

* Over 5 year construction time
new number and priority
Priority is the date of recieval of WQ approval
1. Considered: February 3, 1982

2. Name of Applicant ROBERT A. KOHL
3. Post Office Address Rt. 1, Box 68M, Brookings, S.D. 57006
4. Amount of Water Claimed No Add'l (1.70) maximum acre feet _____
5. Source of Water Supply Medary Creek
6. Water to be used for IRR _____ acres to be irrigated No Add'l (12.4)
7. County BROOKINGS about 6S, 1 miles east of Brookings
8. PROOF OF PUBLICATION: Received 1-27-82 Not Received _____
APPLICATION: Approved 1-2-82 Subject to approval of the State Engineer
Not Approved _____ Action Deferred LF-10

* 1-8-82

Dated Received 6/12/81 Application complete-yes X no FEE 150.00
Remarks Additional diversion on Permit 2732-3.

Corrected Application received _____ Period of Annual Use April thru October

Received yes 1882 no _____ APPROVED/CONDITIONAL (Circle one)

41-1 Description same as application-yes no Remarks

Disapproved _____ Returned _____

between
 Diversion/Points SE₁, SW₁, and SW₂, SW₃
Section 19-T109N-R42W

Land to be irrigated _____
 SW_{1/4}, Section 19-109N-49W _____
 Regions of lands _____
 permit _____

Driller not applicable
Depth _____ Licensed - yes _____ no _____

Remarks _____

Water Right No. 4849-3

MAP Map No. 2091-3 Map located in Water Right xx Map file _____
Type of Map drawn and aerial Prepared by Wiersma and Jones

+++++

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:

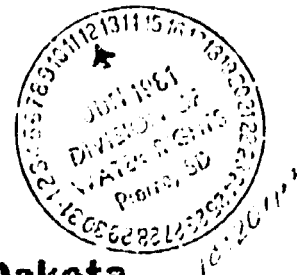
(Signed)

+++++

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

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

No. 4849-3
 Map No. 2091-3 Water Division No. 3 10170202 BIG SIOUX RIVER District
 Above for Office Use



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 X 2732-3

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Robert A. Kohl Phone No. 693-4668
 Post Office Address Rt 1 Box 684 Brookings State SD 57006
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or direct labor) CONTRACT + DIRECT LABOR3. Name of diversion work ROBERT A KOHL IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 1.7 ADD'L5. Source of water supply WELL AND MEDARY CREEK

6. Location of point of diversion WELL - 190' N 37° E of SW CORNER SEC 19-109-49
ALONG MEDARY CREEK FROM 2940' N 64° E of SW CORNER SEC 19-109-49
TO 285' N 40° E of SW CORNER SEC 19-109-49 County BROOKINGS

7. Annual period or periods during which water is to be used APRIL THROUGH OCTOBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, _____ Total number of acres to be irrigated 124 (124 Acre)

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>NW 1/4 of SW 1/4 SEC 19-109-49</u>	<u>34</u>
<u>NE 1/4 " " " " " "</u>	<u>35</u>
<u>SW 1/4 " " " " " "</u>	<u>23</u>
<u>SE 1/4 " " " " " "</u>	<u>32</u>

Land Description	No. Acres Irr.

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 county newspaper for publication of Notice of Intent to Appropriate Water BROOKINGS REGISTER

12. Principal Features of the Proposed Water Supply System.

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

WELL & MEDARY CREEK WITH ELECTRICAL AND ENGINE
DRIVEN CENTRIFUGAL PUMPS

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

CLOSED CONDUITS

C. Works proposed to apply water to beneficial use.

TOWNLINES AND HAND MOVE LINESEstimated Total Cost \$ 16,000.00

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 BROOKINGS) ss.

I, ROBERT A KOHL 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 Robert A. KohlSubscribed and sworn to before me this 20 day of April, 1961

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4849-3

ROBERT A KOHL

RT 1, Box 68M, Brookings

(Applicant)

(Post Office Address)

South Dakota 57006
(State)

With the following qualifications

LANDS COVERED UNDER THIS PERMIT ARE ALSO COVERED UNDER PERMIT N^o 2732-3. COMBINATION OF DIVERSIONS UNDER THE TWO PERMITS SHALL NOT EXCEED THE STATUTORY LIMIT OF 1 CFS FOR EACH 70 ACRES. LOW FLOWS AS NEEDED FOR DOWNS-STREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.

