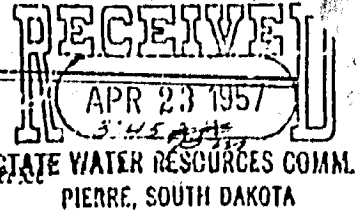


- 5174-3
1. Considered Jan 15, 1957
 2. Name of Applicant Lawrence Cusick
 3. Post Office Address Barbours, S. Dak.
 4. Amount of water claimed 2.97 cfs
 5. Source of water supply Ground water
 6. Water to be used for Irrigation
Acres to be irrigated 2008.33
Sec 26 & 35, T92N, R57W
 7. Water to be diverted and used in Polk County about
6 miles SE of Vermillion.
 8. Proof of Publication Received ☒
Not Received ☐
 9. Application Approved ☒
Subject to ☐
Not approved ☐
Action deferred ☐
 10. Remarks:

No. 474-3Water Division No. 3 Vermillion River
(Blanks to be Filled by the Engineer for the W. R. C.)**APPLICATION FOR PERMIT****To Appropriate Water within the State of South Dakota**

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Lawrence Sarsnik
 Postoffice address Barabank, County Clay, State S. D.

- I. If a corporation _____
- (a) Name of same _____
- (b) Date and place of Incorporation _____
- (c) Amount of capital stock _____
- (d) Amount paid in _____
- (e) Names and addresses of directors _____

(NOTE—A certified copy of articles of Incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Contract(b) Cash on hand, \$ 2070.00

(c) Treasury stock, \$ _____

(d) Bonds to be issued, \$ _____

(e) Other resources, \$ _____

2. Name of diversion work well
3. Amount of water claimed 3.0-4.97 cubic feet per second
4. Source of water supply well
5. Location of point of diversion N. 41° - P.E. 1860' of Sec corner
27-26-34-35 near driveway Clay County.
6. Annual period or periods during which water is to be used July + Aug.
7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity(a) Number of acres to be irrigated 208.33 acres.(b) Legal subdivisions to be irrigated S 1/4 + S 3/4 of NW 1/4 of SW 1/4 Sec 26-T 92-R 51

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) 2 driven wells, one 2 in. 46 feetone 1 1/2 in. 30 to 40 ft, in E. 1/4 of N 1/4 + SW 1/4 of SW 1/4 Sec 26-T 92-R 51

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use _____
Name any of the above uses claimed

(b) Amount of power to be generated _____ horse power.

Amount claimed for engine cooling _____

(c) Location of plant _____

(d) Method of developing power _____

(e) Point where water will be returned to stream _____

Map No. 366-3

8. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$-----
 (c) Fluming, \$----- (d) Canal-earth, \$----- Rock, \$-----
 (e) Other structures ----- \$----- Total, \$-----

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

II. Dimensions of works:

(a) Dam: Height ----- feet; length at bottom ----- feet; length at top ----- feet; thickness at bottom ----- feet; thickness at top ----- feet; slope at front water face -----; slope at back face -----
 material used in construction -----
 (b) Reservoir: Capacity when filled ----- acre feet. Surface area at highwater mark ----- acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width ----- feet; height ----- feet;
 Material -----
 (d) Canal: Total length ----- miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work ----- years.
 11. Time required for complete application of water to the proposed beneficial use ----- years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----

STATE OF SOUTH DAKOTA

County of Clay } ss.

I, Lawrence Casick, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

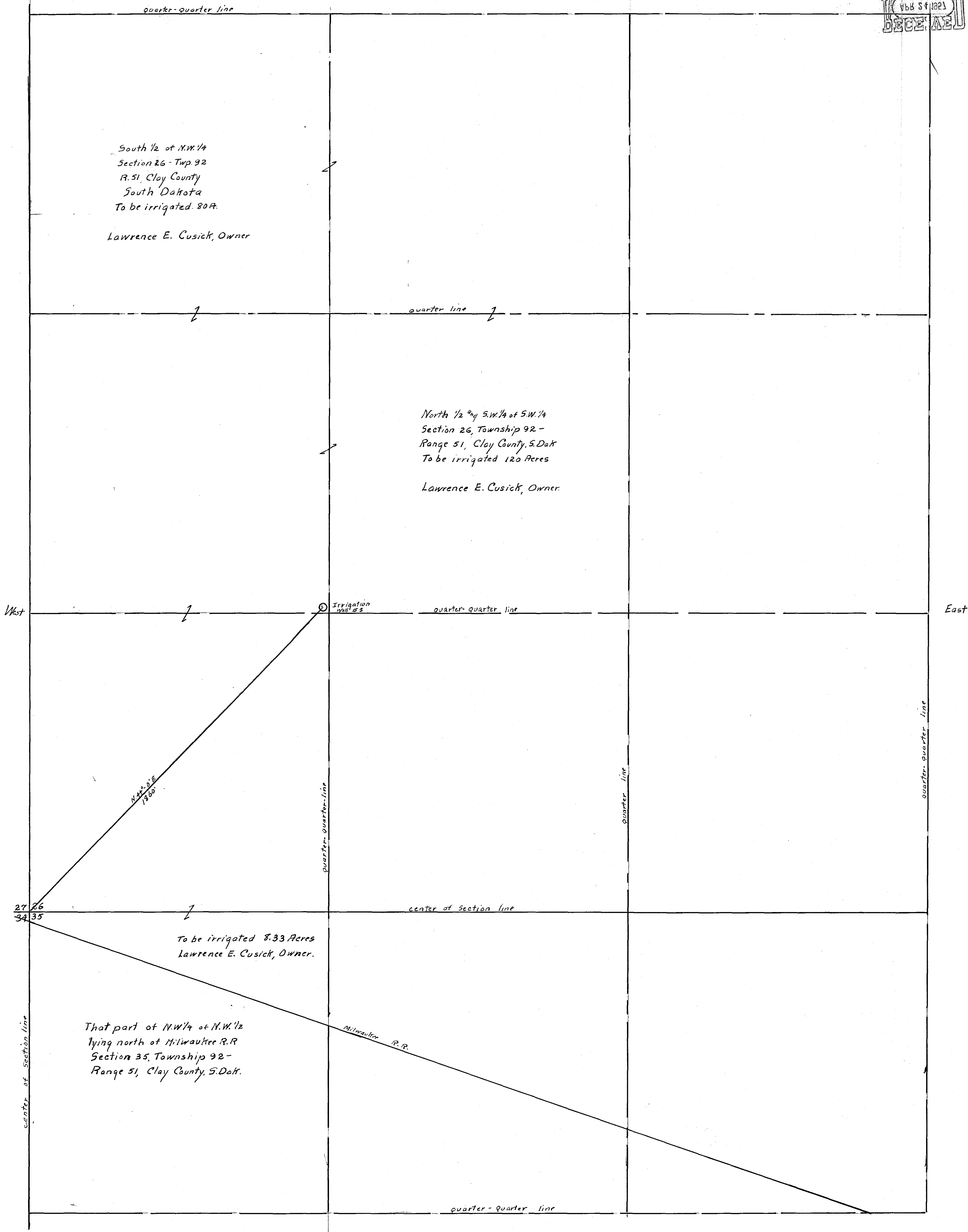
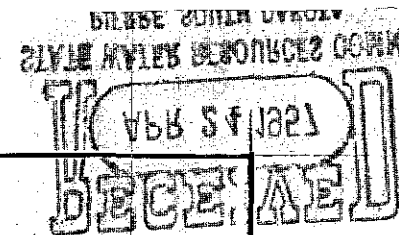
Signed, Lawrence Casick

Subscribed and sworn to before me this 22nd day of April 1957

Robert L. Johnson
 Notary Public (or other qualified officer)

*Each diversion must have a headgate or measuring device.

North



Lawrence E. Cusick Irrigation Project # I
South 1/2 of N.W. 1/4 and North 1/2 of S.W. 1/4 of S.W. 1/4 Section
26 - Township 92 - Range 51 and 8.33 Acres lying north of
Milwaukee R.R., Section 35, Township 92 - Range 51, all
in Clay County, South Dakota.

I, Ellis V. Nelson, a licensed engineer hereby certify
that I have made a survey of the south 1/2 of N.W. 1/4 and
North 1/2 of S.W. 1/4 of S.W. 1/4, Township 92 - Range 51 also
8.33 Acres lying north of Milwaukee R.R. in Section 35
Township 92 - Range 51 all in Clay County, South Dakota
and located irrigation well # 1 as indicated on the
above plat.
Dated at Sioux Falls, South Dakota, March 14, 1957.

Ellis V. Nelson
Licensed Engineer

State of South Dakota } ss.
County of Minnehaha }

On this 14th day of March 1956, before me, the
undersigned officer, personally appeared Ellis V. Nelson
known to me, or satisfactorily proven to be the person
whose name is subscribed to the within instrument
and acknowledged that he executed the same for the
purpose therein contained.

In witness whereof I hereunto set my hand and
official seal.

Nathaniel M. Leonard
Notary Public
Minnehaha County, South Dakota
My commission expires 3-28-61

Ellis V. Nelson, Civil Engineer
Sioux Falls, S. Dakota, March '57

Map No. 366-3
App. No. 4774-3

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota, May 16, 1957

This is to certify that the foregoing application was received by the Commission at 3:45 o'clock P.m. upon the 23 day of April, 1957

State Water Resources Commission

By: J. W. Brimer
Chief Engineer, Executive Officer

Number of permit 374-3

Date of first receipt of application April 23, 1957

Date of return to applicant for correction, amendments or changes required as follows: _____, 19____

Date of receipt of corrected application _____, 19____

Date from which applicant may claim right April 23, 1957

Approved June 28, 1957, Recorded in Book 4 Page 126

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

- 1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before December 28, 1958
- 2nd. The whole of said work is to be completed on or before June 28, 1960
- 3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is June 28, 1962
- 4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 2.97 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 used for irrigation on or before June 28, 1962; said water to be used during the described annual period:

July to August inclusive

Witness my hand this 27 day of July, 1957

State Water Resources Commission

By: J. W. Brimer
Chief Engineer, Executive Officer

Certificate of Construction Issued July 30, 1969

Water License Issued July 30, 1969

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36 in, Depth 85-90'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18 in, Thickness of casing 12-gauge steel

Length of casing 30 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 12-gauge

Size of perforated screen 18 in (diameter), 30' in well (length)

Thickness of gravel pack 9", length of gravel pack 70'

(c) Water Bearing Materials

Distance to water 14' Character of water bearing materials

coarse gravel and rock

Thickness of water bearing material 2.4'

(d) Pump and Motor

Type of pump Deep well turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Westonland Bell size 8"

Kind of motor tractor gas
(gasoline, electric, diesel, etc.)

Horsepower 45, Name of Motor John Deere 60

(e) Complete well

Capacity 1000 at drawdown of 27' Estimated cost 2000.00

(f) Owner of land upon which well is located Lawrence Curick
Name

Barbark
Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 800 rods

Permit No. 6: 474-3

Water Diversion No. 3 VERMILLION RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Lawrence Cusick

_____ the holder _____ of
Permit No. 474-3, issued upon Application No. 474-3, bearing date of priority April 23,
1957 authorizing the diversion of 2.97 cu. ft. per second of the waters of _____
ground water _____ County of Clay, State of South Dakota at _____
a point N 45° E, 1860 feet from the SW Corner, Section 26, T92N, R51W
_____, for irrigation

_____ purposes, has 8 complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 3.3 cu. ft. per second of water.

Date July 30, 1969

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. ... 474-3

(1) WHEREAS, On the 23rd day of April A. D. 19 57
Lawrence Cuz'
 made Water Right Application No. 474-3 for a permit to use 2.97 cubic feet per second of the waters
 of ground water
 County of Clay State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 27th day of July A. D. 19 57
 Permit No. 474-3, with a date of priority of April 23, 1957
 was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
 supply system therein described on or before the 28th day of June A. D. 19 60 and for the
 application to beneficial use of said water on or before the 28th day of June A. D. 19 62

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to completion of the construction of the water supply system and is entitled to divert 1.83 cubic feet
 per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
 relating to the application of water to beneficial use of the following extent,

All in T92N, R51W

Section 26	N $\frac{1}{2}$ SW $\frac{1}{4}$	80.0 acres
	SW $\frac{1}{4}$ SW $\frac{1}{4}$	40.0 acres
Section 35	SW $\frac{1}{4}$ NW $\frac{1}{4}$	8.3 acres
TOTAL		128.3 Acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Lawrence Cusick

_____ of Burbank, South Dakota
the holder _____ and owner _____ of said permit No. 474-3 a water right, dating from April 23, 1957
_____ to use of 1.83 cubic feet per second of the waters
of ground water
in the County of Clay and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point N 45° E, 1860 feet from the SW Corner,
Section 25, T92N, R51W

and conduct to and upon portions of Sections 26 and 35, T92N, R51W, as noted on the front
of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 474-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 30th day of July A. D.
Nineteen Hundred and Sixty-nine

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRIMEE

(First Publication before May 31, 1957)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., May 16, 1957

Notice is hereby given that Lawrence Cusick whose postoffice address is Burbank S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.00 cubic feet of water per second of time from xx ground water through the well, the point of diversion of which is to be located xxx ~~in the NW 1/4 of the SW 1/4 of Section 26~~ in the NW 1/4 of the SW 1/4 of Section 26 Twp. 92 N Range 51 W. Said water to be used for the purpose of providing irrigation on the following described land:

S 1/4 NW 1/4; N 1/4 and SW 1/4 of the SW 1/4; Sec 26 and part of the NW 1/4 Sec 35,
all in T 92 N, R 51 W

~~and for~~ purpose

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28th day of June, 1957, at 2:00 p. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

~~Charles E. Brown, Director~~

Las Wyborny, Water Rights Engineer

cc Mr. William S. Gibson, Publisher
 The Vermillion Plain Talk
 Vermillion, South Dakota

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County of Clay } ss.Bernice A. Schooley being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Vermillion Plain Talk a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Vermillion, County ofClay and State of South Dakota; that the said notice was published in said newspaper on the following dates:May 23, 1957May 30, 1957June 6, 1957June 13, 1957in each and every issue of the full number thereof, the first publication being made on the 23 day of May1957 and the last publication on the 13 day ofJune 1957, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication hewas Advertising Manager the printer and publisher of the said newspaper.Bernice A. SchooleySubscribed and sworn to before me this 13th day of June A. D. 1957Lois J. GibsonNotary Public Clay County, S. D.

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak., May 16, 1957.

Notice is hereby given that Lawrence Curick whose postoffice address is Burbank, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.00 cubic feet of water per second of time from ground water through the well, the point of diversion of which is to be located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Twp. 92 N., Range 51 W. Said water to be used for the purpose of providing irrigation on the following described land: S $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$, and SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Sec. 26 and part of the NW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 35, all in T 92 N., R 51 W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 28th day of June, 1957, at 2:00 p.m. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By LES WYBORN,
Water Rights Engineer,
(May 23, 30, June 6, 13)

RECEIVED
JUN 17 1957

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Permit No. 474-3Water Division No. 3 Vermillion Water District
River**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that ~~in accordance with the provisions of the Act of March 1, 1909, as amended, and the rules and regulations thereunder, I have this day made a thorough examination of the diversion works constructed by~~

~~XXXX~~ I have this day made a thorough examination of the diversion works constructed by Lawrence Cusick, of Burbank Clay County, South Dakota, holder of Permit No. 474-3, issued upon Application No. 474-3, bearing date of priority of April 23, 1957, authorizing the diversion of 2.97 cu. ft. per second of the waters of ground water for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: M.M. 76 H.P. Propane Engine, Mod. 336A-4-A; Western Land Roller 8" Pump, Ser. 957111; 600 ft. 8" aluminum pipe and 1/4 mile of 8" gated pipe; Well 102 feet deep - 18" concrete casing - static water level 24 feet.

and the system is in the following condition: very good

The point of diversion is located N 44°, 1860 ft. from SW Corner, Sec. 26, T92N, R51W

The works are capable of diverting and conveying to the place of use 3.3 cu. ft. per second of water, which is to be used for Irrigation

The local sub-divisions to be irrigated are:
N½ and SW½ of SW½, Section 26, T92N, R51W 120 acres
Part of NW½ NW½, Section 35, T92N, R51W 8.3 acres
 comprising a total of 128.3 acres of land.

The domestic use intended comprises

The utilization for power, mining or other beneficial uses comprises:

Witness my hand, this 18th day of June, A. D. 1969

—SEAL—

Donald Driscoll

Examining Engineer.
 DONALD DRISCOLL, Deputy Chief Engineer
 Water Resources Commission

SD EForm - 0495 V1 NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

Water Right/Permit No. 474-3

Date: 3-29-05

I/We request that Water Right/Permit No. 474-3 formerly owned by:

Lawrence Casick

be transferred to:

New Owner Name: Kevin Casick

Address: 46824 Burbank RD

City, State, Zip Burbank SD 57010 Telephone No. 605-624-8947

Title to the following described land(s)/property has been transferred as described above:

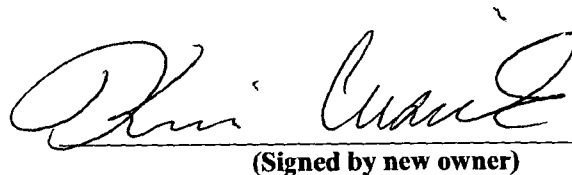
Section 26	N 1/2	SW 1/4	80 acres
	SW 1/4	SW 1/4	40 acres
Section 35	NW 1/4	NW 1/4	8.3 acres
			<u>128.3</u> a/l/m T92N - R51W

☒ I understand that the validity of Water Right/Permit No. 474-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is included to cover the filing fee as required by SDCL 46-2-13.

I, Kevin Casick, the new owner, certify that the above information is true and correct.



(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 6, 20 05

RECEIVED OF Kevin Cusick, 46824 Eurbank Rd, Eurbank SD 57010

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	2.50	
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>474-3</u>		
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. _____	2.50	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	2.50

No.

01874

By

David E. White

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 7, 2005

474-3

Kevin Cusick
46824 Burbank Rd
Burbank SD 57010

Dear Mr. Cusick:

Thank you for following up on the ownership change for Water Right No. 474-3. The transfer has been completed. The water right formerly listed in the name of Lawrence Cusick is now listed in your name. Enclosed is your Receipt No. 1834 in the amount of \$2.50.

Your *Application for a Permit to Appropriate Water* for irrigation of the additional 48 acres is being processed. We will contact you when it is time to proceed with the public notice. If you have any questions, please contact me.

Sincerely,

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

enclosure

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCESJOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 24 2016

474-3
6617-3Kevin Cusick
46824 Burbank Rd
Burbank SD 57010

Dear Mr. Cusick:

Enclosed is Water License No. 6617-3. 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 the owner of an existing well, such as the well authorized by Water Right No. 6617-3, 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.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 474-3 were incorporated into Water License No. 6617-3.