

JK
10160011

1. Considered: _____, 19____ Water Right No. 4968-3
2. Name of Applicant DONALD J KULISH
3. Post Office Address Utica, S.D. 57067
4. Amount of Water Claimed 0.66 maximum acre feet _____
5. Source of Water Supply 200' deep well existing on Permit 4802-3
6. Water to be used for _____ acres to be irrigated 46.40 add'l
7. County Yankton about 6N 1 miles WEST of UTICA
8. PROOF OF PUBLICATION: Received 9-6-83 Not Received _____
- APPLICATION: Approved 10-5-83 Subject to _____
- Not Approved _____ Action Deferred _____

PRIORITY Dated Received 5/5/83 Application complete-yes x no _____ FEE 150.00

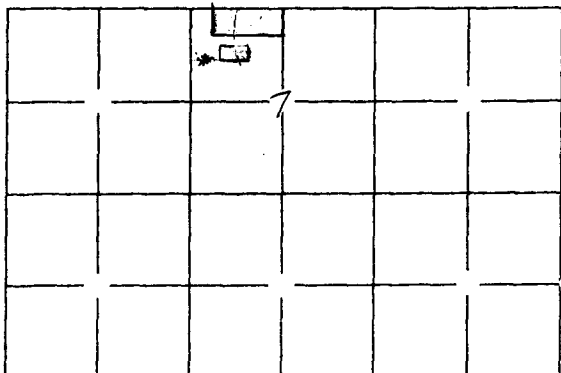
Remarks _____

Corrected Application received _____ Period of Annual Use 3/1 to 11/1

Received yes 7/1/83 no _____ APPROVED CONDITIONAL (Circle one)

W1-1 Description same as application-yes x no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____

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

Land to be irrigated 42.20 acres in
N $\frac{1}{2}$ NW $\frac{1}{4}$ and 4.2 acres in the approximate
center of the NW $\frac{1}{4}$, Section 7-T95N-756W

WELL LOG Driller Sioux Well Drilling Licensed - yes xx no _____

Depth 200' deep

Remarks _____

MAP Map No. 4968-3 Map located in Water Right X Map file _____
 Type of Map aerial Prepared by V.P. Miller, Co Ext Agent
 Yankton County

+++++

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:

7-12-83

Bette Westlund
 (Signed)

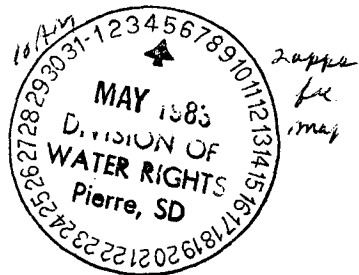
+++++

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. 4968-3Map No. 4968-3 Water Division No. _____ 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 ☒ 4802-3

1. Name of Applicant DONALD J. KULISH Phone No. 364-7402
 Post Office Address UTICA, S.D. State S.D. 57067
(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 by direct labor) ~~CONTRACT~~ DIRECT LABOR3. Name of diversion work DONALD J. KULISH IRRIGATION PROJECT4. Amount of water claimed (cubic feet per second) 7.665. 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 - NOVEMBER8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 46.4 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>NE 1/4 of NW 1/4 7 95-56</u>	<u>28.13</u>
<u>NE 1/4 of NW 1/4 of NW 1/4 7 95-56</u>	<u>14.07</u>
<u>4.2 ACRES IN THE MIDDLE</u>	<u>4.2</u>
<u>OF NW 1/4 7 95-56</u>	

Land Description	No. Acres Irr.

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 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water PRESS & DAKOTA

12. Principal Features of the Proposed Water Supply System.

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

WELL & PUMP

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

P. Pe

C. Works proposed to apply water to beneficial use.

TOWNLIN SPRINKLER SYSTEMEstimated Total Cost \$ 2000

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 YANKTON)ss.

I, DON 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.

Signed Donald J. KulishSubscribed and sworn to before me this 22 day of April, 1983

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No.

4968-3

Donald J Kulish

Utica

(Applicant)

(Post Office Address)

South Dakota

(State)

With the following qualifications:

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 adequate 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 May 5, 1983

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

Date of receipt of corrected application —, 19—

Approved October 5, 1983, Recorded in Book — Page —

WATER RIGHT PERMIT NO. 4968-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4968-3 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 July 11, 1983
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 5, 1986
3. The whole of said work is to be completed on or before October 5, 1988
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is October 5, 1992
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 0.66 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 5, 1992; said water to be used during the following described annual period: March 1 thru November 1

Witness my hand this 25Th day of October, 1983

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 Kulish
Address Southgate, S. Dak.
USA

Well Location:
Mark location with an "X"
North
W E
1 mile

County Yorkton
N. 1/2 Sec. 7 Twp. 95 Rg. 56

Proposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

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 _____

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 Describe: _____
☐ Bailed Describe: _____
☐ Other Describe: _____
Pumping Level Below Land Surface
_____ ft. After _____ Hrs. pumped _____ GPM
_____ " " " " " "
_____ " " " " " "

Well Log: Test (sample hole)
Formation Depth
From To
sand 0 8
very yellow 8 21
clay (gray) 21 77
sand (fine) 77 120
clay (gray) 120 144
sand (coarse) 144 150
fine to med. 150 165
sand (coarse) 165 180
med. 180 200
sand (coarse) 200 220
med to coarse 220 240
not bottom of Aquifer
(Use Back if Necessary)

