, Recorded in Book 13 Page 164

WATER RIGHT PERMIT NO. 2168-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 2168-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is DECEMBER 16, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22, 19 77
3. The whole of said work is to be completed on or before JANUARY 22, 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22, 19 83
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.25 cubic feet per second; neither shall it exceed the capacity of the above-described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before JANUARY 22, 19 83; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 27th day of JANUARY, 19 75

WATER RESOURCES COMMISSION

By:

Donnell L. Daniel

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

THE IRRIGATION DRILLING CO., INC.

Highway 14 East

P. O. Box 1252

Huron, South Dakota 57350

Ph. 352-4557

DRILLING REPORT

886 - 7485

Location of Well: 1/4, 5th 1/2 - 1/4, Section 20, Township 118, Range 53
 Well to be drilled for: Larry Zumblick (Name) Water Tower (Address)
Cody, Wyo. (County) S. Dak. (State)
 Date well drilling started 11-20-74 finished 11-26-74
 Purpose of well: _____
 (domestic, irrigation, industrial, other)

Depth _____ ft. Casing Diameter _____ inches
 Slot Size _____ Screen Size _____
 Screen Depth: From _____ ft. to _____ ft.
 Remarks: _____

NORTH

1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

#	Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		#	Formation (Continued)	Depth (ft.)	
		From	To			From	To
#1	top soil	0	2	#3	top soil	0	2
	sand & gravel	2	37		sand & gravel	2	35
	clay	37	40		clay	35	40
	water: 160 ft from surface						
#2	top soil	0	2	#4	top soil	0	2
	sand & gravel	2	28		sand & gravel	2	28
	clay	28	30		clay	28	30

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 2 1/2", Depth 37
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 12" Thickness 1/4"
- (3) Perforated Screen,
Type Continuous slot, Diameter 12", Length 10'
- (4) Gravel Pack, Thickness 3", Length of gravel pack 20'

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials See attached log

Depth to top of water bearing material 15'

Depth to bottom of water bearing material 37

Thickness of water bearing material 22'

Depth to water (ground surface to water level) 15'

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property 128 rds. On property owned by others 144 rds.

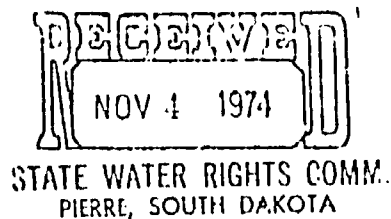
G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

* Note: If one well does not yield sufficient water a second well will be constructed directly south of this well an appropriate distance so as not to interfere with this well. It is expected that the distance will be less than 200'.

Gary Zemblicker
Signature of Applicant

October 25, 1974



Mr. Gary Zimbicka
Route 1
Watertown, SD 57201

Dear Mr. Zimbicka:

Your water analysis has been completed and the enclosed original report is yours to keep. Also, enclosed is a copy of Extension Circular 654 for your information.

There is no reason why this water should cause any trouble whatever on the soils on which you intend to use it.

A copy of this letter and the WI-1 form and a copy of the analysis are being sent to the State Conservation Commission.

Sincerely yours,

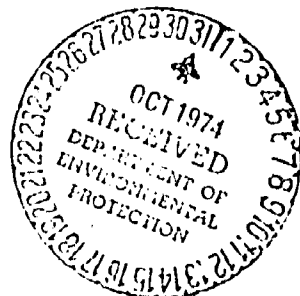
A handwritten signature in cursive script, appearing to read "L. O. Fine".

L. O. Fine
Water Quality Lab

LOF:lll

Enclosures

CC: —State Conservation Commission
Fred Morris, Cokington County Agent
Darrel Pahl



Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: 11/11/81

Disapproved: _____

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SECL 46-6-3 AS AMENDED

(This Form Required for Proposed Well Irrigation Only)

NAME: Gary Zimbicka

ADDRESS: Rt. 1

COUNTY: Waterbury Co.

