

Considered: _____

WATER PERMIT NO. 5367-3

MAP No. same 665-3872

Name of Applicant Robert Koletzky

Post Office Address 2300 E Hwy 50, Box 589, Yankton SD 57078

Amount of Water Claimed 3.42 cfs Total Acres 240

Source of Water Supply ground water - 1 well

Water to be used for irrigation County Yankton

About 3 miles W of Valin

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received 10/16/89 Fee 275⁰⁰ Remarks _____

Corrected Application Received 12/5/89 Period of Annual Use Apr 1 - Sept 30

WATER QUALITY APPROVAL RECEIVED APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS type on diversion point

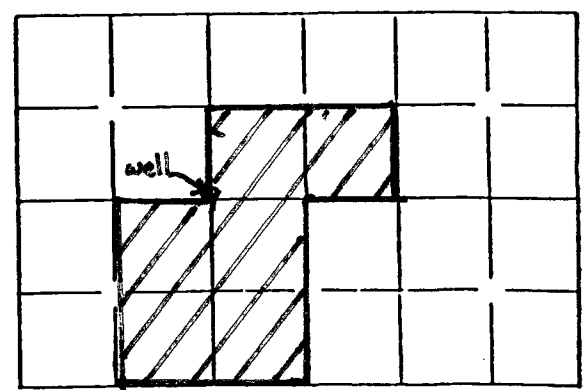
township

Diversion Point well: near center of section 9-

T94N-R54W

Land to be Irrigated E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$

section 9-T94N-R54W



Well Log: Driller Nichols well & pump Licensed YES ☒ NO _____

Depth of Well 110 feet REMARKS _____

Type of Map aerial photo PREPARED BY Charles Donnan Reviewed and the Number

assigned on December 27, 1989 By Ron Donnell

(See instructions)

No. 5367-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Yankton Daily Press & Dakotan, PO Box 56
57078

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

Type of Application:

- ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☒ Other Re Application 3855-3



Name of Applicant Robert Koletzky Phone No. 605-3872
Post Office Address 2300 East Hwy 50, Box 589 Yankton, SD 57078
(Sheet, RR or Box) (City) State Zip Code

2. Amount of water claimed (c.f.s.) 3.42 Total acres irrigated 240
3. Source of Water supply Well
4. Location of point of diversion Center of T94N - R54W Sect 9.

- County Yankton
5. Counties where water will be used Yankton
6. Annual period during which water is to be used April thru Sept 30
7. 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.
SE 1/4 of SW 1/4	40
NE 1/4 of SW 1/4	40
SW 1/4 of SE 1/4	40
NW 1/4 of SE 1/4	40

Land Description	No. Acres Irr.
SW 1/4 of NE 1/4 Sec 9	40 A
SE 1/4 of NE 1/4 Sec 9	40 A

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: X Gun: _____ Other: _____
9. Crops to be Irrigated: Alfalfa
10. Give a description of proposed project. (Attach sheet if more space is needed)

Center Pivot on E 1/2 of SW 1/4 and W 1/2 of SE 1/4 in Sec 9
then unit is to be turned to 80 A 1/2 Swing to S 1/2 of NE 1/4 Sec 9,

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

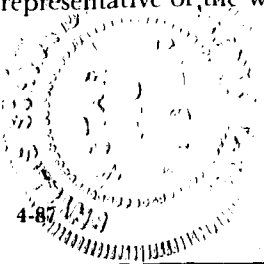
STATE OF SOUTH DAKOTA)
County of _____)

I, Robert Koletzky, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Robert Koletzky

Subscribed and sworn to before me this 13 day of October 1989

Phyllis Schwardt
Notary Public



SOUTH DAKOTA
WATER PERMIT No. 5367-3 FOR IRRIGATION

Date of first receipt of application October 16, 1989.

Date Soil/Water Compatibility Permit received December 5, 1989.