Date Completed: 16 Aug 81

Driller: Samuel Well Drilling License NO. 129
Driller's or Firm's Name

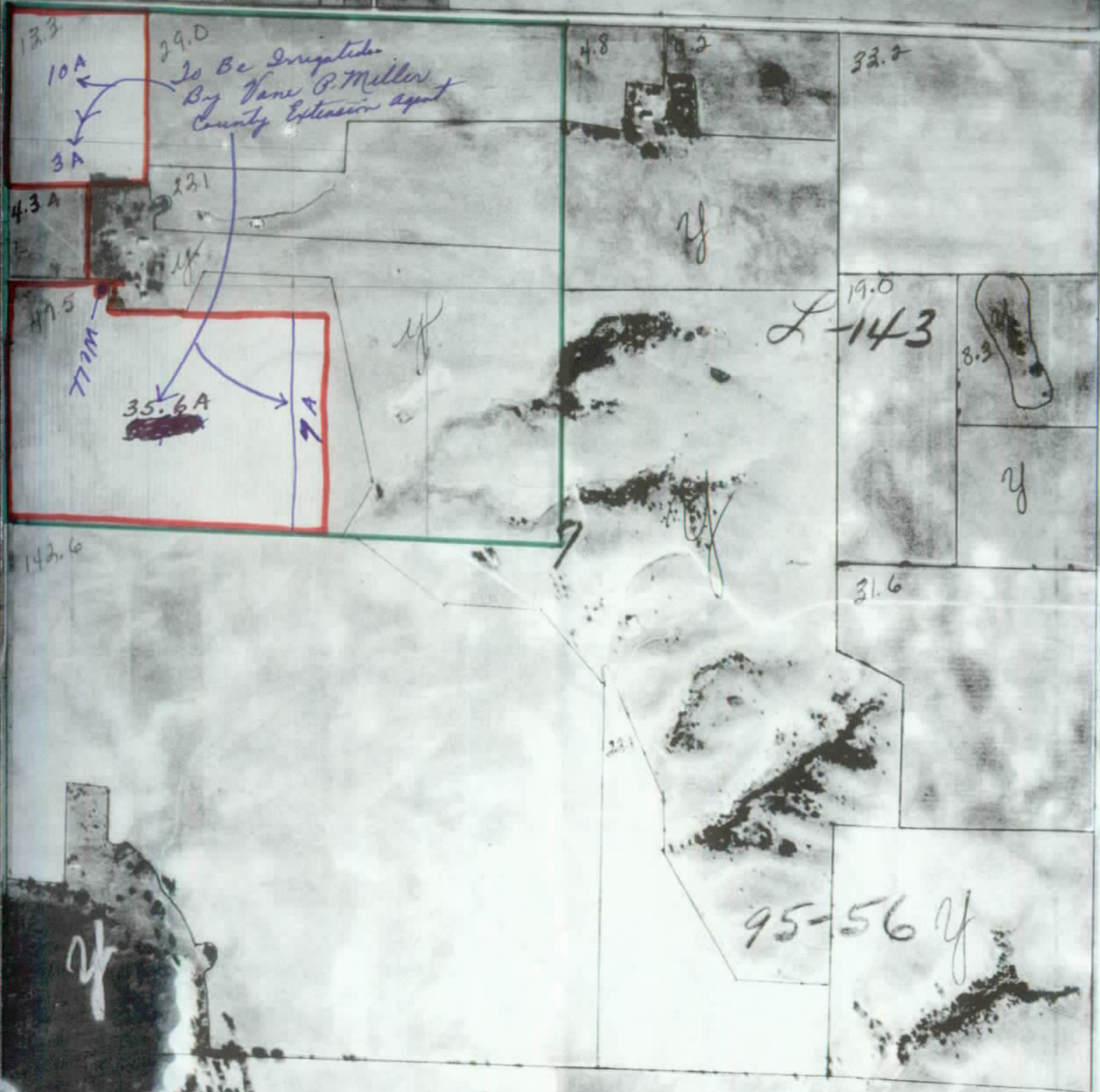
1401 E 62nd St 9th
Address

Wm. W. Wagner 16 Aug 81
Signed By Date

Remarks:

NOT TO SCALE

95-56



~~Map # 4802-3~~
appl # 4802-3

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9243

PIERRE, May 5, 1983

RECEIVED OF Donald J. Kullsh, 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. 4968-3 (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/ms



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

June 16, 1983

Donald Kulish
Utica, SD 57067

Dear Mr. Kulish:

The Irrigation Program is recommending to the Conservation Commission that your application be Conditionally Approved with the following restrictions:

The land as described on the application maybe irrigated only when it is producing alfalfa, grass or a grass alfalfa mixture. Grass waterways also must be maintained and the soil loss must be kept within the limits as permitted by your county sediment and erosion standards.

I would also like to emphasize that the Commission may add or delete restrictions as they see fit or they may disapprove your application.

Your application will be reviewed by the Conservation Commission on July 7, 1983 at 1:00 PM, CDT in room #303 of the Anderson Building, Pierre, South Dakota.

If you have any questions please contact this office or stop in before the meeting.

Sincerely,

Martin Gertonson
Land Management Specialist II

cf

cc: Division of Water Rights

*received 6/17/83
BW*

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

Office Use Only

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

4038

OWNERS NAME: DONALD J. KULISH OWNERS ADDRESS: UTICA, S.D. 57067

COUNTY LAND LOCATED IN: CENTRAL TWP. PHONE: 364-7402

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 NW 1/4 of SW 1/4 of NW 1/4 7 95-56

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: WELL ONLY

Legal Description	Acres	Legal Description	Acres
<u>NE 1/4 of NW 1/4 7 95-56</u>	<u>28.13</u>		
<u>NE 1/4 of NW 1/4 of NW 1/4 7 95-56</u>	<u>4.07</u>		
<u>4.2 ACRES IN THE MIDDLE OF 4.2</u>			
<u>NW 1/4 7 95-56</u>			

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1981

LEGAL DESCRIPTION: _____

IN WHAT NAME: DONALD J. KULISH, UTICA, S.D.

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: ☒ CENTER PIVOT: _____ GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: ~~corn~~ alfalfa

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

7. WATER SAMPLE NUMBER: 81-739 Sodium: 2.18
 8. SALINITY (EC X 10⁶): 750
 9. SODIUM (SAR): 0.10
 10. ADJUSTED (SAR): 0.26 (0.18)



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 10:00 a.m./p.m., on 7/7, 1983, 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 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

22 DAY OF April, 1983

(NOTARY PUBLIC)

Donald J. Kulish
 APPLICANT'S SIGNATURE

Gail McFarland
 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

7-7-83

CONDITIONAL APPROVAL

#4038

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Donald KulishLEGAL DESCRIPTION: Portions of NW $\frac{1}{4}$ 7-95-56 = 48.4 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:

These soils can be irrigated only when producing alfalfa, grass or a grass alfalfa mixture. Grass waterways must be maintained and the soil loss must be kept within the limits as permitted by the county sediment & erosion standards.

RECOMMENDED MANAGEMENT:John J. Felt
SIGNATURE7-7-83
DATE

Soil Conservation Service

SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
EnC CeB EoD	CROPLAND - irrigated Group - 3	Ethan-Bonilla loams Intake Family 3-9% slope 0.3 Clarno-Bonilla loams Intake Family 1-6% slope 0.3 Ethan-Davis loams Intake Family 9-15% slope 0.3 These are deep, well drained soils that have loam or silt loam surface layers and loam or light clay loam subsoils. The underlying material is loam or clay loam glacial till. Available water capacity is high. Permeability is moderate in the upper part of the soil and moderately slow in the lower part. These soils are on uplands. Special treatment is needed to improve fertility in the Ethan Soils. Trace elements will be needed. The more sloping soils are subject to erosion if water is applied too fast. Gullies could form in the wheel tracks of continuous move systems. The use of center pivot irrigation systems on these soils will usually result in trafficability and runoff problems. Generally, these soils are suitable for irrigation with low salinity and low sodium water. Water of medium salinity may be used when additional quantities of water are applied for leaching purposes. Use of higher hazard water will require additional internal drainage and the use of salt tolerant crops.
BnA	Group - 10	Bonilla-Crossplain complex Intake Family 0-2% slope .5 These are deep, well drained and moderately well drained soils that have thick dark colored surface layers of loam, silt loam, or silty clay loam. The underlying material is silt loam, loam, clay loam, or silty clay loam. The underlying material is silt loam, silty clay loam, loam, or light clay loam. Available water capacity is high. Permeability is moderate or moderately slow. These soils are in swales or on long plane slopes.