LEGAL DESCRIPTION

1. WELL LOCATION: Center Section 20

2. AREA TO BE IRRIGATED: 3 1/2 Sec 20 118-02

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Pivot

4. CROPS TO BE IRRIGATED: Corn alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: Level

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: fordville silt loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-864

8. SALINITY: EC = 567 micromhos/cm (medium)

9. SODIUM: SAR: 0.19 (low)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired from

_____.

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

Gay Zemlicka

Subscribed and sworn before me this

16th day of October 1971.

Jeanne Bremer

My Commission Expires 9/15/82

(Title)

REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Carly Simbioka
 Address: Box 1
Watertown, SD 57201

Date Rec'd: October 17, 1974
 Sample No.: 74-864
 Identification: Well-
Sec. 20, T 118N, R 52W

WATER ANALYSIS

Calcium (Ca)	76	ppm*	3.80	me/l**
Magnesium (Mg)	30	ppm	2.46	me/l
Sodium (Na)	8	ppm	0.34	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	89	ppm	1.85	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	5	ppm	0.13	me/l
Bicarbonate (HCO ₃)	278	ppm	4.56	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	228	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	567	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19			
Sodium	5.07	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.20			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 6.70 me/l
 Total anions 6.54 me/l

By: Christy Linton

Service Performed

Amount Due

Tridation analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-864

Amount Enclosed \$

Signed

2168-3Publish first publication, on or before January 8, 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 16, 1974

Notice is hereby given that Gary Zemlicka
whose post office address is Watertown, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
3.25 cubic feet of water per second of time from the ground water through the
Zemlicka Irrigation Project #1, the point of diversion of which is to be located in the _____

SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 20, Twp. 118N, Range 52W. Said water to be used for the purpose
of providing irrigation on the following described land:

SE $\frac{1}{4}$ and E $\frac{1}{4}$ SW $\frac{1}{4}$, Section 20, T118N, R52W

This application No. 2168-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 22nd day of January, 1974, at 2:30 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/tw

cc: Gary Zemlicka, Route 1, Watertown, S.D. 57201

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Codington) ss.

I, Kenneth B. Way hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Watertown Public Opinion

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the _____

City Watertown of _____
County of Codington and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

Jan. 6, 1975

Jan. 13, 1975

Kenneth B. Way (Signature)

Publisher (Title)

Jan. 13th, 1975
(Date Signed)

PUBLIC NOTICE

No. 2168-3

NOTICE

INTENT TO

APPROPRIATE WATER

December 16, 1974

Notice is hereby given that Gary Zemlicka whose post office address is Watertown, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.25 cubic feet of water per second of time from ground water through the Zemlicka Irrigation Project No. 1, the point of diversion of which is to be located in the SW 1/4 SE 1/4 of Section 26, Twp. 118N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land: SE 1/4 and E 1/2 SW 1/4, Section 20, T118N, R52W. This application No. 2168-3 will be considered by the Water Resources Commission at their office at Pierre upon the 22nd day of January, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RESOURCES

COMMISSION

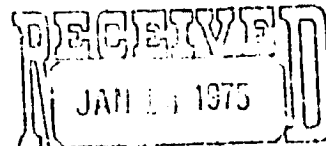
By: BURTON F. JONES

Water Rights Specialist

(January 6, 13, 1975)

3 1/4 @ 2.25 x 2 =

14.62



STATE WATER RIGHTS COMM.
S.D., SOUTH DAKOTA



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

2168-3
2262-3
3941-3

March 21, 1986

Doug Austin
P.O. Box 966
Watertown, South Dakota 57201

Dear Mr. Austin:

Please find enclosed copies of a Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$7.50.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc. 3