The Water Management Board approved Water Permit Application No. 5367-3 on March 7, 1990 for Robert Koletzky, 2300 E Hwy. 50, Box 589, Yankton SD 57078 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5367-3 appropriates 3.42 cubic feet of water per second from one well (Lower James-Missouri Aquifer) 110 feet deep to irrigate 240 acres. The well is to be located near the center of section 9; and the irrigated acreage is to be located in the E1/2 SW1/4, W1/2 SE1/4, S1/2 NE1/4 section 9; all in T94N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - September 30.
3. The date from which applicant may claim right is October 16, 1989.
4. One-fifth of the construction is to be completed on or before September 7, 1992.
5. All construction is to be completed on or before March 7, 1995.
6. Water is to be put to beneficial use on or before March 7, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: _____

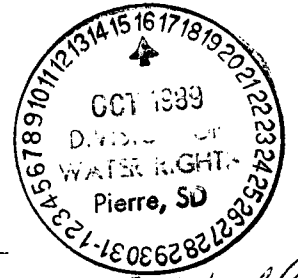
Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JUN 18 1990

(date)

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 6" test 20" Depth 110'
- b) Casing Type Steel Diameter 14" Thickness 219 Wall
- c) Screen Type Steel Diameter 14" Thickness 20"
- d) Gravel Pack Thickness 6" Length of Gravel Pack 85'
- e) Depth to Top of Water Bearing Material 90'
- f) Depth to Water (ground surface to water level) 110'
- g) Distance to nearest existing domestic well:
- On applicants property None On property owned by others 160 Rds

2. Dugout Information Estimates

- a) Surface Dimensions 0 Depth _____
- b) Depth to water (ground surface to water level) 20'

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

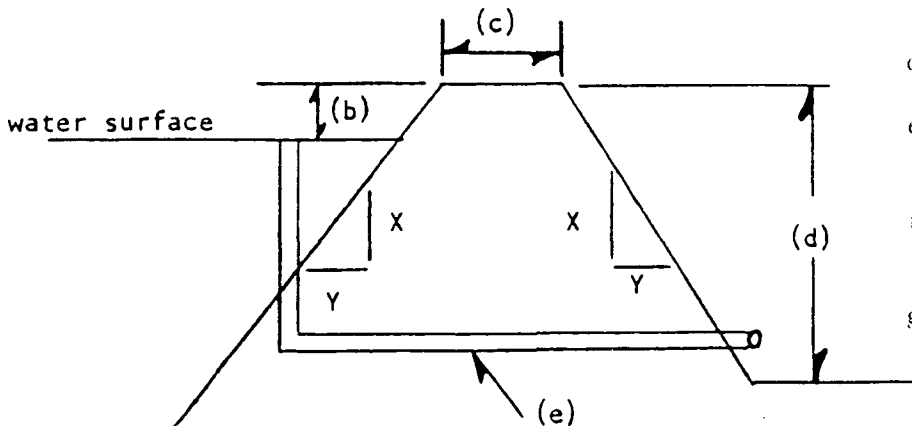
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant

Conversation or File Documentation

NAME OF PERSON OR FILE: Robert KoletzkyADDRESS: Box 589, Yankton SD 57078 COUNTY YanktonDATE: October 16, 1989 TELEPHONE 665-3872RE: Completion of permit application

COMMENTS:

Contacted Robert Koletzky regarding the location of the hole drilled by Nichols Wells Pump Co., the total number of acres to be irrigated and the diversion rate.

- 1) Mr. Koletzky indicated that the well log was for a hole within 600-800 feet of the center of sec. 9
- 2) Mr. Koletzky instructed me to change the total acreage from 200 to 240 acres with a diversion rate of 1 cfs / 70 ac (3.42 cfs)

12/27/89

Contacted Div. of Conservation regarding type on soil/water permit (T₉⁴/N). A connection is to be made to the S/W permit.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.



Monty:

Please find attached
all Permits.
The old permit was never
used.