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
Tb	Group - A	Water could collect in some of the swales and cause drainage problems. These soils occur as inclusions in many map units. Leaching operations will be difficult to carry out with center pivot systems. Generally, these soils are suitable for irrigation with medium salinity and low sodium water. If water of high salinity or medium sodium is used, extra water should be applied for leaching purposes and salt tolerant crops may be required. Tetonka silt loam 0-2% slope SOILS USUALLY PONDED - These are poorly or very poorly drained soils in closed depressions or broad flat areas. Some of the depressional soils have dense claypan subsoils and contain an excess amount of sodium. They are usually ponded during wet seasons and would become ponded under irrigation. Continuous move irrigation systems are likely to get stuck in these soils. Many of these soils are near irrigable soils and small areas may be irrigated along with irrigable soils. These areas will cause traction problems for continuous move irrigation systems and farm implements. Crops are likely to drown out or be very restricted in growth because of poor aeration in the root zone or an excess amount of sodium.
EnC EoD EpD	PASTURE LAND Group - G	Ethan-Bonilla loams 3-9% slope Ethan-Davis loams 9-15% slope Ethan-Talmo loams 6-15% slope This group includes deep and moderately deep, well-drained, medium and moderately fine textured soils that are calcareous at or within 10 inches of the surface. These soils are on gently sloping to moderately steep uplands. Choice of plants and production is limited by low fertility, high lime content, and be the severe erosion hazard. Species best suited to this group include alfalfa, crested wheatgrass, intermediate wheatgrass,

SD-CONS-1A
11/75

UNITED STATES DEPARTMENT OF AGRICULTURE
Soil Conservation Service

SOIL INTERPRETATIONS

SOIL MAPPING UNITS	LAND USE and SOIL GROUP	SOIL GROUP DESCRIPTIONS
EmE	Group - GN	pubescent wheatgrass and smooth brome grass. Other suitable but less desirable species include birds-foot trefoil, green needlegrass, and western wheatgrass. Ethan-Betts loams 15-40% slope This group includes slope phases of soils in Group G that are not recommended for pasture plantings because of erosion hazard and/or difficulty in establishing erosion control practices and pasture plantings.

SD-CONS-31A
5/75

SOIL MAP

Owner Don Kulish Operator Don Kulish

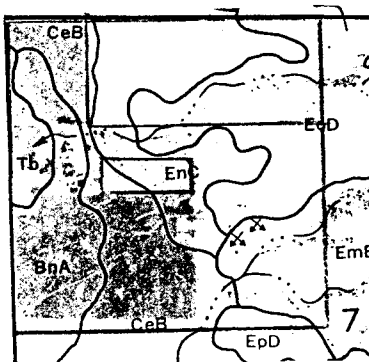
County Yankton State South Dakota

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_{1/4}
7-95-56

SSP
5/10/83
less a portion
990 Acres ECD

SOIL MAP LEGEND

REPORT ON APPLICATION NO. 4968-3

DONALD J. KULISH

July 19, 1983

Application No. 4968-3, Donald J. Kulish, proposed to irrigate an additional 46.4 acres in the NW $\frac{1}{4}$ Section 7, T95N, R56W from a 200 foot well existing under Permit No. 4802-3. Soil/water compatibility was conditionally approved July 7, 1982 by the State Conservation Commission for the 46.4 acres.

Application No. 4968-3 proposes to utilize an additional 0.66 cfs of water from the Lower James Missouri-Scotland aquifer. The Lower James Missouri-Scotland (LJM-S) Management unit contains an estimated 847,400 acre feet of recoverable water¹. The Water Management Board has approved permits to appropriate 2146 acre feet of water from LJM-S.

Permit	Appropriated	Use			
		79	80	81	82
2146-3	353	117.67			
2611-3	480		72.93	50.83	37.57
3514-3	330		---	---	---
4179-3	240		---	---	---
4555-3	336		---	---	88.38
4661-3	640		---	68.62	74.00
4802-3	120		---	---	46.40
TOTAL	2146 ac ft.	117.67	72.93	119.54	246.35
of % available	0.002	1.3×10^{-4}	8.6×10^{-5}	1.3×10^{-4}	3.0×10^{-4}

The Division of Water Rights² monitors 32 observation wells in the LJM-S management unit. Wells No. YA-80A, YA-80C & YA-80U have shown only a 1 to 2 foot fluctuation in water levels since they were installed.

Conclusions

1. Unappropriated water is available for this application.
2. Observation wells exist to monitor the aquifer.
3. Utilization of this application will not interfere with existing permits.

Gale N Selken

GALE N SELKEN
Hydrologist III

¹ Hedges, Burch, Illies, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, 1983

² DWNr, Division of Water Rights, unpublished observation well records & computer file 'P' records.

³ DWNr, Division of Water Rights, unpublished water right files.

⁴ DWNr, Division of Water Rights, Irrigation questionnaire data, unpublished.

Recommendation of Chief Engineer for Water Permit
Application No. 4968-3, Donald J Kulish

Pursuant to 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4968-3, Donald J Kulish, Utica SD.

The Chief Engineer is recommending APPROVAL of Application No. 4968-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) that the proposed diversion can be developed without unlawful impairment of existing rights, 3) that the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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 adequate irrigation wells having prior water rights.

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

The attached report is a part of this recommendation.

A handwritten signature in cursive script, appearing to read "John Hatch".

JOHN HATCH, Chief Engineer
August 16, 1983

YANKTON COUNTY OBSERVATION WELL WATER LEVELS

17:06 MONDAY, AUGUST 15, 1983

4968-3

OBS_WELL	LOCATION	DATE	READING
YA-80V	095N-56W-18AAAA	01/27/81	233.3
YA-80V	095N-56W-18AAAA	03/23/81	233.1
YA-80V	095N-56W-18AAAA	05/04/81	233.3
YA-80V	095N-56W-18AAAA	06/05/81	233.3
YA-80V	095N-56W-18AAAA	06/22/81	233.3
YA-80V	095N-56W-18AAAA	07/28/81	233.3
YA-80V	095N-56W-18AAAA	08/24/81	233.2
YA-80V	095N-56W-18AAAA	10/27/81	233.1
YA-80V	095N-56W-18AAAA	12/08/81	233.4
YA-80V	095N-56W-18AAAA	03/03/82	232.9
YA-80V	095N-56W-18AAAA	04/20/82	233.1
YA-80V	095N-56W-18AAAA	05/19/82	232.9
YA-80V	095N-56W-18AAAA	07/07/82	233.7
YA-80V	095N-56W-18AAAA	08/19/82	233.5
YA-80V	095N-56W-18AAAA	09/14/82	232.9
YA-80V	095N-56W-18AAAA	12/01/82	233.1