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

Date of first receipt of application JUNE 12, 1981

Date of return to applicant for correction, amendments or changes required JUNE 15, 1981

Date of receipt of corrected application JANUARY 8, 1982

Approved FEBRUARY 3, 1982, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. 4849-3

- The Water Management Board hereby grants and issues this Water Right Permit No. 4849-3 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 JANUARY 8, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before AUGUST 3, 1984
3. The whole of said work is to be completed on or before FEBRUARY 3, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is FEBRUARY 3, 1990
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 1.7 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 FEBRUARY 3, 1990, said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 19TH day of MARCH, 1982

THE WATER MANAGEMENT BOARD

By John Holte
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



December 2, 1981

Robert Kohl
RFD 1
Brookings, SD 57026

Dear Dr. Kohl:

Although the water quality of Medary Creek fluctuates with the season and stream flow, it is generally classified as a medium saline, low sodic water. It is suitable as a source for irrigation.

The Fordville and Vienna loams found in the SW 1/4 of Section 19-109-49 are compatible with the water quality of Medary Creek. However, the Solomon clay and Lamoure silty clay loam located along the creek bed may pond under irrigation. These areas should be maintained in grass or a grass/alfalfa mixture.

The WI-1 form, soils information and water analysis are being forwarded to the Conservation Commission for their action.

Sincerely,

Michael R. Sanders
Water Quality Lab
Division of Conservation

MRS:ckb

Enclosures

cc: Division of Conservation
D. Pahl, Extension Service
Division of Water Rights

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57007

Submitted by:
 Address:

Date Rec'd
 Sample No.
 Identification

WATER ANALYSIS

Calcium (Ca)	96	ppm*	4.80	me/l**
Magnesium (Mg)	19	ppm	1.57	me/l
Sodium (Na)	43	ppm	1.87	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	98	ppm	2.03	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm		me/l
Bicarbonate (HCO ₃)	332	ppm	0.15	me/l
Carbonate (CO ₃)		ppm	5.44	me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		me/l
Alkalinity (Methyl Orange)	272	ppm (as CaCO ₃)		g.p.g.***
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	626	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.05	Adjusted SAR	2.50	
Sodium	22.40	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.48			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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

COMMENTS: **Total cations** align="right">8.34 me/l
 Total anions align="right">7.62 me/l

By: Shirley Mitten

Service Performed

Amount Due

Irrigation analysis

\$15.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. **80-353**

Amount Enclosed \$

Signed

CONSERVATION COMMISSION

WI#1
9/81

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Robert Khl

OWNERS ADDRESS: Brookings, SD 57006

2983

COUNTY LAND LOCATED IN: Brookings PHONE: 693-1608

TENANT'S NAME AND ADDRESS: _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, A COPY OF SUCH CONDITIONAL SOIL/WATER COMPATIBILITY PERMIT MUST BE FILED WITH THE COUNTY REGISTER OF DEEDS. THIS ACTION MUST BE TAKEN BY THE HOLDER OF A WATER PERMIT WITHIN 6 MONTHS OF RECEIPT OF SUCH WATER PERMIT.

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

1. WELL LOCATION: Goodman Division W.R. # 9752-3
2. SURFACE WATER SOURCE AND DIVERSION LOCATION: NEEDARY CREEK WITHIN 660 FT

Legal Description	Acres	Legal Description	Acres
<u>N 1/4 Sec 17-109-49</u>	<u>34</u>		
<u>NE 1/4 " " " "</u>	<u>35</u>		
<u>SW 1/4 " " " "</u>	<u>23</u>		
<u>SE 1/4 " " " "</u>	<u>32</u>		

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED '76

LEGAL DESCRIPTION: SAME

IN WHAT NAME: ROBERT KOHL

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: X CENTER PIVOT: _____ GUN: _____ OTHER: Hand (Specify) X

6. CROPS TO BE IRRIGATED: ALFALFA, PASTURE, SMALL GRAIN

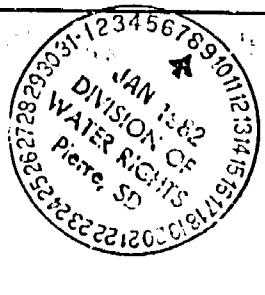
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: Modary Creek

8. SALINITY (EC X 10⁶): 600

9. SODIUM (SAR): 1.00

10. ADJUSTED (SAR): 2.50



I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19____, at the following location: _____

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 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

12 DAY OF November, 1981

(NOTARY PUBLIC)

NICHOLAS H. BARNES

APPLICANT'S SIGNATURE

Director, Division of Conservation

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 Board of Water Management, Foss Building, Pierre