RK



ROBERT KOLETZKY
Owner
W. 605-665-3872

KOLETZKY IMPLEMENT, INC.
P.O. Box 589
Ph. 665-3872
YANKTON, SOUTH DAKOTA 57078

FRED WEBER
Salesman
W. 605-665-3872
H. 605-267-4326

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

76-1850

WR#

4424

OWNERS NAME: Robert Koletzky OWNERS ADDRESS: 2300 E. Hwy. 50, Box 589
Yankton, SD 57078

COUNTY LAND LOCATED IN: Yankton PHONE: 605-665-3872

LEGAL DESCRIPTION:

1. LOCATION Center of 9-T94N-R54W

☒ Well

☐ Surface

Depth _____

Legal Description	Acres	Legal Description	Acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 9-T94N-R54W	40	NE $\frac{1}{4}$ SW $\frac{1}{4}$ 9-T94N-R54W	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 9-T94N-R54W	40	NW $\frac{1}{4}$ SE $\frac{1}{4}$ 9-T94N-R54W	40
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 9-T94N-R54W	40		
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 9-T94N-R54W	40		

2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: Alfalfa

WATER QUALITY:

4. WATER SAMPLE NUMBER: 76-1850

7. ADJUSTED (SAR): _____

5. SALINITY (EC X 10⁶): 1209

8. PERCENT SODIUM: 4.64

6. SODIUM (SAR): 0.27

Requirements:

The maximum allowable limits of salt and sodium buildup in the profile at the root zone (upper 12 inches of the soil profile) at the beginning of the growing season apply. They become applicable upon the issuing of a soil-water compatibility permit by the division or the commission.



☒ APPROVED ☒ REQUIREMENTS
☐ DISAPPROVED
☐ WAIVER

Director, Division of Conservation

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Date 12/4/89

Conversation or File Documentation

NAME OF PERSON OR FILE: ROBERT KOLETZKYADDRESS: YANKTON COUNTY YANKTONDATE: JAN 16, 1990 TELEPHONE (605) 665-3872RE: WR APPLICATION No. 5367-3

COMMENTS:

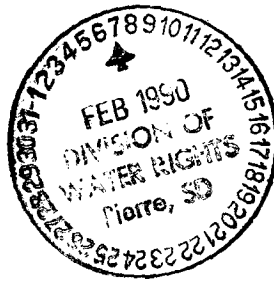
SPOKE TO MR. KOLETZKY ON THE PHONE ABOUT THE OVERLAP IN IRRIGATED ACRES FOR No. 5367-3 AND PERMIT No. 4742-3. HE BOUGHT THE LAND COVERED IN PERMIT No. 4742-3 FROM DAVID JUTTELSTAD (WHO HAS SINCE MOVED TO FLORIDA - (407) 747-7721). No. 4742-3 WAS NEVER USED SINCE THE IRRIGATION SYSTEM WAS NEVER CONSTRUCTED.

I INFORMED KOLETZKY THAT No. 4742-3 WILL HAVE TO BE CANCELLED PRIOR TO APPROVAL OF APPLICATION No. 5367-3

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Terry Jorgensen

TERRY JORGENSEN



2-5-90

Dear Sirs:

I am writing to you about Robert Kalezhy's application of an irrigation system located in $E\frac{1}{2}$, $SW\frac{1}{4}$ $W\frac{1}{2}$ $SE\frac{1}{4}$ $S\frac{1}{2}$ $NE\frac{1}{4}$ SECTION 9 all in T94N - R. 54W.

I am in the same section just to the east of his.

I have no objection to the irrigation going in. But what happens if he makes my well go dry to his pumping.

I have lived here for 20 years and have never had any water problems as of yet.

Sincerely yours
Mark Schneider



Department of Water & Natural Resources

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

February 8, 1990

Mark Schnider
RR 1, Box 99
Volin SD 57072

Dear Mr. Schnider:

I am writing in response to your letter dated February 5, 1990 regarding a water permit application for irrigation filed by Robert Koletzky.