N=16

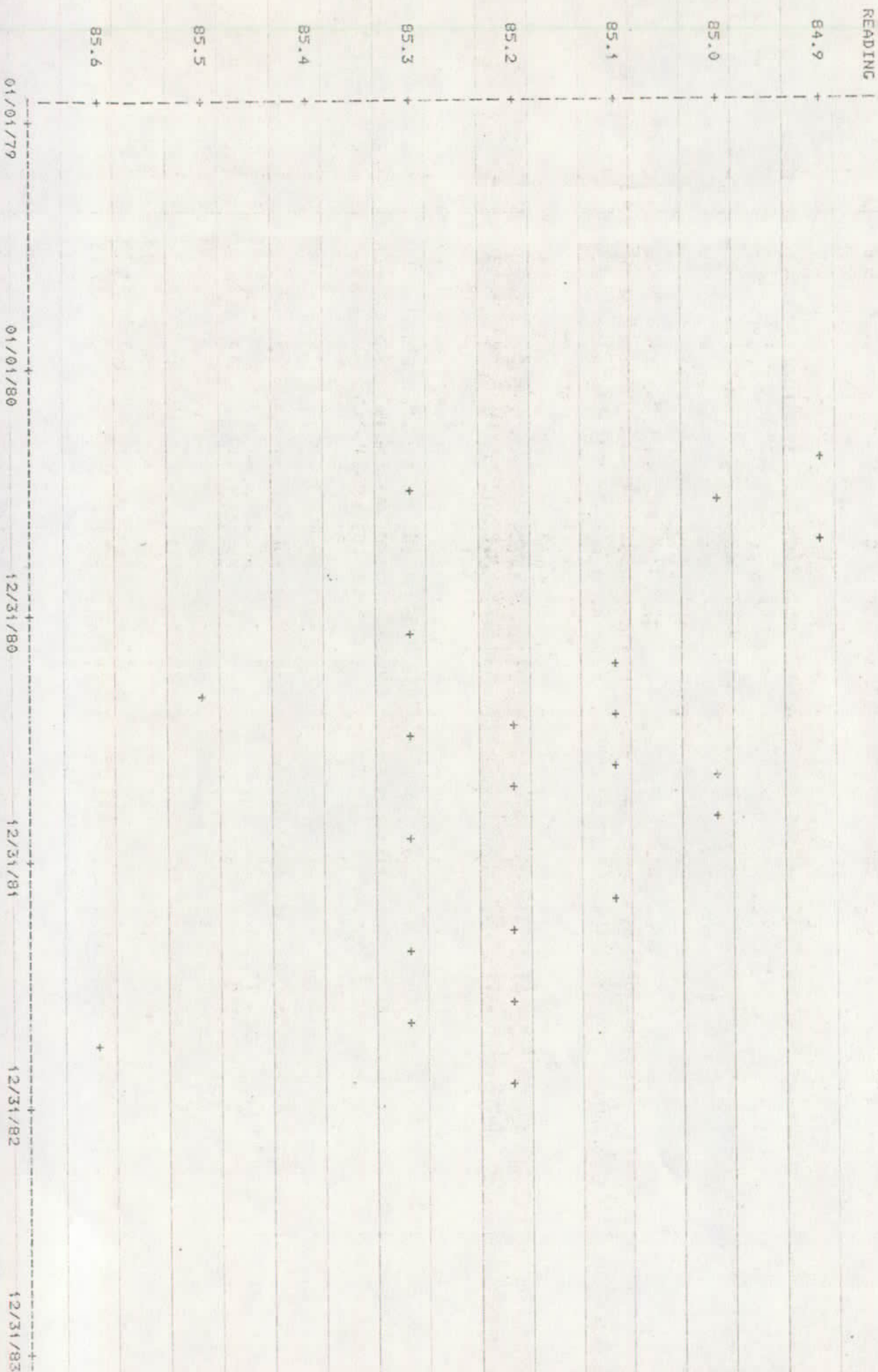
$\phi 3/\phi 2/83$ 233.2
 $\phi 5/10/83$ 232.6
 $\phi 6/22/83$ 233.3
 $\phi 8/\phi 3/83$ 233.1

YANKTON COUNTY OBSERVATION WELL WATER LEVELS

OBS_WELL=YA-80A

23:00 MONDAY, AUGUST 15, 1983 2

PLOT OF READING*DATE SYMBOL USED IS +



YANKTON COUNTY OBSERVATION WELL WATER LEVELS

23:00 MONDAY, AUGUST 15, 1983

1

OBS_WELL	LOCATION	DATE	READING
YA-B0A	095N-57W-01DAAA	05/22/80	84.9
YA-B0A	095N-57W-01DAAA	06/26/80	85.3
YA-B0A	095N-57W-01DAAA	07/24/80	85.0
YA-B0A	095N-57W-01DAAA	09/15/80	84.9
YA-B0A	095N-57W-01DAAA	01/27/81	85.3
YA-B0A	095N-57W-01DAAA	03/23/81	85.1
YA-B0A	095N-57W-01DAAA	05/04/81	85.5
YA-B0A	095N-57W-01DAAA	06/05/81	85.1
YA-B0A	095N-57W-01DAAA	06/22/81	85.2
YA-B0A	095N-57W-01DAAA	07/08/81	85.3
YA-B0A	095N-57W-01DAAA	08/13/81	85.1
YA-B0A	095N-57W-01DAAA	08/24/81	85.0
YA-B0A	095N-57W-01DAAA	09/17/81	85.2
YA-B0A	095N-57W-01DAAA	10/27/81	85.0
YA-B0A	095N-57W-01DAAA	12/08/81	85.3
YA-B0A	095N-57W-01DAAA	03/03/82	85.1
YA-B0A	095N-57W-01DAAA	04/20/82	85.2
YA-B0A	095N-57W-01DAAA	05/19/82	85.3
YA-B0A	095N-57W-01DAAA	07/29/82	85.2
YA-B0A	095N-57W-01DAAA	08/31/82	85.3
YA-B0A	095N-57W-01DAAA	10/06/82	85.6
YA-B0A	095N-57W-01DAAA	12/01/82	85.2

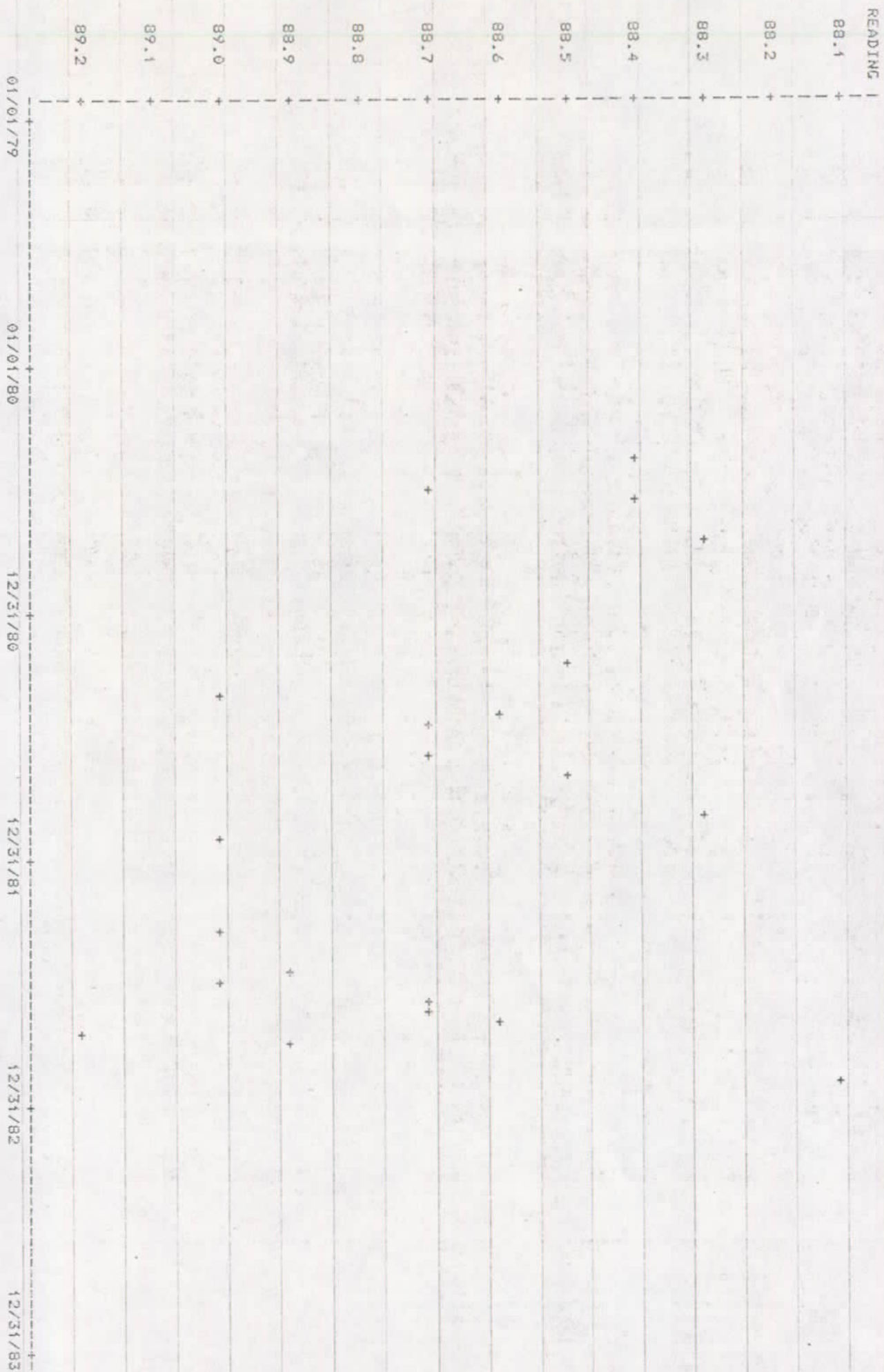
N=22

$\phi 3/\phi 2/83$ 85.1
 $\phi 5/1/\phi 1/83$ 84.8
 $\phi 6/22/83$ 85.1
 $\phi 8/\phi 3/83$ 85.1

YANKTON COUNTY OBSERVATION WELL WATER LEVELS
OBS_WELL=Y6-80C

17:06 MONDAY, AUGUST 15, 1983

PLOT OF READING*DATE SYMBOL USED IS +



OBS_WELL	LOCATION	DATE	READING
YA-80C	095N-57W-13A0DD	05/20/80	88.4
YA-80C	095N-57W-13A0DD	06/26/80	88.7
YA-80C	095N-57W-13A0DD	07/24/80	88.4
YA-80C	095N-57W-13A0DD	09/15/80	88.3
YA-80C	095N-57W-13A0DD	03/23/81	88.5
YA-80C	095N-57W-13A0DD	05/04/81	89.0
YA-80C	095N-57W-13A0DD	06/05/81	88.6
YA-80C	095N-57W-13A0DD	06/22/81	88.7
YA-80C	095N-57W-13A0DD	07/28/81	88.7
YA-80C	095N-57W-13A0DD	08/24/81	88.5
YA-80C	095N-57W-13A0DD	10/27/81	88.3
YA-80C	095N-57W-13A0DD	12/08/81	89.0
YA-80C	095N-57W-13A0DD	04/20/82	89.0
YA-80C	095N-57W-13A0DD	06/09/82	88.9
YA-80C	095N-57W-13A0DD	07/07/82	89.0
YA-80C	095N-57W-13A0DD	07/29/82	88.7
YA-80C	095N-57W-13A0DD	08/19/82	88.7
YA-80C	095N-57W-13A0DD	08/31/82	88.6
YA-80C	095N-57W-13A0DD	09/14/82	89.2
YA-90C	095N-57W-13A0DD	10/06/82	88.9
YA-80C	095N-57W-13A0DD	12/01/82	88.1

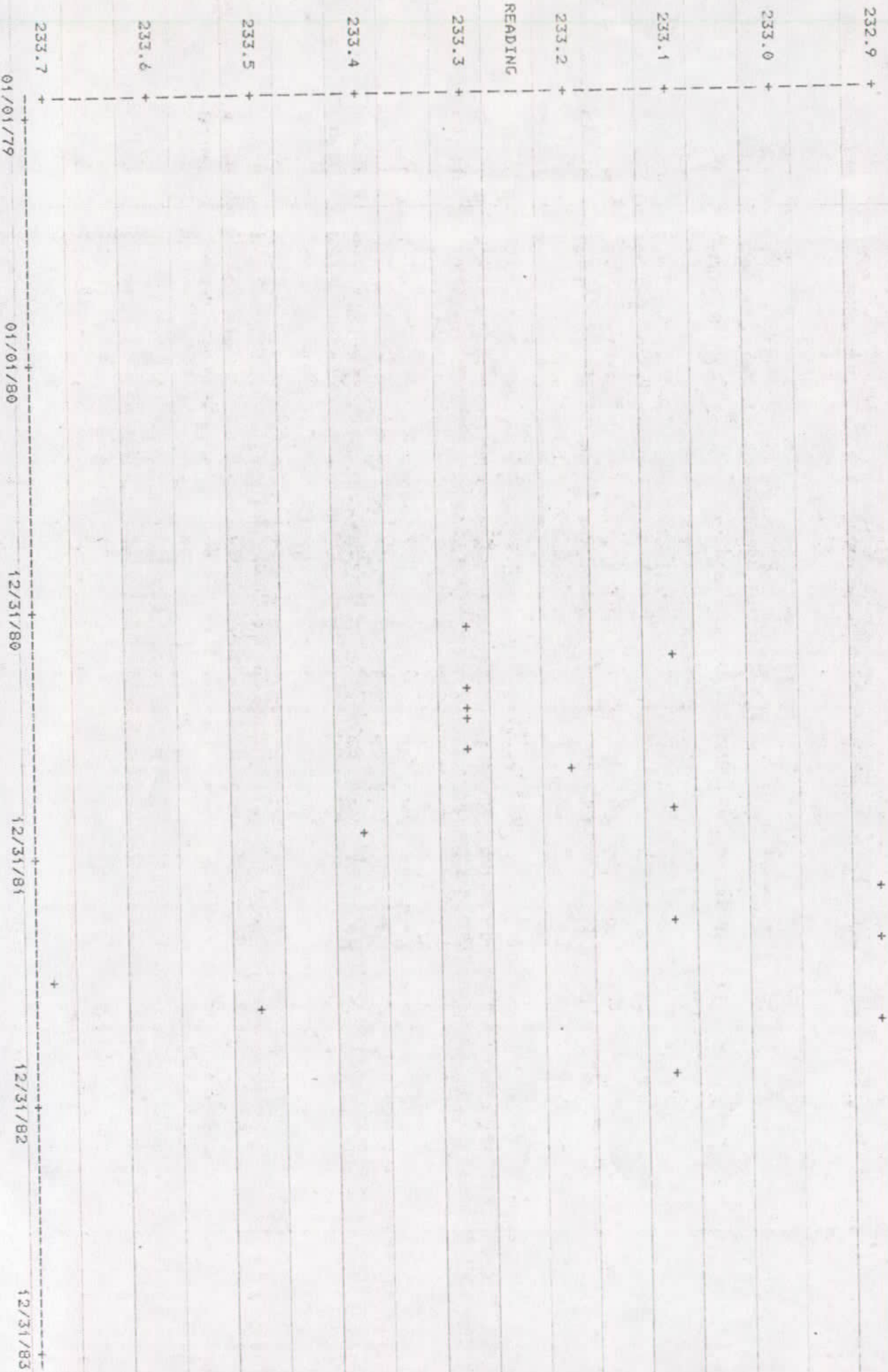
N=21

05/19/83 88.4
06/10/83 88.3
06/22/83 89.5
07/14/83 88.2
08/03/83 88.2

YANKTON COUNTY OBSERVATION WELL WATER LEVELS
OBS_WELL=YA-80V

17:06 MONDAY, AUGUST 15, 1983 2

PLOT OF READING*DATE SYMBOL USED IS +



Instruction to Newspaper - Publish first publication of the following Notice on or before August 22, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4968-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Rights No. _____~~

Notice is hereby given that Donald J Kulish whose mailing address is Utica, South Dakota has made an application for a permit to appropriate 0.66 cubic feet per second from groundwater (existing 200 foot deep well authorized under Water Permit No. 4802-3) the point of diversion is located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T95N, R56W. Said water to be used for the purpose of providing irrigation on 46.40 acres located in the NW $\frac{1}{4}$ Section 7, T95N, R56W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4968-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room, Basement, State Capitol, Pierre SD on October 5, 1983 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 23, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; ~~(future use)~~ 46-5-38 thru 46-5-40; ~~(transfer lands)~~ 46-5-30.4, 46-5-33 thru 46-5-35; ~~(10,000 AFA)~~ 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; ~~(future use)~~ 74:02:01:24 thru 74:02:01:25; ~~(10,000 AFA)~~ 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 23, 1983.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County of Yankton)

I, Larry A. Benson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Yankton Daily Press & Dakotan

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

Yankton Daily Press of Yankton
& Dakotan

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

August 24, 1983

August 31, 1983

Larry A. Benson
(Signature)

Business Manager
(Title)

August 31, 1983
(Date Signed)

Cost of Printing: \$42.70

8+24&31
**NOTICE OF HEARING ON
APPLICATION NO. 4968-3
TO APPROPRIATE WATER**

Notice is hereby given that Donald J. Kulish whose mailing address is Utica, South Dakota has made an application for a permit to appropriate 0.66 cubic feet per second from groundwater (existing 200 foot deep well authorized under Water Permit No. 4802-3) the point of diversion is located in the SW 1/4 NW 1/4 of Section 7, T96N, R56W. Said water to be used for the purpose of providing irrigation on 46.40 acres located in the NW 1/4 Section 7, T96N, R56W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 4968-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room, Basement, State Capitol, Pierre, S.D. on October 5, 1983 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 23, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg., Pierre, SD (605-773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 23, 1983.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

4968-3

October 25, 1983

Donald J. Kullish
Utica, South Dakota 57067

Dear Mr. Kullish:

Enclosed herewith is your Water Permit No. 4968-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 4968-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

WNR-809-5/83



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

4968-3

March 7, 1984

N O T I C E

Dear Sir:

The Water Management Board has directed that all owners of Water Permits, not in compliance with the Permit qualification:

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

be notified of this requirement.

Our records show we have not received the 1983 Irrigation Questionnaire for your Permit. The Questionnaire was requested:

- 1) November, 1983 initial request
- 2) December, 1983 followup request

Owners of water permits not in compliance with the Irrigation Questionnaire qualification are being given until April 2, 1984 to submit the 1983 questionnaire. The Board will consider disciplinary action including possible suspension of the permit on April 25, 1984 at 10:30 am in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD for all permits without questionnaires returned by April 2.

Another questionnaire is enclosed. Please advise if there are any questions or if you believe our records are not correct.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer
Water Rights Division

Equal Opportunity Employer

SOUTH DAKOTA Department of
Water & Natural Resources

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

March 19, 1984

4968-3

Donald J. Kulish
RR#1, Box 138B
Utica, South Dakota 57067

Dear Mr. Kulish:

This will acknowledge receipt of and thank you for the return of your 1983 Irrigation Questionnaire. A notice was sent to you March 7, 1984 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 4968-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 7, 1984. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions please contact us.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division
(605)773-3352

Equal Opportunity Employer



Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

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 0.66 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

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USEPost Office Utica, S.D.Date 10-3-87TO: Water Rights
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.

4968-3.

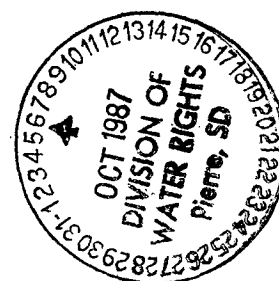
Water Right Permit No. 4968-3 states that the diversion system is to be constructed by 10-5-88, and that the water is put to beneficial use by 10-5-92.

The diversion system was completed on 10-1-87. Applying the water to beneficial use was completed on 10-1-87.

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.

Donald J. Kuehish
(Signature)

RR#1 Box 138B
Utica SD 57067



Permit No. 4802-3 & 4968-3
Missouri River - Water District

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

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

I have this day, September 28, 1993, made a thorough examination of the water use system constructed by Donald J. Kulish of Utica, SD holder of Permit No. 4802-3 and 4968-3, bearing the priority of August 24, 1981, and July 11, 1983 respectively authorizing the diversion of 0.85 and 0.66 respectively cu. ft. per second the waters of groundwater for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Water is diverted from a well located 1430' S10°E of the NW corner of Sec. 7, T95N-R56W with a Fairbanks Morris, 11 inch, 5 stage, turbine pump, (Serial No. N3H2814319, Figure 7000), powered by a General Electric 60 horsepower, electric motor (Model No. 5K625XN501B, Serial No. J TJ916327).

B. Works used to transport water to place of use:

Water is transported through 3450 feet of buried 6-inch diameter PVC pipe from the well to one of two center pivot irrigation systems, and through 1900 feet of 6-inch diameter aluminum pipe to two hand set lines.

C. Works used to apply water to beneficial use:

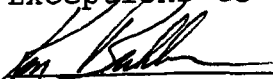
Water is applied to beneficial use through: (1) a high pressure, 3 tower Zimmatic towable center pivot (Model No. 307 507; Serial No. L130), 550 feet long; (2) a high pressure, 2 tower Zimmatic towable center pivot (Model No. 307 507; Serial No. L114423), 400 feet long; and (3) 3200 feet of 6-inch diameter hand set irrigation line with sprinklers spaced every 80 feet.

The system is in the following condition good. The point of diversion is located 1430 feet S10°E of the NW corner of Sec. 7, T95N-R56W. The works are capable of diverting and conveying to the place of use 1.33 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:

<u>NE 1/4 NW 1/4 Sec. 7, T95N-R56W</u>	<u>8 acres</u>
<u>NW 1/4 NW 1/4 Sec. 7, T95N-R56W</u>	<u>29 acres</u>
<u>SW 1/4 NW 1/4 Sec. 7, T95N-R56W</u>	<u>37 acres</u>
<u>SE 1/4 NW 1/4 Sec. 7, T95N-R56W</u>	<u>7 acres</u>

comprising a total of 81 acres of land and the license should be issued for 1.16 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No
Exceptions to compliance are: Date: December 13, 1993


Ken Buhler
Natural Resources Engineer
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4802-3 and 4968-3

DATE: December 10, 1993

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: 1430 feet South 10 degrees East of the NW corner of Sec. 7, T95N-R56W (NW 1/4 NW 1/4 SW 1/4 NW 1/4 Sec.7, T95N-R56W)

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells One
- 3) Depth(s) 213 feet
- 4) Well log is available (Y/N)
- 5) Comment:

Casing:

- 1) Diameter 15 inches
- 2) Length 133 feet
- 3) Type PVC

Screen:

- 1) Type 100 slot PVC
- 2) Length 80 feet
- 3) Static water level 70 feet

Pump:

- 1) Make Fairbanks Morris
- 2) Model Figure 7000 , 5 Stage; Serial No. N3H2814319
- 3) Size 11 M
- 4) Capacity 600 GPM
- 5) Operating Pressure 90psi

Motor:

- 1) Make General Electric
- 2) Model No. 5K625XN501B Serial No. JTJ916327
- 3) Horsepower rating 60 hp

DISTRIBUTION LINES OR CANALS:

- A) To Center Pivots: 1) Type PVC 2) Size 6 inches 3) Length 3450 feet
B) To Handsets: 1) Type Aluminum 2) Size 6 inches 4) Length 1900 feet

SYSTEM TYPE:

Four areas are irrigated under No.s 4802-3 and 4968-3, from one well. Areas A and B, are the two northern most areas. Area A and Area B are approximately 15 acres each and are irrigated with a towable center pivot system. Area C is a 4.3 acre area located in the SW 1/4 NW 1/4 of the section. Area C is irrigated via four(4) 400' set lines. Area D is located near the center of the NW 1/4 of the section. Area D is irrigated with two(2) 800' set lines. Area E is the southern area shown on the map. Area D covers approximately 42 acres and is irrigated with a towable center pivot system. Either center pivot number 1 or center pivot number 2 can be operated alone, or 2-800' hand sets and 2-400' hand sets.

Center pivot number 1 (Irrigates Area E from two pivot points):

- 1) Make Zimmatic towable (Model No. 307 507; Serial No. L114423)
- 2) Overall length 550 feet
- 3) Number of towers 3
- 4) Distance between towers 178 feet
- 5) End gun Y/N
- 6) High or low pressure High (70psi)
- 7) Capacity 600 GPM

Center pivot number 2 (Irrigates Area A and Area B):

- 1) Make Zimmatic towable (Model No. 307; Serial No. L13052)
- 2) Overall length 400 feet
- 3) Number of towers 2
- 4) Distance between towers 178 feet
- 5) End gun Y/N
- 6) High or low pressure High (70psi)
- 7) Capacity 600 GPM

Handset (Irrigates Area C):

- 1) Length 4-400 feet
- 2) Diameter 6 inches
- 3) Spacing of sprinklers 80 feet

Handset (Irrigates Area D):

- 1) Length 2-800 feet
- 2) Diameter 6 inches
- 3) Spacing of sprinklers 80 feet

CHEMIGATION EQUIPMENT:

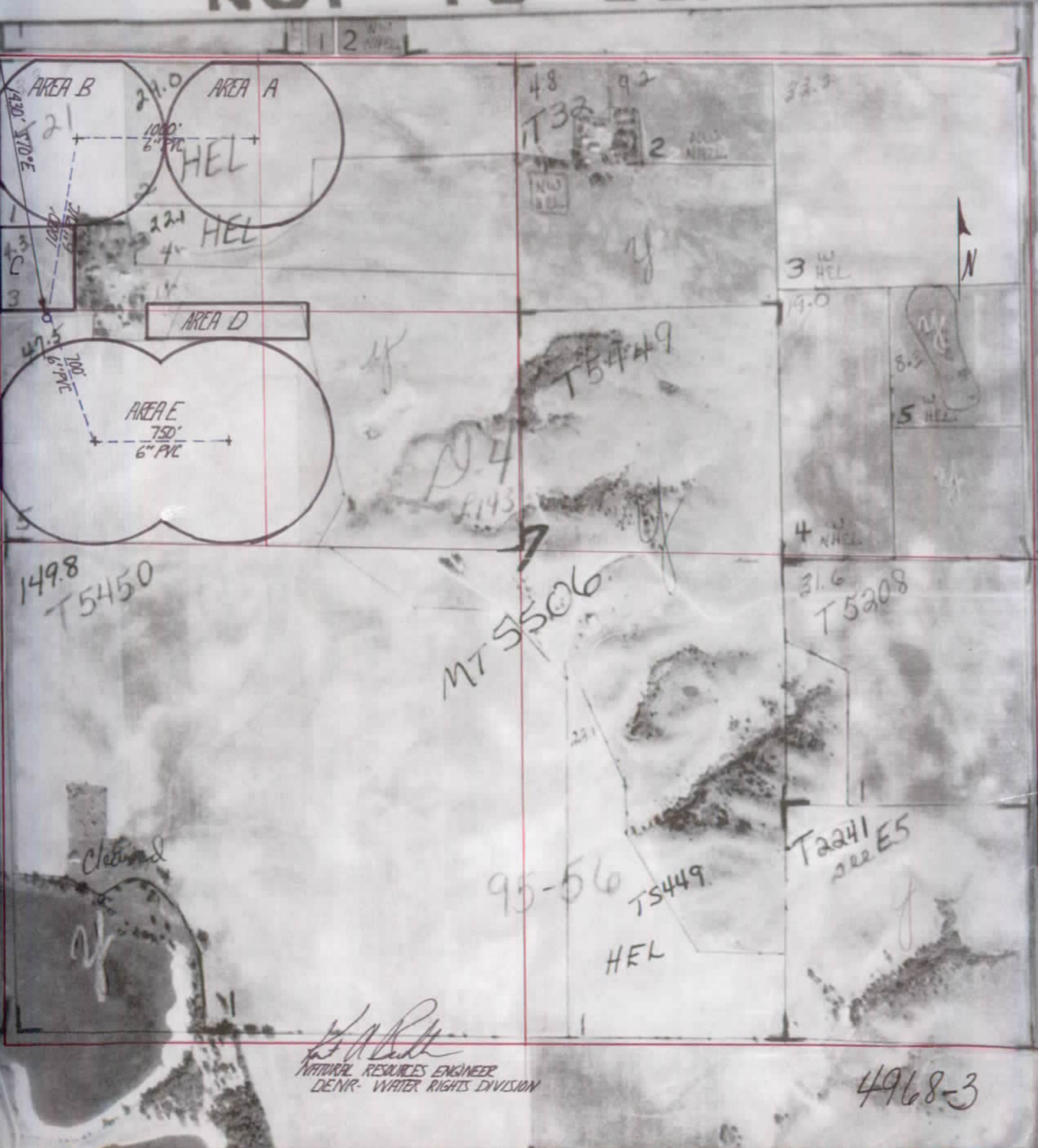
- 1) Does chemigate Y/N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N
- 2) Special qualifications to permit being abided by Y/N
- 3) All structures, wells and lands on map Y/N
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N

1993

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 9, 1995

4968-3

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

Dear Mr. Kulish:

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 No. 4968-3, has been completed. Your final water right document, the Water License, can now be issued.

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.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

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,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

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

RECEIPT

414510

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____

May 26, 1995

RECEIVED OF Dawn Kulish, Rte 1 Box 138B, Utica, SD 57067

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 _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4968-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By

Chief Engineer

John H. H. H.



SEP 6 1995

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4968-3

(1) Donald J Kulish of RR #1 Box 138B, Utica, SD 57067 made Application No. 4968-3, May 5, 1983 for a water permit to appropriate 0.66 cubic feet of water per second (cfs) from groundwater (one well - authorized under Water Permit No. 4802-3), Yankton County, South Dakota for irrigation purposes. Permit No. 4968-3, with a priority date of July 11, 1983 was approved October 5, 1983 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 5, 1988 and for the application to beneficial use of said water on or before October 5, 1992.

Water Permit No. 4802-3, with a priority date of August 24, 1981, authorizes diversion of 0.85 cfs from one well located in the SW 1/4 NW 1/4 Section 7, T95N, R56W to irrigate portions of the NW 1/4 Section 7. The applicable portions of Water Permit No. 4802-3 are incorporated into this Water License No. 4968-3. A priority date of August 24, 1981 is retained for diversion of 0.85 cfs and a priority date of July 11, 1983 is retained for the remaining 0.31 cfs.

(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 1.16 cubic feet of water per second for beneficial use. The location of the diversion point is 1430 feet S10°E of the NW corner of Section 7, T95N, R56W (SW 1/4 NW 1/4).

(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 **81 acres of land:**

T95N, R56W Section 7	NE 1/4 NW 1/4	8 acres
	NW 1/4 NW 1/4	29 acres
	SW 1/4 NW 1/4	37 acres
	SE 1/4 NW 1/4	7 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Donald J Kulish of RR #1 Box 138B, Utica, SD 57067 the holder and/or owner of Incorporated Water Permit No. 4968-3 is issued a license to appropriate water, the right to use 1.16 cubic feet of water per second from groundwater (one well) with priority dates of August 24, 1981 (0.85 cfs) and July 11, 1983 (0.31 cfs) from the location specified in (2) of this license. The water 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 Water Permit No. 4968-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division

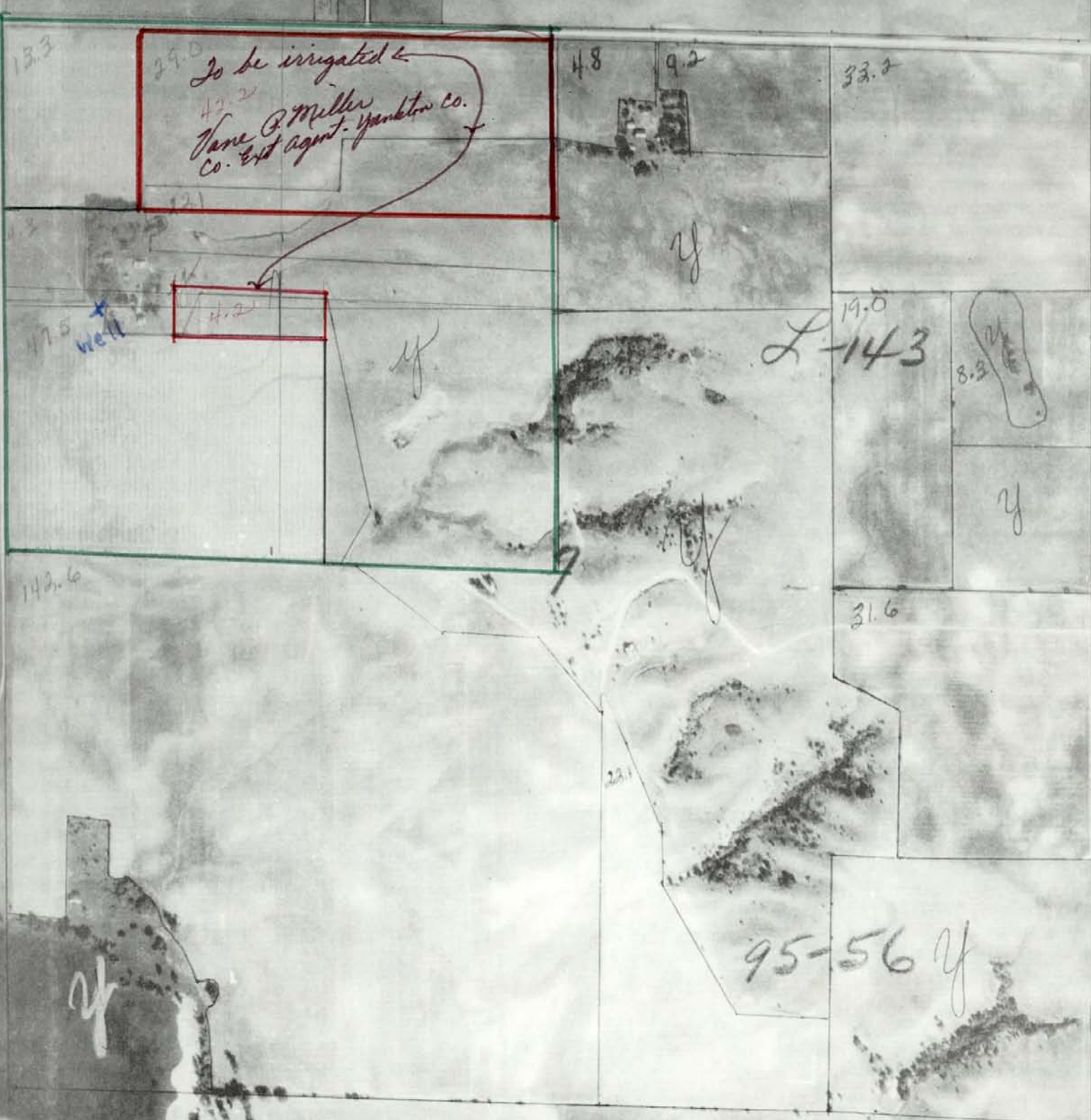
Department of Environment and Natural Resources

SEP 6 1995

date

NOT TO SCALE

95-56



Appl # Map # 4968-3