AUSTIN, HINDERAKER, HACKETT & HOPPER

ATTORNEYS AT LAW

25 FIRST AVENUE S.W.

25 FIRST AVENUE S.W.

P.O. BOX 966

WATERTOWN, SOUTH DAKOTA 57201-0966

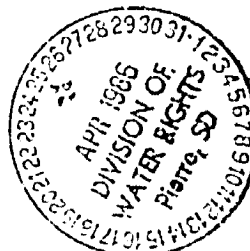
(605) 886-5823

IRVING A. HINDERAKER
J. DOUGLAS AUSTIN
PAUL I. HINDERAKER
ARTHUR M. HOFFER

COUNSEL TO THE FIRM
ALAN L. AUSTIN

V. A. HACKETT (1926-1985)

April 23, 1986



Water Rights
Foss Building
Pierre, South Dakota 57501

RE: Mr. & Mrs. Harley R. Zemlicka

Dear Madam:

Enclosed please find Notice of Transfer of Water Permits for No. 2168-3, 2262-3, and 3941-3.

Please advise if there is anything further required in this regard. Thank you.

Sincerely yours,

J. D. Weston

J. Douglas Austin

JDA:jms

Enclosure

cc: Mr. & Mrs. Harley R. Zemlicka

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410425

Pierre, April 25, 1936

RECEIVED OF Harley R. & Shirley M. Zemlicka RR#5 Box 42, Watertown. SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>2168-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____ (Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer

John H. Hatch
JOHN HATCH (S)

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

April 29, 1986

Harley R. & Shirley M. Zemlicka
Rural Route 5, Box 48
Watertown, South Dakota 57201

Dear Mr. & Mrs. Zemlicka:

Enclosed are receipt Nos. 410425, 410426 and 410427 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2168-3, 2262-3 and 3941-3.

Our records now show you as the owners of these Water Rights.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

Equal Opportunity Employer

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre South Dakota 57501-3181

2168-3
2262-3
3941-3

December 4, 1987

Harley R. & Shirley Zemlicka
Rural Route 5, Box 48
Watertown, South Dakota 57201

Dear Mr. & Mrs. Zemlicka:

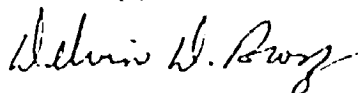
I am returning your 1987 Irrigation Water Use Questionnaires. It is impossible to determine the amount of water use from your questionnaires as completed.

As stated in the October 8th letter, Water Management Board rules or water permit qualifications require questionnaires to be submitted each year. The questionnaires need to be completed in such a way that actual water use can be determined for a particular crop and acreage.

The questionnaires will have to be completed and returned by December 23, 1987.

If you have any questions, please contact me.

Sincerely,



Delvin D. Brosz, P.E.
Hydrologist

DDR:ms
Enc.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

July 19, 1988

2168-3
3941-3
2262-3

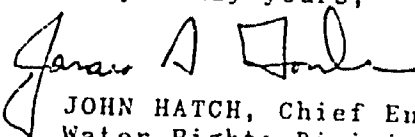
Harley & Shirley Zemlicka
RR 5, Box 48
Watertown SD 57201

Dear Mr. & Mrs. Zemlicka:

During the week of July 12-15 an investigation of domestic well complaints was conducted in Codington and Grant Counties. In all instances, the domestic wells were completed into the Prairie Coteau Aquifer (artesian aquifer) and the water levels were being affected by irrigation withdrawals. One of the complaints was that irrigation systems were wasting water by spraying on county roads and highways. This is not necessary and needs to be prevented. Not only is this a hazard to motorists with potential liability for the irrigator, but it is poor public relations.

I am requesting that you prevent the end guns from spraying on the county roads and highways. Technically, spraying roads is a waste of water and legislation could be introduced and passed by the Legislature that could be difficult to live with.