APPROVED

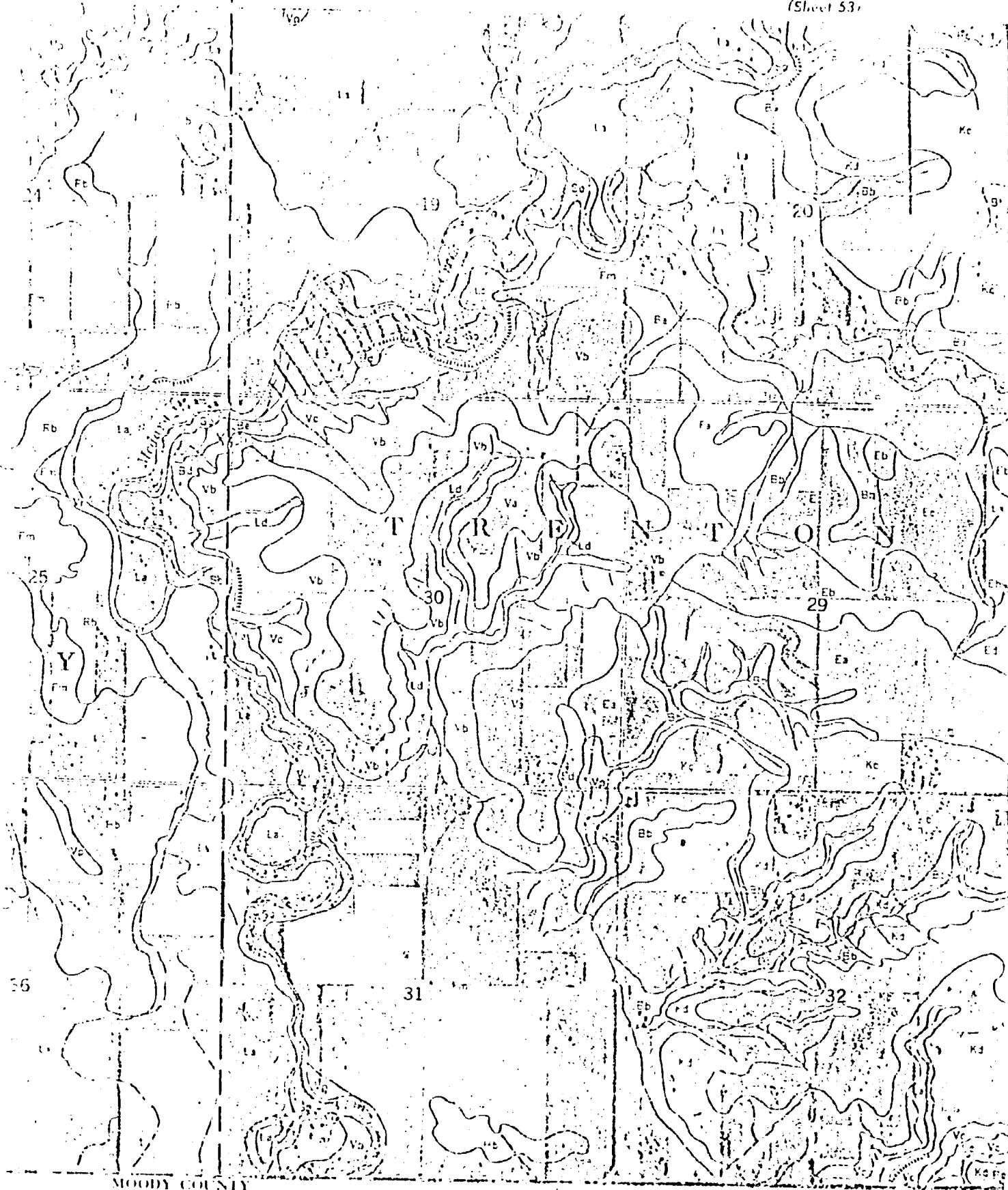
DISAPPROVED

X CONDITIONALLY APPROVED

BROOKINGS COUNTY, SOUTH DAKOTA

R. 49 W. | R. 48 W.

(Sheet 53)



MOODY COUNTY

Scale 1:20000

5000 Feet

~~CONDITIONAL APPROVAL~~

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Robert Kohl

Portions of the SW $\frac{1}{4}$ Sec 19-109-49 = 124 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

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

La - Lamoure & So Solomon = These soils should remain in permanent vegetation such as an alfalfa grass mixture to prevent problems with ponding. These soils are indicated by red hatch marks.

RECOMMENDED MANAGEMENT

Publish first publication, on or before January 22, 1982NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 13, 1982Notice is hereby given Robert A. Kohl whose post officeaddress is Rt 1, Box 68M, Brookings, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficialuse no additional cubic feet of water per second of time from Madary Creek to add an additional on an existing Water Right through the Robert Kohl Irrigation Project, ~~xxx~~ point(s) of diversion of which 16 (are)to be located ~~in the~~ from Madary Creek between points SE 1/4 SW 1/4 and SW 1/4 SW 1/4of Section 10, Twp. 100N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land:SW 1/4, Section 19, T109N, R49WThis Application No. 4049-3 will be considered by the Water Management Board at Knelp Building, Meeting Room #1, Church and Illinois, Pierre SD upon the 3rd day of February, 1982at 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

