

1. Considered: 10-7, 1981 Water Right No. 4802-3
M# 4011-3
2. Name of Applicant DONALD J. KULISH
3. Post Office Address UTICA 57067
4. Amount of Water Claimed .85 maximum acre feet
5. Source of Water Supply 200' WELL
6. Water to be used for _____ acres to be irrigated 59.9
7. County YANKTON about 3 1/2 miles WEST of UTICA
8. PROOF OF PUBLICATION: Received 10-21-81 Not Received _____
APPLICATION: Approved 10-7-81 Subject to WI-10
Not Approved _____ Action Deferred _____

PRIORITY

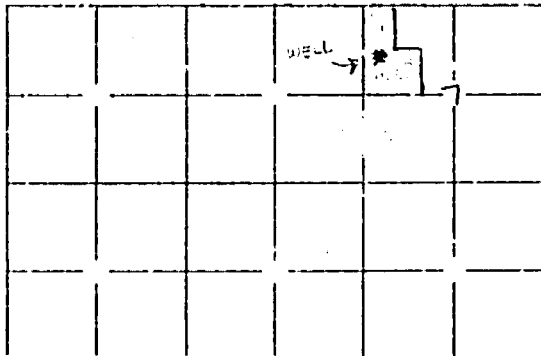
Dated Received 8-24-81 Application complete-yes _____ no _____ FEE 150⁰⁰
Remarks _____

WATER
QUALITY

Corrected Application received _____ Period of Annual Use 3/1 - 11/30^{10/1}

Received yes 9/14/81 no _____ APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application-yes _____ no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____
NW⁴ SW⁴ NW⁴, SEC. 7-
T95N-R56W

Land to be irrigated _____
S¹/₂ NW⁴ E NW⁴ NW⁴
7-95-56

WELL LOG

Driller Sioux Well Drl. Licensed - YES 129 no _____
Depth 200' deep

Remarks _____

Water Right No. _____

MAP Map No. 4211-3 Map located in Water Right X Map file _____
Type of Map Aerial Prepared by Co AGENT - VANE Miller

REVIEWED This Application was received within 30 days of the date received, accepted as complete Number assigned and written up for advertisement before the Board on:

Sept 14, 1981

[Signature]
(signed)

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS
F.F. & C. OF LAW, FINAL DECISIONS ETC.
Date _____
Final Decision, including F.F. & C. of Law were adopted _____
Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____
Remarks _____

No. 4802-3Map No. 4011-3 Water Division No. 3 JAMES RIVER District
Above for Office Use 10160011

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant DONALD J. KULISH Phone No. 364-7402
 Post Office Address UTICA (Street, RR, or Box) (Town) State S.D. 57067 (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work DONALD J. KULISH4. Amount of water claimed (cubic feet per second) X .85 MAX ALLOWABLE5. Source of water supply WELL6. Location of point of diversion NW 1/4 of SW 1/4 of NW 1/4 7 95-56County YANKTON7. Annual period or periods during which water is to be used MARCH - NOV8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 60 A

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.
<u>SW 1/4 of NW 1/4 7 95-56</u>	<u>35.6</u>
<u>W 1/2 of SW 1/4 of SE 1/4 of NW 1/4 7 95-56</u>	<u>7</u>
<u>SW 1/4 of NW 1/4 of NW 1/4 7 95-56</u>	<u>4.3</u>

Land Description	No. Acres Irr.
<u>NW 1/4 of N 1/2 of NW 1/4 of NW 1/4 7 95-56</u>	<u>10</u>
<u>NW 1/4 of SW 1/4 of NW 1/4 of NW 1/4 7 95-56</u>	<u>3</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use _____ years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PRESS & DAKOTIAN12. Principal Features of the Proposed Water Supply System. YANKTON

A. Works proposed to divert water from its natural source.

WELL & PUMP

B. Works proposed to transport water to place of use.

PIPE

C. Works proposed to apply water to beneficial use.

TOW LINE SPRINKLER SYSTEMEstimated Total Cost \$ 26200

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 _____

I, Donald J. Kulish 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.