Water use for domestic purposes in South Dakota takes precedence over appropriative rights such as irrigation. Assuming your well is used for household uses such as drinking, washing, sanitary and other household purposes, then your use of water is classified as a domestic use. Water use for domestic purposes can not exceed 18 gallons per minute on an average daily basis (26,000 gallons per day) with a maximum pump rate not greater than 25 gallons per minute.

You must also have an "adequate" domestic well in order to be protected from any adverse effect from an appropriative right. An adequate well is defined as a well that allows the inlet of the pump to be placed more than 20 feet into the saturated aquifer or formation material, if necessary. If the aquifer is less than 20 feet thick, then the inlet of the pump must be able to be placed as near to the bottom of the aquifer as is practical.

Enclosed is a copy of the Chief Engineer's recommendation and the report prepared for Application No. 5367-3. Qualification No. 2 on the recommendation is intended to address concerns regarding well interference problems.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ron Duvall".

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.

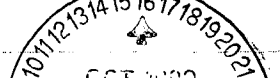
4104 Floyd Blvd.
SIOUX CITY, IOWA 51108

Phone 712 239-1212

No 5172

TO Bob Koletzky
Volin, SD 57072

INVOICE DATE	SALESMAN
9-23-76	
SHIP TO	



YOUR ORDER NO.	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS
QUANTITY	J.O. 3711			
	DESCRIPTION	UNIT PRICE	TOTAL	
110'	6" rotary test hole drilling to determine the location of the aquifer water table with written log	3.00	330.00	
	Tax exempt			
	Well log		This invoice due and payable upon receipt.	
	0'- 13' black silty clay		Payment must be returned within ten (10) days of invoice date to avoid finance charges.	
	13'- 18' dark yellow clay			
	18'- 57' large limestone gravel 1" sandy, sub-angular			
	57'- 58' black peat			
	58'- 65' thin bedded tan silty fine sand			
	65'- 76' medium angular sand			
	76'- 78' medium coarse sand w/ 3/8" gravel pebbles			
	78'- 82' Boulders			
	82'- 87' 3/8" subround gravel			
	87'- 88' hard cemented pyrite gravel broken calcite cuttings			
	88'- 105' coarse green round sand			
	105'- 110' 1/2" round gravel with coal			

ORIGINAL

Thank You

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411940

Pierre, October 16, 19 89

RECEIVED OF Robert Koletzky, 2010 Ross, Yankton, SD 57078

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

Fee for Application for Permit No. <u>5367-3</u> to Appropriate Water, to construct works and to put water to beneficial use	275	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 _____		
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	275 00

By

John Hatch/mra
Chief Engineer

John Hatch/mra

Well No. YA-78-6, Section 9, Township 94N, Rge. 54W

Well Driller RANDY (SDGS)
Date drilled 24 MAY 78 Dia. of Hole 4 3/4 , Dia. of Casing 2

Layers, To, 'o	Top in feet	Description of Layer	Sampled
0	3	TOP SOIL (BLACK)	
	10	CLAY (GRAY-BROWN-SILTY)	
	25	GRAVEL (COARSE-CLEAN)	RED BROWN
35	77	GRAVEL (MED-COARSE)	
77	95	GRAVEL (MED-COARSE W/COIL)	
(4 BAGS OF BENTONITE)			
30' ON DOWN			
CAVING BADLY - WELL AT BOTTOM			

Depth to saturated material	_____	Feet
Depth to static water level	_____	Feet
Total depth of drill hole	<u>95</u>	Feet
Total length of casing installed	<u>85</u>	Feet

Well Point	<u>✓</u>	Waste Mounded	<u>✓</u>
Casing Packed	<u> </u>	Air Hole	<u> </u>
Bentonite Placed	<u> </u>	Padlocked	<u> </u>
Well Tested	<u> </u>	Post set	<u>✓</u>
Stick up	<u> </u>		

JAG
Signed

REPRODUCTIONS:

REDUCTION

251

ROLL NO. 5

$$\frac{5}{11} = \frac{5 \div 5}{11 \div 5} = \frac{1}{2.2}$$

Alumina Polymers

10-85

Date 4-4-91

REPORT ON APPLICATION NO. 5367-3

Robert Koletzky
January 16, 1990

Application No. 5367-3 proposes to appropriate 3.42 cubic feet of water per second (cfs) from one well (Lower James-Missouri Aquifer) 110 feet deep to irrigate 240 acres. The well is to be located near the center of section 9; and the acreage to be irrigated is located in the E1/2 SW1/4, W1/2 SE1/4, S1/2 NE1/4, section 9; all in T94N, R54W, Yankton County, South Dakota.

DISCUSSION

A portion of the W1/2 SE1/4 to be irrigated under this application, if approved, was covered under Water Right Permit No. 3855-3. However, on October 16, 1985 that permit was cancelled by the Water Management Board because the system was never constructed. The proposed system in the present application is a center pivot which will irrigate the lands in the SW1/4 and SE1/4 and then be towed to the NE1/4 where it will operate in windshield wiper fashion for the remaining acreage.

AQUIFER Lower James-Missouri Aquifer (LJM)

AQUIFER INFORMATION AND CHARACTERISTICS

The Lower James-Missouri Aquifer is a glacial outwash deposit that underlies 238 square miles (152,320 acres) in Yankton County (Bugliosi, 1986). There is an estimated 2,081,250 acre-feet of water in storage in the formation (Hedges, 1982). It is hydraulically connected to the Lower Vermillion-Missouri in Clay County and evidence indicates a hydraulic connection with the Tyndall-Scotland Aquifer in northeastern Bon Homme County. Application No. 5367-3 proposes a well in the southern portion of the formation.

In this region, the outwash deposits have a uniform total thickness of about 100 feet with water levels approximately 20 feet below ground surface (Bugliosi, 1986). The well logs submitted by the applicant and a Division of Water Rights observation well (YA78-F) maintained in this area confirm this. The formation is under water table conditions throughout the southern portion with expected well yields of at least 500 GPM.

REVIEW OF AREA WATER RIGHTS

According to the 1988 Irrigation Report, there were 23 permits in the Lower James-Missouri Aquifer with a total appropriation of 9,362.1 acre-feet per year (less than 1% of the recoverable water in storage). The reported irrigation pumpage from the formation

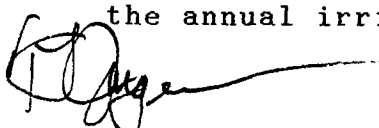
was 2,044.8 acre-feet in 1988. Area permits (within a one mile radius) that use this aquifer for irrigation are as follows:

3343-3	Alec Solberg	2.0 cfs	130 acres
3399-3	Roy Juttelstad	2.0 "	145 "
4603-3	Alec Solberg	0.5 "	37 "
4742-3	David Juttelstad	2.3 "	160 "
4782-3	Warren Broderson	1.8 "	127 "

Permit No. 4742-3 and this application have overlapping areas of irrigated land. The S1/2 NE1/4 and NE1/4 SW1/4 are presently covered under permit No. 4742-3 (approved in 1981). However, this system was never constructed within the statutory time limit of 5 years as outlined in SDCL 46-2A-8 and is subject to cancellation. The land has since been purchased by the applicant for use as proposed in this application. The other area water rights should not be subject to well interference with the addition of the proposed diversion point in application No. 5367-3 since water table conditions prevail in this region.

CONCLUSIONS

1. Water Permit No. 4742-3 is recommended for cancellation since irrigation works were never constructed pursuant to SDCL 46-2A-8.
2. Water is available in the Lower James-Missouri Aquifer for further appropriations.
3. There should not be any well interference problems caused by the addition of the proposed diversion point in application No. 5367-3.
4. It is recommended that application No. 5367-3 be approved to irrigate 240 acres at a diversion rate of 3.42 cfs.
5. Approval of this application is subject to the completion of the annual irrigation questionnaire.