BETTY WESTLUND, Water Rights Specialist

cc: applicant

WHR-806B 10/81 Notice of Intent to Appropriate Water
SURFACE WATER

Affidavit of Publication

State of South Dakota

55

County of Brookings

Douglas Anstaett

_____ of said county, being first duly sworn, on oath, says: That he is one of the editors of THE BROOKINGS REGISTER, a daily newspaper, printed and published in the City of Brookings, in said County of Brookings, and State of South Dakota; that he has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona fide circulation of at least two hundred copies of each issue daily; that said newspaper has been published within the said County of Brookings and State of South Dakota, for more than one year next prior to the first publication of Exhibit "A," hereto attached and herein mentioned, and was and is printed in the office maintained at said place of publication; and that the _____

Legal No. 27

71 lines x .367

a printed copy of which, taken from the paper in which the same was published, is hereto attached marked Exhibit "A," and is made a part

of this affidavit, was published in said newspaper for _____ Two

successive week. E., to-wit:

January 19	19 82		19.....
January 26	19 82		19.....
.....	19.....		19.....
.....	19.....		19.....

That the full amount of the fee charged for the publication of said Exhibit "A" inures to the sole benefit of the publishers of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

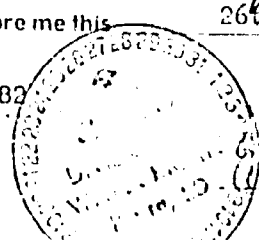
Twenty-six dollars and five cents

Dollars

Douglas Anstaett

Subscribed and sworn to before me this _____ 26th _____ day of

January _____ 19 82



Notary Public in and for the County of Brookings, South Dakota.

My Commission expires _____ September 13, 19 85

Exhibit "A"

Legal No. 27, 2x, Jan. 19, 26

No. 4849-3

NOTICE OF HEARING ON APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota, 57501

January 13, 1982

Notice is hereby given that the Robert A. Kohl whose post office address is Rt 1, Box 68M, Brookings, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 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, 46-5-25, 46-5-41; and Board Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use No Add'l cubic feet of water per second of time from Medary Creek through the Robert Kohl Irrigation Project, to add an additional point of diversion on an existing Water Right of which (are) to be located from Medary Creek between points SE 1/4 SW 1/4 and SW 1/4 SW 1/4 of Section 19, Twp. 109N, Range 49W. Said water to be used for the purpose of providing irrigation on portions of the following described land: SW 1/4, Section 19, T109N, R49W.

This Application No. 4849-3 will be considered by the Water Management Board at Meeting Room No. 1, Kneip Building, Church & Illinois Pierre, SD upon the 3rd day of February 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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board
s- Betty Westlund,
BETTY WESTLUND, Water
Rights Specialist

cc: Applicant
WNR-606B-10-81 Notice of Intent
Appropriate Water
GROUNDWATER

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8258

June 12 81

Robert A. Kohl, Rt. 1, Box 69A, Brookings, SD 57006

RECEIVED OF

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

Fee for Application for Permit to appropriate Water No. 4849-3 (examination, processing, recording and filing)	15.00
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 H. Hall*
Chief Engineer, Executive Officer

REC'D 2-3-82
2:30 PM

South Dakota
DEPARTMENT OF GAME, FISH AND PARKS

February 3, 1982

Water Management Board
% John Hatch, Director
Division of Water Rights
Foss Building
Pierre, SD 57501

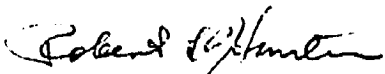
Dear John:

We note that Water Permit Application Number 48493 by Mr. Robert A. Kohl is requesting 1.70 c.f.s. from Medary Creek, Brookings County. Medary Creek is an important tributary to the Big Sioux River and is known to support a variety of fish species. Northern pike and bullhead are the principal game species with abundant species of minnows also being produced. The stream is also recorded as likely habitat for the central mudminnow which is listed on the State's endangered species list. One creek in Brookings County was the only area that species was recorded until just recently when they were also found in a Day County stream.

The flows in Medary Creek can be extremely variable and the withdrawal of surface water for irrigation will certainly aggravate those minimal flows. It seems more logical to us, with the abundance of shallow ground water in the area that the ground water resources be utilized rather than the meager stream flows.

Thank you.

Sincerely,



Robert L. Hanten
Fisheries Staff Specialist

ELH/mt

Rt. 1, Box 68-A
Brookings, S. D. 57006
January 26, 1982

Water Management Board
Water Rights Division
Joe Foss Building
Pierre, S. D. 57501

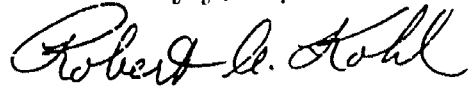
Gentlemen:

Concerning application no. 4849-3 for a permit to appropriate water for irrigation by Robert Kohl: The aquifer in question along Medary Creek consists of Cretaceous glacial outwash varying from 10 to 40 feet in thickness over Iowan till, sometimes referred to as blue clay by well drillers. The outwash sand and gravel is capped by varying depths of soil from two to four feet. Medary Creek is cut directly into the gravel aquifer and is in intimate contact with the ground water. Ground water elevations substantiate this contact.