X Signed Donald J. KulishSubscribed and sworn to before me this 21 day of August, 1981Carroll Flick
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4802-3

DONALD J. KULISH UTICA

(Applicant)

(Post Office Address)

SOUTH DAKOTA 57067 With the following qualifications
(State)

The irrigation well approved under this Permit will be located near domestic wells and other irrigation 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 adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application AUGUST 24, 1981
Date of return to applicant for correction, amendments or changes required AUGUST 24, 1981
Date of receipt of corrected application NOV 2 SEPTEMBER 14, 1981
Approved OCTOBER 7, 1981, Recorded in Book 22 Page 303

WATER RIGHT PERMIT NO. 4802-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4802-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 24, 1981
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before APRIL 7, 1984
3. The whole of said work is to be completed on or before OCTOBER 7, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is OCTOBER 7, 1986
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 0.85 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 irrigation purposes said appropriation must be limited to not more than 2 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 OCTOBER 7, 1981; said water to be used during the following described annual period: MARCH 1ST TO NOVEMBER 1ST

Witness my hand this 22ND day of OCTOBER, 1981

THE WATER MANAGEMENT BOARD

By: John Kulish
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

PLEASE COMPLETE
ENTIRE FORM

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner:

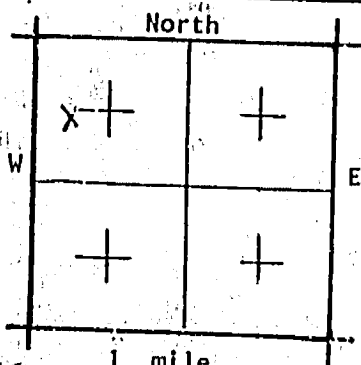
Name Donald M. Lish

Address 201 S. 1st St., S. Dakota
Wichita

Well Location:

North

Mark location
with an "X"



County Wichita

NW 1/4 Sec. 7 Twp. 95 Rg. 56

Proposed Use:

☐ Domestic ☐ Municipal ☐ Test
☒ Irrigation ☐ Industrial ☐ Stock
Holes

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole _____

Depth _____

Casing ☒ Steel ☐ Concrete

☒ Plastic ☐ Other

If other, specify _____

Was casing end left open _____

Was a well screen installed _____

Describe Well Screen

Diameter _____ Material _____

Slot size _____

Was well gravel packed _____

Was well grouted _____

Was water sample taken _____

Remarks:

Water Level Information:

Static water level 290 below land surface

If flowing: closed in pressure _____ PSI

rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☐ Pumped

☐ Bailed

Describe: _____

☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ " " _____ " " _____ " "

Well Log:

Test (Sample Hole)

Formation	Depth	
	From	To
<u>Gravel</u>	<u>0</u>	<u>5</u>
<u>Clay (yellow)</u>	<u>5</u>	<u>21</u>
<u>Clay (blue)</u>	<u>21</u>	<u>97</u>
<u>Gravel (blue)</u>	<u>97</u>	<u>106</u>
<u>Clay (yellow)</u>	<u>106</u>	<u>114</u>
<u>Gravel (blue)</u>	<u>114</u>	<u>120</u>
<u>Clay (blue)</u>	<u>120</u>	<u>165</u>
<u>Gravel (blue)</u>	<u>165</u>	<u>180</u>
<u>Clay (blue)</u>		
<u>Gravel (blue)</u>		
<u>Clay (blue)</u>	<u>180</u>	<u>200</u>
<u>not bottom of aquifer</u>		
(Use Back if Necessary)		

Date Completed:

16 Aug 81

Driller:

Don M. Lish

Driller's or Firm's Name

129
License NO.

1401 E 63rd St 96
Address

Wayne D. Hagan
Signed By

16 Aug 81
Date

D. Well Information

(1) Drill Hole, Diameter 18" Depth 200'
 (2) Casing, Type PVC Diameter 12" Thickness 5/8"
 (wood, concrete, steel, etc.)
 (3) Screen, Type STAINLESS STEEL Diameter 12" Length 30'
 (4) Gravel Pack, Thickness 4" Length of gravel pack 120'

E. Dugout Information or Estimates

(1) Surface dimensions. _____, Depth _____

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

(1) Water Bearing Materials. (Attach a copy of test well log)