Terry L. Jorgensen
Natural Resources Engineer
Division of Water Rights

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

REFERENCES

Division of Water Rights, 1989, Observation Well Files, DWNR,
Division of Water Rights, Joe Foss Building, Pierre, SD.

Division of Water Rights, 1988, Irrigation Report by Aquifer,
DWNR, Division of Water Rights, Joe Foss Building, Pierre,
SD.

Bugliosi, Edward F., 1986, Water Resources of Yankton County,
South Dakota, U.S. Geological Survey, Huron, SD.

Hedges, L.S, Burch, S.L., Iles, D.L., Barari, R.A., 1982,
Evaluation of Groundwater Resources in Eastern South Dakota
and Upper Big Sioux River, South Dakota and Iowa, U.S. Army
Corps of Engineers contract No. DACW 45-80-C0185, DWNR,
Office of Geological Survey, Vermillion, SD.

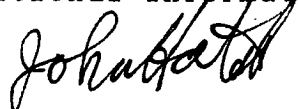
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5367-3, Robert Koletzky

Pursuant to SDCL 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. 5367-3, Robert Koletzky, 2300 East Hwy 50, Box 589, Yankton SD.

The Chief Engineer is recommending APPROVAL of Application No. 5367-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
January 16, 1990



Department of Water & Natural Resources

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

January 18, 1990

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.

Robert Koletzky
2300 E Hwy 50, Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

Water Permit Application No. 5367-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Yankton Daily Press & Dakotan printed at Yankton SD. For your information, a copy of the notice is enclosed. Copies of the report and the Chief Engineer's recommendation are also enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

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

January 18, 1990

Yankton Daily Press & Dakotan
Box 56
Yankton, SD 57078

ATTN: Legal Publications:

Enclosed is a Notice of Hearing on Application No. 5367-3 to be published twice. Please publish the first notice on or before January 25, 1990 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Robert Koletzky, 2300 E Hwy 50, Box 589, Yankton, SD 57078.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before January 25, 1990 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5367-3 to Appropriate Water

Notice is given that Robert Koletzky, 2300 E Hwy 50, Box 589, Yankton, SD 57078 has filed an application for a water permit to appropriate 3.42 cubic feet of water per second from one well (Lower James-Missouri Aquifer) 110 feet deep to irrigate 240 acres. The well is to be located near the center of section 9; and the acreage to be irrigated is located in the E1/2 SW1/4, W1/2 SE1/4, S1/2 NE1/4 Section 9; all in T94N-R54W.

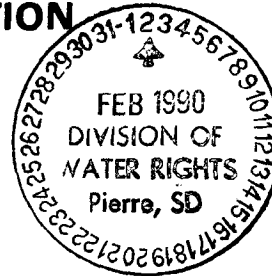
Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5367-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt - Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by February 23, 1990. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by February 23, 1990.

This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Yankton)I, Robert C. Helsleycertify that the attached printed Notice was taken
from the Yankton Press & DakotanA newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the Yankton Press & Dakotan of Yankton, SDCounty of Yankton and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:January 25, 1990January 31, 1990Robert C. Helsley
(Signature)Editor & Publisher
(Title)1/31/90
(Date Signed)

Notice is given that Robert Koletzky, 2300 E. Hwy. 50, Box 589, Yankton, SD 57078 has filed an application for a water permit to appropriate 3.42 cubic feet of water per second from one well (Lower James-Missouri Aquifer) 110 feet deep to irrigate 240 acres. The well is to be located near the center of section 9; and the acreage to be irrigated is located in the E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9; all in T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5367-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in the Roosevelt-Jefferson Room, Howard Johnson, 2211 LaCrosse, Rapid City, SD on March 7, 1990 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

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This application is made pursuant to 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; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Cost of Printing: 2 days 7" @ 3.05 42.70



Department of Water & Natural Resources

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

JUN 18 1990

Robert Koletzky
2300 E Hwy 50
Box 589
Yankton SD 57078

Dear Mr. Koletzky:

Enclosed is Water Permit No. 5367-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John Hatch".

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

enclosures

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.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 6-20-90TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181FROM: Robert Kletzky Box 589 Yankton, S.D.
name address city

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5367-3.

Water Permit No. 5367-3 states that the diversion system is to be constructed by is no complete, and that the water it put to beneficial use by May 1990.

The diversion system was completed on May 1990.
Applying the water to beneficial use was completed on May 1990.

You may schedule an inspection so that the Water License may be issued.

Robert Kletzky
signature

REPORT ON INSPECTION OF PERMIT NO. 5367-3

DATE OF INSPECTION: August 1, 1995

Other permit(s) associated with the project:

DIVERSION POINT LEGAL LOCATION: 2950' N63°W from the SE corner of Sec. 9, T94N-R54W
(SW¹/₄ SW¹/₄ NW¹/₄ SE¹/₄ Sec.9, T94N-R54W)

WELL INFORMATION:

- 1) Well Drilling Firm: Wetmore Drilling
- 2) No. of Wells one
- 3) Depth(s) 122 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 82 feet
- 3) Type PVC

Screen:

- 1) Type PVC
- 2) Length 40 feet
- 3) Static water level 24 feet

Pump:

- 1) Make Sargent Turbine Pump
- 2) Model 2 Stage, 12SA Bowl with Trim
- 3) Size 12 inch
- 4) Capacity 1000 GPM @ 40 PSI

Motor:

- 1) Make High Thrust, U.S. Electric Motors
- 2) Model No. 6232 / T03S275R015R-17
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type Aluminum
- 2) Size 8 inches
- 3) Length 10 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Valley 6000
- 2) Overall length 1280 feet
- 3) Number of towers 7
- 4) End gun Nelson 100
- 5) High or low pressure low (40psi)
- 6) Capacity 1000 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Permit No. 5367-3
Vermillion River - Water District

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

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

I have this day, August 1, 1995, made a thorough examination of the water use system constructed by Robert Koletzky of 2300 East Hyw 50, Box 589, Yankton SD 57078 holder of Permit No. 5367-3, bearing the priority of October 16, 1989 authorizing the diversion of 3.42 cu. ft. per second of 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 16" diameter well 122 feet deep located 2950' N63°W from the SE corner of Sec. 9, T94N-R54W, (SW¼ SW¼ NW¼ SE¼ Sec.9, T94N-R54W). The well uses a 12 inch diameter, 2 stage, Sargent Turbine Pump powered by a 50 HP U.S. Electric motor.

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

Water is transported through 10' of 8" diameter aluminum pipe from the well to a pivot point located in the SE¼ SE¼ NW¼ NE¼ Sec. 9, T94N-R54W

C. Works used to apply water to beneficial use:

Water is applied to beneficial use through a 7 tower Valley 6000, low pressure center pivot system. The system is 1280 feet long and uses a Nelson 100 end gun.

The system is in the following condition good. The point of diversion is located 2950' N63°W from the SE corner of Sec. 9, T94N-R54W, (SW¼ SW¼ NW¼ SE¼ Sec.9, T94N-R54W). The works are capable of diverting and conveying to the place of use 2.23 cu. ft. per second of water which is to be used for irrigation.

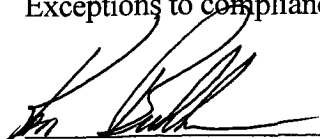
Water has been put to beneficial use to the maximum extent as follows:

<u>NW¼SE¼ Sec. 9, T94N-R54W</u>	<u>33 acres</u>
<u>SW¼SE¼ Sec. 9, T94N-R54W</u>	<u>33 acres</u>
<u>NE¼SW¼ Sec. 9, T94N-R54W</u>	<u>33 acres</u>
<u>SE¼SW¼ Sec. 9, T94N-R54W</u>	<u>33 acres</u>

comprising a total of 132 acres of land and the license should be issued for 1.88 cfs

Applicable permit qualifications have been complied with: YES

Exceptions to compliance are: NA



Ken Buhler
Natural Resources Engineer
DENR, Water Rights Program

2/5/96

Date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 30 1996

Robert Koletzky
P.O. Box 589
Yankton, SD 57078-0589

Dear Mr. Koletzky:

Enclosed is Water Permit No. 5923-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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 the Water License may be issued, thus completing your acquisition of a Water Right.

The final inspection has been completed on Permit No. 5367-3 and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, Water License No. 5367-3 will be sent to you.

Very truly yours,

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

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

RECEIPT

414981

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, June 5, 19 96

RECEIVED OF Robert Koletzky, P.O. Box 589, Yankton, SD 57078

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>5367-3</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 John Hatfield
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5367-3

(1) Robert Koletzky, PO Box 589, Yankton SD 57078-0589 made Application No. 5367-3, October 16, 1989 for a water permit to divert 3.42 cubic feet of water per second from groundwater (one well), Yankton County, South Dakota for irrigation purposes. Permit No. 5367-3, with a priority date of October 16, 1989 was approved March 7, 1990 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 1995 and for the application to beneficial use of said water on or before March 7, 1999.

The permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on June 22, 1990. The "*Notice*" stated the diversion system was completed and the water placed to beneficial use in May, 1990.

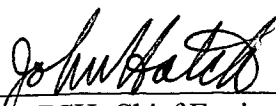
The permit was readvertised May 6 and 13, 1996 to correct an error on the original notice of hearing in the legal description of the diversion point.

(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 1.88 cubic feet of water per second for beneficial use. The location of the diversion point is 2,950 feet north 63 degrees west from the southeast corner of Section 9-T94N-R54W (NW 1/4 SE 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 land:

Section 9-T94N-R54W	NW 1/4 SE 1/4	33 acres
	SW 1/4 SE 1/4	33 acres
	NE 1/4 SW 1/4	33 acres
	SE 1/4 SW 1/4	33 acres
Total		132 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Koletzky, PO Box 589, Yankton SD 57078-0589 the holder and/or owner of Water Permit No. 5367-3 is issued a license to appropriate water, the right to use 1.88 cubic feet of water per second from groundwater (one well) with a priority date of October 16, 1989 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 Water Permit No. 5367-3 and subject to South Dakota State Law.


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 2 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 2 1996

5367-3

Robert Koletzky
P.O. Box 589
Yankton, SD 57078-0589

Dear Mr. Koletzky:

Enclosed is Water License No. 5367-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414981 in the amount of \$50.00 which you paid for the investigation 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. 5367-3, 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 Program
(605) 773-3352

ks
enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

FEB 22 1999

5971-3

Robert Koletzky
Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

Enclosed is Water License No. 5971-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 416007 in the amount of \$50.00 which you paid for the investigation 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. 5971-3, 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 Program
(605) 773-3352

ks
enclosures

NOTE: The applicable portions of Water Right No. 5367-3 and Water Permit No. 5923-3 are incorporated into No. 5971-3.

1993

27.0 T1467

50.0

32.7
T1600
see L7
40.0

W
NHSL

MAP FOR WATER RIGHT 5367-3
SEC 9, T94N-R54W

W
NHSL

15.4
T245

NHSL
NW
23.6

76.0
T5523

NW
NHSL

K-7
R94

9

2 NW
NHSL

34.6
T5524

EXTENT OF IRRIGATION

40.0
T5523

33 ACRES

54.5
54.5
33 ACRES

T1469

Ken Buhler
KEN BUHLER
NATURAL RESOURCES ENGINEER
DENR - WATER RIGHTS PROGRAM

1

1 NW
NHSL

WELL

48

28.5
T5525

35.1
T5526

33 ACRES

1 NW
NHSL
33 ACRES

94-54

29.50' N63°W

2

1 NW
NHSL

FARM SITE
CLEARED

2 NW
NHSL

71.4

5367-3