I can monitor the creek level from my domestic well about a quarter mile from the creek. During the non-runoff periods in July and August the flow in Medary Creek is maintained by flow into it from the ground water aquifer. Whether water is withdrawn from the aquifer or the creek--it is the same water and does not significantly change the level of either. During the dry year of 1976 Medary Creek was completely dry both $\frac{1}{4}$ mile up stream and $\frac{1}{4}$ mile down stream from my quarter section while it continued to flow through my land due to ground water feeding the creek. That fall the creek froze to the bottom and ground water flow would break out about twice a week to flow over the existing ice to form a new skating surface which our family enjoyed.

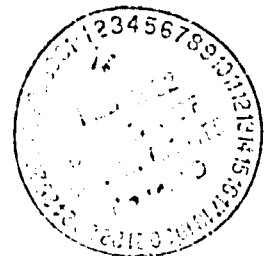
I can see no difference in withdrawing water from Medary Creek directly or from the aquifer.

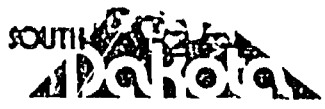
Sincerely yours,



Robert A. Kohl

P. S. In case bad weather prevents my attendance at the meeting I am submitting this letter to explain conditions on Medary Creek.





Department of Water & Natural Resources

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

September 25, 1990

4849-3

Robert A Kohl
RR #1 Box 68A
Brookings, SD 57006

Dear Mr. Kohl:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 4849-3 and 2732-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, Water Permit No. 2732-3 will be incorporated into Water License No. 4849-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

Permit No 2732-3 & 4849-3

Big Sioux River Water District

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWRN, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by ROBERT A KOHL RR#1 Box 60A of BROOKINGS SD holder of Permit No. 222-3:4849-2, bearing the priority of JANUARY 8 1982 authorizing the diversion of 1.7 cu. ft. per second of the waters of SURFACE WATER ONLY (Madary Creek) for IRRIGATION purposes, in BROOKINGS County.

I have to report, on the conditions of the same as follows:

- A. Works used to divert the water: 2 PUMPS WHICH ARE NOT USED AT THE SAME TIME. A CORNELL 2" PUMP WITH A 350 gpm CAPACITY AND A BEELEY 3" PUMP WITH A 550 gpm CAPACITY.
- B. Works used to transport water to place of use:
4000' of 4" ALUMINUM PIPE
- C. Works used to apply water to beneficial use: 2 Towlines, A 1000' PERCEL WITH RAINBIRD NOZZLES and A TL 850' TOWLINE WITH RAINBIRD NOZZLES

The system is in the following condition Good

The point of diversion is located FROM MEDARY CREEK BETWEEN POINTS SE $\frac{1}{4}$ SW $\frac{1}{4}$
AND SW $\frac{1}{4}$ SW $\frac{1}{4}$ OF SECTION 19-T109N-R49W

The works are capable of diverting and conveying to the place of use 1.20
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: ALL LANDS LOCATED IN

SECTION 19-T109N-R44W

NE 1/4 SW 1/4 -	30 ac
NE 1/4 SW 1/4 -	35 ac
SE 1/4 SW 1/4 -	13 ac
SW 1/4 SW 1/4 -	13 ac

comprising a total of 9/ acres of land and the license should be issued for 1.22 cts

Applicable permit qualifications have been complied with 1 Yes No

Exceptions to compliance are: _____ Date 9/18/96

Mark Roth

LICENSE FOR PERMIT NUMBER 2232-3 & 4849-3

1. Legal location of wells: DIVERSION FROM MEDARY CREEK BETWEEN
POINTS SE 1/4 SW 1/4 AND SW 1/4 SW 1/4 OF SECTION 19-T109N-R49W
dams & structures: _____

2. Well Information: Well Drilling Firm _____

Completion Report Yes___ No___ No. of Wells_____ Depth_____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make CORNELL / BERKLEY Motor a) make MARATHON / OLIVER

b) model 2 1/2 W15-2 / - b) model No. EE21STDR7909B3W / 55

c) size 2" / 3 c) horsepower rating 15 hp / 35

d) capacity 350 / 550 gpm

e) turbine pump - no. of stages _____

f) operating PSI 55

3. Distribution lines or canals

a) size 4"

b) type ALUMINUM

c) length 4000'