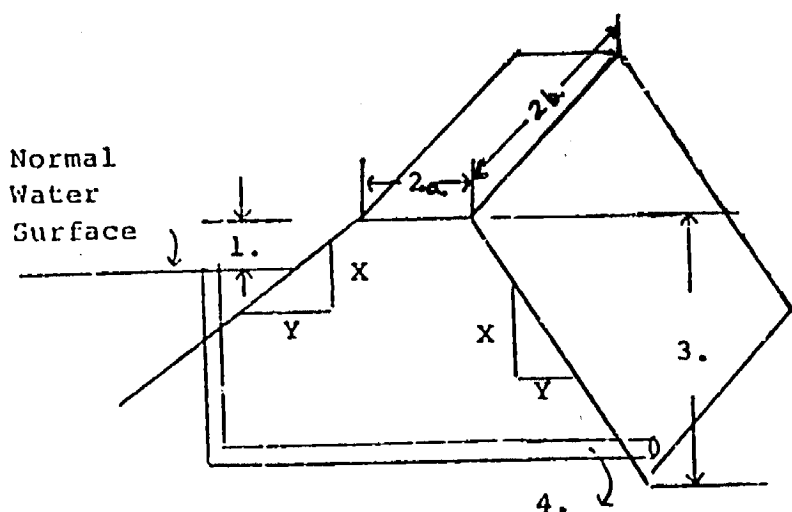
Depth to top of water bearing material _____
 Depth to bottom of water bearing material _____
 Depth to water (ground surface to water level) _____

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

On same owner's property 25 rds.
 On property owned by others 65 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
 2a. Crest width _____ b. length _____
 3. Height of Dam _____
 4. Outlet dimensions:
 Pipe diameter _____
 Spillway width _____
 X & Y slope:
 Upstream _____
 Downstream _____
 Surface area of impoundment _____
 Drainage area above dam _____

Brookings, South Dakota 57007

Name:
Address

DON KULISH
UTICA, SD
57067

Date Rec'd
Sample No.
Identification

July 13, 1981
81-739
WELL

WATER ANALYSIS

Calcium (Ca)	148	ppm*	7.39	me/l**
Magnesium (Mg)	27	ppm	2.22	me/l
Sodium (Na)	5	ppm	0.22	me/l
Potassium (K)	6	ppm	0.15	me/l
Sulfate (SO ₄)	124	ppm	2.58	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	8	ppm	0.23	me/l
Bicarbonate (HCO ₃)	415	ppm	6.80	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Manganese (Mn)		ppm		me/l
Boron (B)		ppm		
Hardness (EDTA as CaCO ₃)		ppm		
Total solids		ppm		g.p.g.***
Total Cations		ppm		
Total Anions			9.98	me/l
Alkalinity (Methyl Orange)	340	ppm(as CaCO ₃)	9.61	me/l
Alkalinity (Phenolphthalein)	0	ppm(as CaCO ₃)		
Electrical Conductivity	750	micromhos per cm at 25 C		
Sodium Adsorption Ratio	0.10	Adjusted SAR	0.26	(0.18)
Sodium	2.18	% of Cations		
Residual sodium carbonate	0.00	me/l		
pH	6.90			

Others:

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS

By: Shirley Witten

Service Performed:

Amount Due:

Irrigation Analysis

\$ 0.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 81-739

Amount Enclosed \$
Signed



Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Donald Kulish

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Tb - Tetonka - These are poorly drained depressional soils containing excess sodium. These soils are indicated by red hatch marks.

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

Crossplain - These are poorly drained depressional soils. If problems with ponding occur, these soils should be drained or left in permanent vegetation such as grass or alfalfa grass mixture.

RECOMMENDED MANAGEMENT

SOIL MAP

Don Kulish

Operator Don Kulish

County Yankton

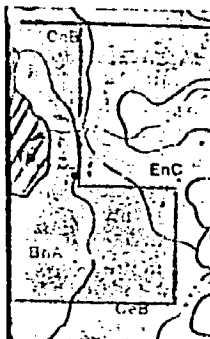
State South Dakota

Soil survey sheet(s) or code No. (s) sheet 14 Approximate scale 3.2



Prepared by U.S. Department of Agriculture, Soil Conservation

Service cooperating with Yankton County Conservation District



NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$
7-95-56

SOIL MAP LEGEND



Amount Enclosed \$
Signed

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Donald J. Kulish OWNERS ADDRESS: UTICA, S.D.
COUNTY LAND LOCATED IN: Yankton PHONE: 364-7422 57067
TENANT'S NAME AND ADDRESS: (If Other Than Owner) (2931)YA

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.

This action must be taken by the holder of a water right within 6 months of receipt of such right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: NW 1/4 of SW 1/4 of NW 1/4 7 95-56

2. SURFACE WATER SOURCE WELL ONLY

3. LOCATION OF AREA TO BE IRRIGATED: SEE MAP

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetland)

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY TOWLINE ✓ CENTER PIVOT GUN OTHER (Specify)

6. CROPS TO BE IRRIGATED CORN - SOY BEANS - ALFALFA - SORGHUM

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:

LAND:

IN WHAT NAME:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 81-739

9. SALINITY (EC x 10⁶) 7.50

10. SODIUM (SAR) 0.10 ADJUSTED (SAR) 0.26 (0.18)

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 10:30 A.M. P.M., on 7/7, 19 81, at the following location: NW 1/4 of SW 1/4 of NW 1/4 7 95-56

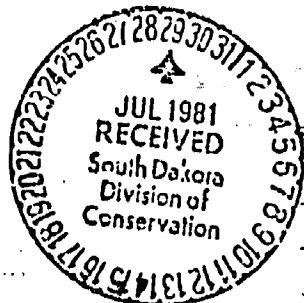
by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from YANKTON CO. SOIL Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
7 DAY OF July, 19 81.

Conrad H. Hest
(NOTARY PUBLIC)



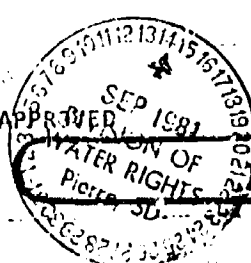
Donald Kulish
APPLICANT'S SIGNATURE

Jack M. C. [Signature]
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED



IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

location of area to be irrigated

SW 1/4 NW 1/4 Sec 7-95-56	35.6
W 1/3 SW 1/4 NW 1/4 Sec 7	7.0
NW 1/4 NW 1/4 Sec 7	10.0
SW 1/4 NW 1/4 Sec 7	7.3

No. 4802-3

Publish first publication, on or before September 25, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 15, 1981

Notice is hereby given that Donald J. Kulish whose post office

address is Utica, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use .85 cubic feet of water per second of time from groundwater

(one well) through the Kulish Irr. Project, the point(X) of diversion of which is(~~XXX~~) to be located in the _____

~~SW 1/4~~ NW 1/4

of Section 7, Twp. 95 N, Range 56 W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4 NW 1/4 and NW 1/4 NW 1/4, Section 7 - T95N - R56W

This Application No. 4802-3 will be considered by the Water Management Board at the Staurolite Inn, Brookings,
South Dakota upon the 7th day of October 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Donald J. Kulish
Utica, SD 57067

BETTY WESTLUND
Water Rights Specialist

AFFIDAVIT OF PUBLICATION

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

ss.

Dennis C. Kaster

being first duly sworn says: That he is the Publisher of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned Notice of Hearing on Application to Appropriate Water

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 22nd day of September, 1981, and the last publication being made on the 29th day of September, 1981

The first publication being made on the 22nd day of September

The second publication being made on the 29th day of September

The third publication being made on the _____ day of _____

The fourth publication being made on the _____ day of _____

The fifth publication being made on the _____ day of _____

The sixth publication being made on the _____ day of _____

The seventh publication being made on the _____ day of _____

The eighth publication being made on the _____ day of _____

The ninth publication being made on the _____ day of _____

The tenth publication being made on the _____ day of _____

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$ 28.98, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 19th day