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352





2168-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

DEC 24 1992

5578-3

Harley Zemlicka
RR 5, Box 48
Watertown, SD 57201

Dear Mr. Zemlicka:

Enclosed is Water License No. 5578-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413369 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5578-3, 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, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

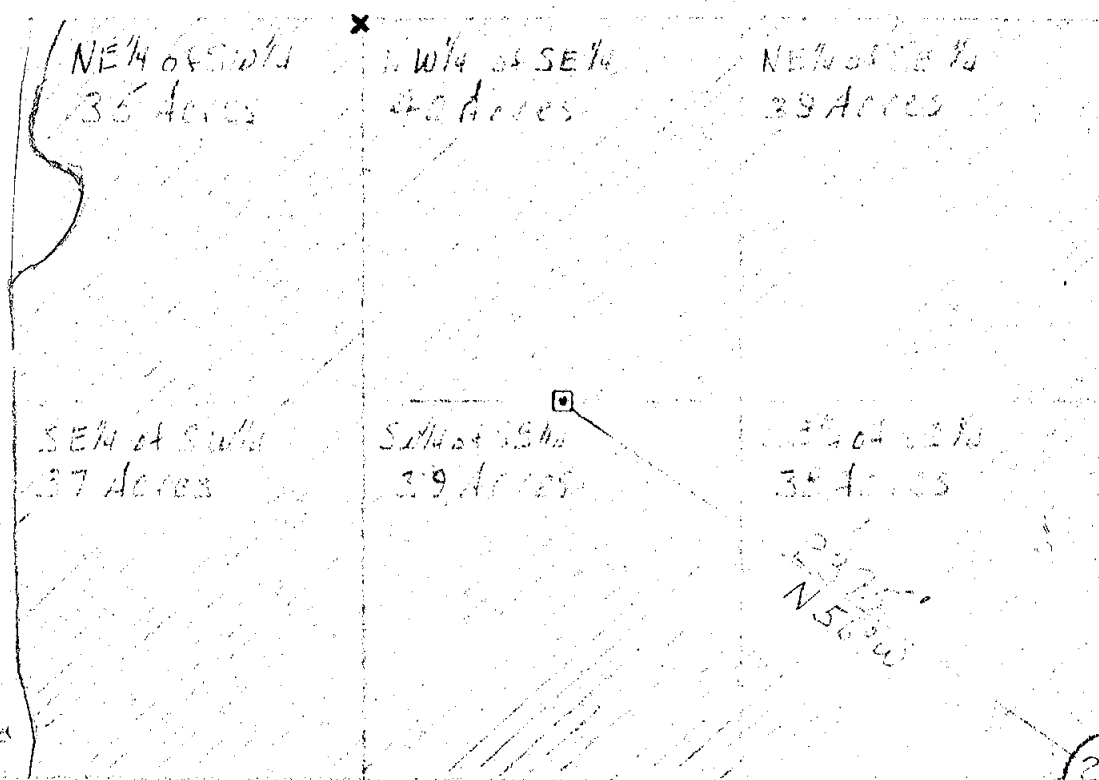
JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

enclosures

NOTE: The applicable portions of Water Permit No. 2168-3 are incorporated into Water License No. 5578-3.



Sec 20
T-118 R-52



Cross hatch indicates irrigated area
Point of diversion 2375' N 56° W of the
SE corner of Sec 20

Scale - 3" = 1 Mile

GARY ZEMILICKA

IRRIGATION PROJECT #1

Watertown, South Dakota
Codington County

Land Description	Acres Irrigated
NE 1/4 of SW 1/4 of Sec 20 - 118 - 52	35
SE 1/4 of SW 1/4 of Sec 20	37
NW 1/4 of SE 1/4 of Sec 20 - 118 - 52	39
SE 1/4 of SE 1/4 of Sec 20	39
SW 1/4 of SE 1/4 of Sec 20	39
SE 1/4 of SE 1/4 of Sec 20	39
Total	230

Water Claimed 3.25 cfs

Surveyor's Certification

I, John L. Wietsma, do hereby certify that
this map identifies a reasonably accurate
reproduction of the land at:

Gary Zemlicka

Watertown, South Dakota Codington County

Dated this 11th day of May 1978

John L. Wietsma Surveyor

Watertown, South Dakota

Map No. 2168-3