4. Dam Information:

a) height to crest _____ m) Outlet tubes:

b) height to primary spillway _____ 1) diameter _____

c) height to secondary spillway _____ 2) type _____

d) crest width _____ 3) valved (Y/N) _____

e) crest length _____ 4) valve type _____

f) spillway length _____ 5) location on structure _____

g) spillway width _____

h) approx. storage _____ n) Category of Dam _____

i) approx. storage to crest _____

j) date constructed _____

k) inspection sheet completed (Y/N) _____

l) Name of Contractor _____

5. System Type a) sideroll:

- 1) length _____ feet
- 2) diameter of pipe _____
- 3) make, model & number of
sprinklers _____
- 4) spacing of sprinklers _____
- 5) nozzle size _____

c) gun

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____
- 4) hose size _____
- 5) hose length _____

e) gated pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

f) portable boom

- 1) make _____
- 2) nozzle size _____
- 3) capacity (GPM) _____

b) towline:

- 1) length 1000' / 850' feet
- 2) make, model & number of
sprinklers Pierrel / TL
- 3) spacing of sprinklers 40'
- 4) nozzle size RAINBIRD 3 3/16"

d) center pivot

- 1) make _____
- 2) number of towers _____
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) _____
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) _____

g) siphons

- 1) size _____
- 2) number _____

NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project _____

Yes	No	Check Items
<u>X</u>	---	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>	---	2. Special qualifications to permit being abided by?
<u>X</u>	---	3. All structures, wells and lands on map?
<u>X</u>	---	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
---	<u>X</u>	5. Is chemigation used?
---	<u>NA</u>	6. If yes, does equipment comply with chemigation rules?

REMARKS:

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4849-3

(1) Robert A. Kohl of RR #1 Box 68A, Brookings SD 57006 made Application No. 4849-3, June 12, 1981 for a water permit to appropriate no add'l (1.7) cubic feet of water per second from Medary Creek, Brookings County, South Dakota for irrigation purposes. Permit No. 4849-3 with a priority date of January 8, 1982 was approved February 3, 1982 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before February 3, 1987 and for the application to beneficial use of said water on or before February 3, 1990.

Water Permit No. 2732-3 was approved for irrigation of 124 acres in the SW1/4 Section 19, T109N, R49W from a well in the NW1/4 SW1/4 Section 19. Water Permit No. 4849-3 authorized irrigation of the same land described in No. 2732-3 from Medary Creek. A September 18, 1990 inspection of the water use system found only the Medary Creek diversion was being utilized.

The applicable portions of Water Permit No. 2732-3 have been incorporated into this Water License No. 4849-3. A priority date of January 8, 1982 is retained.

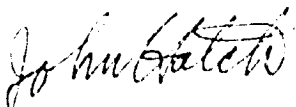
(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.22 cubic feet of water per second for beneficial use. The location of the diversion point is: on Medary Creek between points in the SE1/4 SW1/4 and SW1/4 SW1/4 Section 19, T109N, R49W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T109N, R49W Section 19

NW1/4 SW1/4	30	acres
NE1/4 SW1/4	35	"
SE1/4 SW1/4	13	"
SW1/4 SW1/4	13	"
Total	91	acres

(4) Pursuant to Section 46-5-30.1 Robert A. Kohl of RR #1 Box 68A, Brookings SD 57006 the holder(s) and/or owner(s) of Incorporated No. 4849-3 is issued a license to appropriate water, the right to use 1.22 cubic feet of water per second from Medary Creek with a priority date of January 8, 1982 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated No. 4849-3 and subject to South Dakota State Law.

 NOV 7 1990
JOHN HATCH, Chief Engineer
Water Rights Division
Department of Water and Natural Resources



Department of Water & Natural Resources

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

4849-3

NOV 7 1990

Robert A. Kohl
RR #1 Box 68A
Brookings SD 57006

Dear Mr. Kohl:

Enclosed is Water License No. 4849-3. This is the final water right document completing your process of obtaining a water right. Enclosed is Receipt No. 412376 in the amount of \$50.00 which you paid for the inspection and issuance of this water license.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have continuing right to use the water.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2702-3 have been incorporated into this Water License No. 4849-3.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

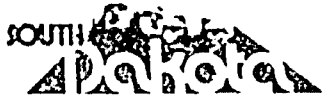
Pierre, _____, 19__

RECEIVED OF _____

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 _____		
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	