of October, 19 81

Notary Public, South Dakota

Larry A. Benson

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Notice is hereby given that Donald J. Kulash, whose post office address is Urica, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-11, 46-2 thru 46-2-11, 46-2-13, 46-3-1 thru 46-3-3, 46-5-10 thru 46-5-21, 46-5-41, 46-5-3, 46-5-11, 46-5-5, 46-5-41, 46-5-10, 46-4-1, and Board Rules ARSD 52-01-01 thru 52-01-01-11, for a permit to appropriate for beneficial use, 33 cubic feet of water per second of time from groundwater (oil well) through the Kulash Irr. Project, the point of diversion of which is to be located in the SW 1/4 NW 1/4 of Section 7, Twp. 5N, Range 56W, 2d water to be used for the purpose of providing irrigation on portions of the following described land: Sec. 36B, 36C, 36D, 36E, 36F, 36G, 36H, 36I, 36J, 36K, 36L, 36M, 36N, 36O, 36P, 36Q, 36R, 36S, 36T, 36U, 36V, 36W, 36X, 36Y, 36Z, 36AA, 36AB, 36AC, 36AD, 36AE, 36AF, 36AG, 36AH, 36AI, 36AJ, 36AK, 36AL, 36AM, 36AN, 36AO, 36AP, 36AQ, 36AR, 36AS, 36AT, 36AU, 36AV, 36AW, 36AX, 36AY, 36AZ, 36BA, 36BB, 36BC, 36BD, 36BE, 36BF, 36BG, 36BH, 36BI, 36BJ, 36BK, 36BL, 36BM, 36BN, 36BO, 36BP, 36BQ, 36BR, 36BS, 36BT, 36BU, 36BV, 36BW, 36BX, 36BY, 36BZ, 36CA, 36CB, 36CC, 36CD, 36CE, 36CF, 36CG, 36CH, 36CI, 36CJ, 36CK, 36CL, 36CM, 36CN, 36CO, 36CP, 36CQ, 36CR, 36CS, 36CT, 36CU, 36CV, 36CW, 36CX, 36CY, 36CZ, 36DA, 36DB, 36DC, 36DD, 36DE, 36DF, 36DG, 36DH, 36DI, 36DJ, 36DK, 36DL, 36DM, 36DN, 36DO, 36DP, 36DQ, 36DR, 36DS, 36DT, 36DU, 36DV, 36DW, 36DX, 36DY, 36DZ, 36EA, 36EB, 36EC, 36ED, 36EE, 36EF, 36EG, 36EH, 36EI, 36EJ, 36EK, 36EL, 36EM, 36EN, 36EO, 36EP, 36EQ, 36ER, 36ES, 36ET, 36EU, 36EV, 36EW, 36EX, 36EY, 36EZ, 36FA, 36FB, 36FC, 36FD, 36FE, 36FF, 36FG, 36FH, 36FI, 36FJ, 36FK, 36FL, 36FM, 36FN, 36FO, 36FP, 36FQ, 36FR, 36FS, 36FT, 36FU, 36FV, 36FW, 36FX, 36FY, 36FZ, 36GA, 36GB, 36GC, 36GD, 36GE, 36GF, 36GG, 36GH, 36GI, 36GJ, 36GK, 36GL, 36GM, 36GN, 36GO, 36GP, 36GQ, 36GR, 36GS, 36GT, 36GU, 36GV, 36GW, 36GX, 36GY, 36GZ, 36HA, 36HB, 36HC, 36HD, 36HE, 36HF, 36HG, 36HH, 36HI, 36HJ, 36HK, 36HL, 36HM, 36HN, 36HO, 36HP, 36HQ, 36HR, 36HS, 36HT, 36HU, 36HV, 36HW, 36HX, 36HY, 36HZ, 36IA, 36IB, 36IC, 36ID, 36IE, 36IF, 36IG, 36IH, 36II, 36IJ, 36IK, 36IL, 36IM, 36IN, 36IO, 36IP, 36IQ, 36IR, 36IS, 36IT, 36IU, 36IV, 36IW, 36IX, 36IY, 36IZ, 36JA, 36JB, 36JC, 36JD, 36JE, 36JF, 36JG, 36JH, 36JI, 36JJ, 36JK, 36JL, 36JM, 36JN, 36JO, 36JP, 36JQ, 36JR, 36JS, 36JT, 36JU, 36JV, 36JW, 36JX, 36JY, 36JZ, 36KA, 36KB, 36KC, 36KD, 36KE, 36KF, 36KG, 36KH, 36KI, 36KJ, 36KK, 36KL, 36KM, 36KN, 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36XB, 36XC, 36XD, 36XE, 36XF, 36XG, 36XH, 36XI, 36XJ, 36XK, 36XL, 36XM, 36XN, 36XO, 36XP, 36XQ, 36XR, 36XS, 36XT, 36XU, 36XV, 36XW, 36XZ, 36YA, 36YB, 36YC, 36YD, 36YE, 36YF, 36YG, 36YH, 36YI, 36YJ, 36YK, 36YL, 36YM, 36YN, 36YO, 36YP, 36YQ, 36YR, 36YS, 36YT, 36YU, 36YV, 36YW, 36YZ, 36ZA, 36ZB, 36ZC, 36ZD, 36ZE, 36ZF, 36ZG, 36ZH, 36ZI, 36ZJ, 36ZK, 36ZL, 36ZM, 36ZN, 36ZO, 36ZP, 36ZQ, 36ZR, 36ZS, 36ZT, 36ZU, 36ZV, 36ZW, 36ZX, 36ZY, 36ZZ, 36AA, 36AB, 36AC, 36AD, 36AE, 36AF, 36AG, 36AH, 36AI, 36AJ, 36AK, 36AL, 36AM, 36AN, 36AO,

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8433

PIERRE, August 24, 1981

RECEIVED OF Donald J. Kulish, Utica SD 57067

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

Fee for Application for Permit to Appropriate Water No. <u>4202-3</u> (examination, processing, recording and filing) -----	150	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No. -----		
Fee for Inspecting Beneficial Use, and Issuing Water License No. -----		
Fee for Issuing Location Certificate-Dry Draw, No. -----		
Fee for filing -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH (KW)

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

Post Office LLHOG, S.Dak. RR-1 Box 138 B
Date 8-9-82

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No.

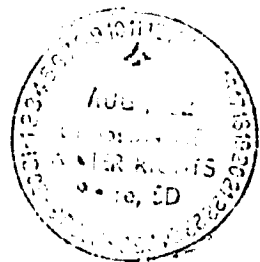
4802-3.

Water Right Permit No. 4802-3 states that the diversion system is to be constructed by Darold J. Kulich and that the water is put to beneficial use by Darold J. Kulich.

The diversion system was completed on June 1, 1982. Applying the water to beneficial use was completed on July 1, 1982.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Darold Kulich
(Signature)



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

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

Water Rights Division
605 773-3332

November 1, 1985

4802-3
4968-3

Donald Kulish
RR #1, Box 138B
Utica SD 57067

Dear Mr. Kulish:

I am contacting you concerning our telephone conversation of October 31, 1985. During our conversation you inquired as to whether or not there was a qualification on your permits which would restrict you from switching from towlines to a center pivot system.

Neither Permit No. 4802-3 or Permit No. 4968-3 carry this type of qualification. You are authorized diversion of 0.85 cfs to irrigate 60 acres under Permit No. 4802-3 and diversion of 0.56 cfs to irrigate 46.4 acres under Permit No. 4968-3. As long as you do not exceed these diversion rates and irrigate only those acreages specified under permit, towlines and or a center pivot may be utilized.

If you have any further questions, please contact our office.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

Equal Opportunity Employer

4802-3

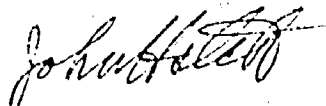
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 4802-3, Don Kulish

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 4802-3, Don Kulish, RR 1 Box 138B, Utica, SD 57067-9780.

The Chief Engineer is recommending APPROVAL of readvertised Application No. 4802-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 28, 1992

Instruction to Newspaper - Publish first Notice on November 5, 1992, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5715-3 to Appropriate Water
and Readvertisement of Water Permit Application No. 4802-3

Notice is given that Don Kulish, RR 1 Box 138B, Utica, SD 57067-9780 has filed an application for a water permit to appropriate 1.28 cubic feet of water per second (cfs) from one existing well (Lower James Missouri:Scotland Aquifer) 200 feet deep located in the SW 1/4 NW 1/4 Section 7-T95N-R56W to irrigate 93 acres located in the NE 1/4 Section 12-T95N-R57W. The existing well is currently authorized by Water Permit No. 4802-3 to appropriate 0.85 cfs to irrigate 60 acres. This notice also serves to readvertise the location of the 60 irrigated acres. The irrigated land was incorrectly advertised in the Yankton Press and Dakota on September 22 and 29, 1981 as being located in the S 1/2 NW 1/4, NW 1/4 NW 1/4 Section 7-T95N-R55W. The correct location of the irrigated acreage is the S 1/2 NW 1/4, NW 1/4 NW 1/4 Section 7-T95N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5715-3 and Readvertised Water Permit Application No. 4802-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, 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 23, 1992. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF YANKTON

Robert C. Helsley

being first duly sworn says: That he is the Editor of the Yankton Printing Company, a corporation, the printer and publisher of the Yankton Daily Press and Dakotan, a daily newspaper of general circulation, printed and published in the City and County of Yankton, South Dakota; that he has personal knowledge of all the facts stated in this affidavit; and that the advertisement captioned **Notice of Hearing**

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for two successive weeks, the first publication being made on the 5th day of November, 1992, and the last publication being made on the 12th day of November, 1992

The first publication being made on the 5th day of November

The second publication being made on the 12th day of November

The third publication being made on the day of

The fourth publication being made on the day of

The fifth publication being made on the day of

The sixth publication being made on the day of

The seventh publication being made on the day of

The eighth publication being made on the day of

The ninth publication being made on the day of

The tenth publication being made on the day of

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies daily and has been published in the English language within the said County of Yankton for more than one year next prior to the first publication of said notice, and is printed in Yankton in an office maintained in Yankton, South Dakota, the place of publication of said newspaper. That the full amount of the fee paid for the publication of the annexed notice is \$ 57.95, which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any person, and that no part thereof has been agreed to be paid to any person whomsoever.

Subscribed and sworn to before me this 12th day

of November, 1992

Greg A. Senas
Notary Public, South Dakota



NOTICE OF HEARING on Application No. 5715-3 for Appropriate Water and Readjustment of Water Permit Application No. 4802-3

Notice is given that Doc. Allah, RR 1 Box 1318B, Union, SD, 57067-9780, has filed an application for a water permit to appropriate 1.21 cubic feet of water per second (cfs) from one existing well (Lower Juneau Missouri-Sandland Aquifer) 200 feet deep located in the SW 1/4 NW 1/4 Section 7-T95N-R56W to irrigate 93 acres located in the NE 1/4 Section 12-T95N-R57W. The existing well is currently authorized by Water Permit No. 4802-3 to appropriate 0.85 cfs to irrigate 60 acres. This notice also serves to readvertise the location of the 60 irrigated acres. The irrigated land was incorrectly advertised in the Yankton Press and Dakotan on September 22 and 29, 1991 as being located in the S 1/2 NW 1/4, NW 1/4 NW 1/4 Section 7-T95N-R55W. The correct location of the irrigated acreage is the S 1/2 NW 1/4, NW 1/4 NW 1/4 Section 7-T95N-R56W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5715-3, and a Readjustment of Water Permit Application No. 4802-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is in the beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT A HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's Recommendation. The Chief Engineer's Office is located in the Water Rights Division, Post Building, 523 E. Capitol, Pierre, SD 57501 (605 773-3152). The petition must be filed by November 21, 1992. 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.

If a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Board will consider this application at 10:00 am, December 2, 1992, in the Board Hearing Room, Joe Felt Building, 523 E. Capitol, Pierre, SD. If a hearing is held, the Chief Engineer's recommendation is not final. It is binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 2, 1992, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 23, 1992.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. There are other due process rights which will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eda Choudhary by November 23, 1992, at the above Water Rights Division address to request copies of information pertaining to this application, to insure access to the hearing by the handicapped or to obtain an interpreter for the hearing if required.

This decision is made pursuant to SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11; 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-3-1 thru 46-3-13, 46-3-13 thru 46-3-15, 46-3-24, 46-3-25, 46-3-30.2, 46-3-30.4, 46-3-31; 46-6-3, 46-6-2.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARS10 74.02.01.01 thru 74.02.01.15. Robert E. Roberts, Secretary, Department of Environment and Natural Resources



4802-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 6 1995

4968-3

Donald J. Kulish
RR 1, Box 138B
Utica, SD 57067

Dear Mr. Kulish:

Enclosed is Water License No. 4968-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414510 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. 4968-3, 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

gm
enclosures

NOTE: The applicable portions of Water Permit No. (4802-3) are incorporated into this Water License No. 4968-3.