By _____
Chief Engineer



Department of Water & Natural Resources

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

4849-3

NOV 7 1990

Robert A. Kohl
RR #1 Box 68A
Brookings SD 57006

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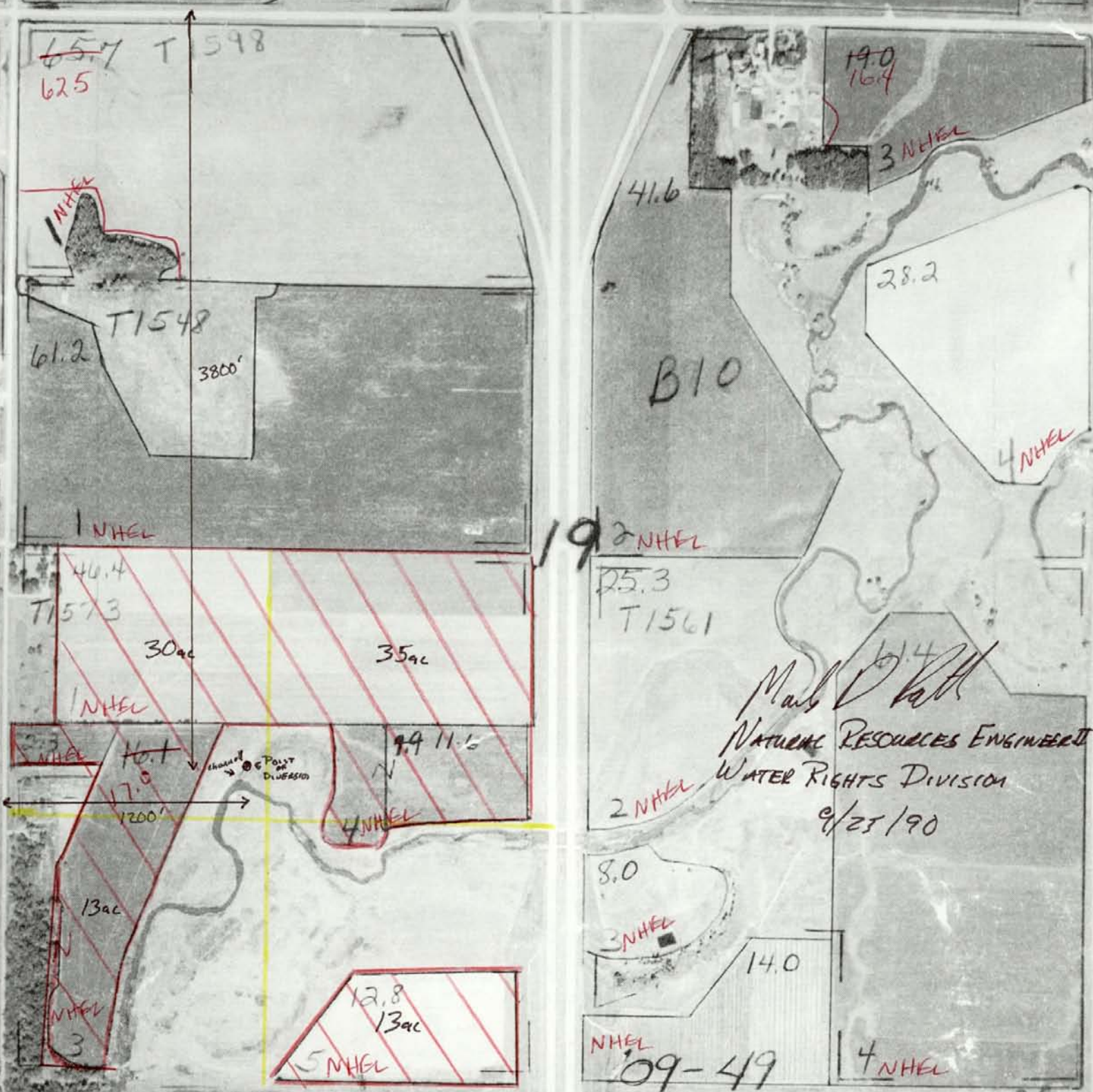
Very truly yours,

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

enclosures

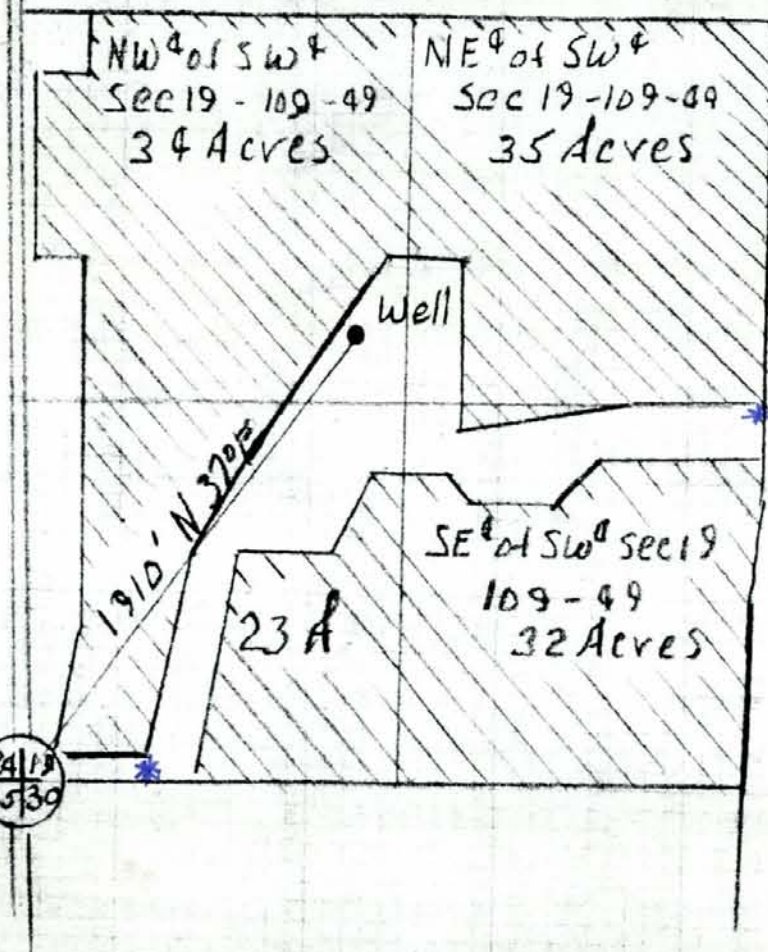
NOTE: The applicable portions of Water Permit No. 2732-3 have been incorporated into this Water License No. 4849-3.

NOT TO SCALE



Mary D. Rath
NATURAL RESOURCES ENGINEER II
WATER RIGHTS DIVISION
9/25/90

Water Right 4849-3



129

PUMP FROM
CREEK BETWEEN
TWO POINTS
[Signature]

N

Scale 8" = 1 Mile

ROBERT A. KOHL

Irrigation Project # 1

Brookings County

812 Sixth Ave Brookings S. Dak

Water Claimed 1.7 cfs

Acres Irrigated - 124

Point of Diversion - 1910' N 37° E of
SW corner Sec 19 - 109-49

Surveyor's Certificate

I, John L. Wiersma, do hereby certify
that this map identifies a reasonably
accurate record of the land of:

Robert A. Kohl

812 6th Ave S 57006 Brookings S. Dak
4-27-56

[Signature]

Drawn by J. L. W.
P.E. # 1916

APP 4849-3
2732-3

App 4849-3

4849-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 25, 2017

4849-3

Robert A Kohl
506 34th Ave
Brookings SD 57006-4713

Dear Mr. Kohl:

Enclosed is a "Notice" dated October 20, 2017 concerning the 2017 irrigation questionnaire.

The notice was originally mailed to 21776 472nd Ave., Brookings SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures



4849-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 26, 2018

NOTICE

TO: ROBERT A KOHL, 506 34th AVE, BROOKINGS, SD 57006 4713
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4849-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4849-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

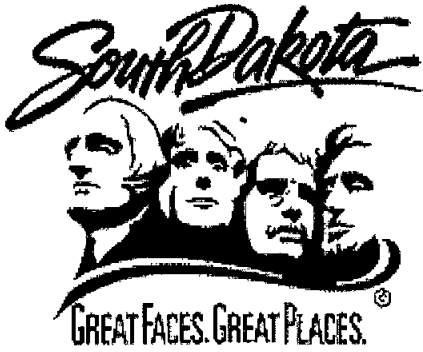
The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 4849-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. 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 questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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 ENVIRONMENT
and NATURAL RESOURCES

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

February 1, 2018

4849-3

Kysa Kohl Gilkerson
530 34th Ave
Brookings SD 57006

Dear Ms. Gilkerson:

I am writing to acknowledge receipt of the 2017 irrigation questionnaire for Water Right No. 4849-3 listed in the name of Robert Kohl. You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Right No. 4849-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

With regard to the notation made on the questionnaire, enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right for your records. If you have any questions, please contact me.

Sincerely,

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

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

enclosure

RECEIVED

FEB 09 2018

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4849-3

Date: 07 Feb 18

I/We request that Water Right No. 4849-3

formerly owned by: Robert A Kohl

be transferred to: (name & address) Kysa Kohl Gilkerson

530 34th Ave

Brookings SD 57006

Telephone No. 605-693-3014

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

91 acres in the SW ¼ Section 19, T109N, R49W

I/We understand that the validity of Water Right No. 4849-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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 Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Kysa Kohl Gilkerson, the new owner, certify that the above information is true and correct.

Kysa Kohl Gilkerson
(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 February 9, 20 18

RECEIVED OF Kysa Gilkerson 530 34th Avenue Brookings, SD 57006

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	50	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. _____		
Fee for Filing Transfer Form <u>4849-3</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. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 08594

By

Jeanne Goodman
Chief Engineer
Jm



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 27, 2018

4849-3

Kysa Kohl Gilkerson
530 34th Ave
Brookings SD 57006

Dear Ms. Gilkerson:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership of Water Right No. 4849-3.

The ownership change has been completed. Water Right No. 4849-3, formerly held by Robert A Kohl is now listed in your name.

Enclosed for your records is Receipt No. 08594 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosure