

WATER PERMIT NO. 5923-3

Name of Applicant: **Robert Koletzky**

Address: **Box 589, Yankton SD 57078**

Phone: **665-3872**

Amount of Water Claimed: **1.14 cfs**

Total Acres: **80 acres**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **irrigation**

County: **Yankton**

Type of Waste Disposal System: **NA**

Location: **8 miles northeast of Yankton**

PRIORITY

Date Received: **3-25-96**

Fee: **\$225.00**

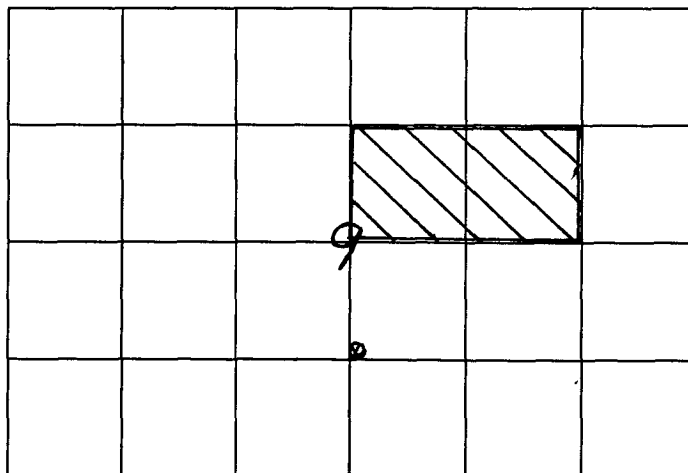
Corrected Application Received: **4-1-96**

Period of Annual Use: **May 1 - Sept 30**

Remarks: **Proposes to use the well authorized by Water Permit No. 5367-3**

Diversion Point: **NW 1/4 SE 1/4 Sec 9-T94N-R54W**

Land to be Irrigated: **S 1/2 NE 1/4 Sec 9-T94N-R54W**



Depth of Well: **122 feet deep**

Well Driller: **Wetmore Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Kathy Helgerm, CFSA**

Reviewed and the Number Assigned on: **4-2-96**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 5923-3

Date of first receipt of application March 25, 1996.

Date of return to applicant for corrections, amendments or changes March 26, 1996.

Date of receipt of corrected application April 1, 1996.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5923-3 to Robert Koletzky, PO Box 589, Yankton SD 57078-0589 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. 5923-3 appropriates 1.14 cubic feet of water per second (cfs) from one existing well (Lower James-Missouri Aquifer) 122 feet deep located in the NW 1/4 SE 1/4 Section 9 to irrigate 80 acres located in the S 1/2 NE 1/4 Section 9; all in T94N-R54W. The same acreage is authorized by Water Permit No. 5367-3, however, the irrigation system for the S 1/2 NE 1/4 Section 9 was not constructed in the time authorized by the water permit. The applicant refiled for the irrigation of these 80 acres. This permit also specifies that the correct location of the well authorized by Permit No. 5367-3 and this permit as being in the NW 1/4 SE 1/4 Section 9-T94N-R54W.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: May 1 - September 30.
3. The date from which applicant may claim right is March 25, 1996.
4. The date of approval of Permit No. 5923-3 is May 23, 1996.
5. One-fifth of the construction is to be completed on or before November 23, 1998.
6. All construction is to be completed on or before May 23, 2001.
7. Water is to be put to beneficial use on or before May 23, 2005.
8. 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 approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 30 1996

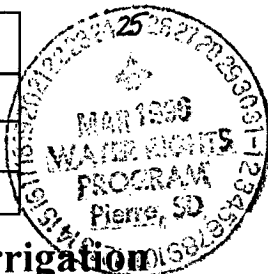
date



828 3/18

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5923-3</u> Hydrologic Unit <u>10/70/02</u>
	Basin <u>Vermillion River</u>
	Newspaper <u>Daily Press & Dakotan, Yankton, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)

this has been approved once I didn't get NO PIVOT in before
Time Ran out

1. Name of Applicant Robert Koletzky ☒ Owner ☐ Tenant/Lessee Phone 665-3872
(check one)
- Mailing Address East Hwy 50 - Box 589 Yankton, SD State SD 57078
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.14 *CFS or 1000 **GPM ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Existing Well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
E 1/2 of SE 1/4 of SW 1/4 Sect 9. (NW 1/4 SE 1/4) Sec. 9-T94N-R54W 1 well in W 1/2 of
County Yankton, SD
5. County or counties where water will be used Yankton
6. Annual period during which water is to be used May thru Sept 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
Sect 9 - T94N-R54W Vol 1	40	W 1/2 of S 1/2 of NE 1/4	
Sect 9 - T94N-R54W Vol 1	40	E 1/2 of S 1/2 of NE 1/4	
<u>S 1/2 NE 1/4 Sec. 9-T94N-R54W</u>	<u>80</u>		

8. Give a description of the project. (Attach sheet if more space is needed)

Pump + well no in Sect 9 will be used to deliver water
to the 80A No. of 1/4 NO under Irrg the No unit will be
Windshield wiper!

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Yankton SS

I, Robert Koletzky, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

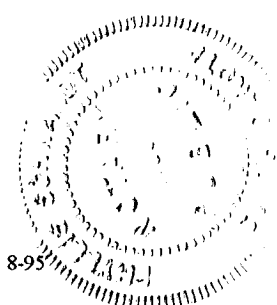
Signed

Robert Koletzky

Subscribed and sworn to before me this

21st day of March 1996

Phyllis Schwanke
Notary Public



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth Existing pump & well to be used
located at Sect 9 - 94 54 10 1/4 in.
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

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

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to 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

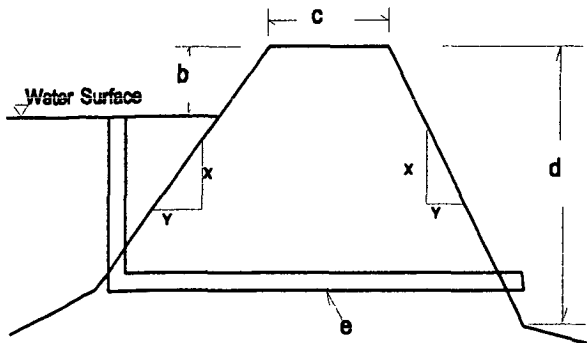
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





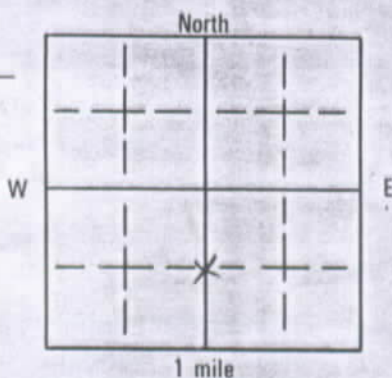
SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location E 1/2 SW 1/4 W 1/2 SE 1/4 Twp 94N Rg 54W

County _____

Please mark well location with an "X"

Well Completion Date 5-14-90

PROPOSED USE:

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

Method of Drilling:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>General 10 FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>122 FT</u>	<u>24 IN</u>
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20' FEETWhat is grouting material? cementIf cement, number of sacks? 21Describe grouting procedure pumped tremie pipeWhat was grout weight? 15.6 LB/GALSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 16 IN Length 40 FEETMaterial PVCSlot Size 100 Set From 82 Feet To 122 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☒ YES ☐ NOExplain chlorine 120 PPMBacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name ROBERT KOLETZKYAddress 2509 BURLEIGH ST
YANKTON, SD. 57078

Well Log:

Depth

Formation

From

To

<u>top soil</u>	<u>0</u>	<u>3</u>
<u>clay</u>	<u>3</u>	<u>59</u>
<u>fine sand</u>	<u>59</u>	<u>76</u>
<u>coarse sand + gravel</u>	<u>76</u>	<u>122</u>

STATIC WATER LEVEL 24 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ BailedDescribe: low shaft turbine☐ Other

Pumping Level Below Land Surface

41 ft. After 2 Hrs. pumped 1100 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 341

And this report is true and accurate.

Drilling firm Watson Drilling

Signature of License Representative:

James Watson

Signature of Well Owner:

Date 4-4-91

RECEIPT

414872

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 25, 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. <u>5925-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	225	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 _____		

(Any Other Work Provided by Law)	Total	225 00

By John Hatch
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1996

Robert Koletzky
Box 589
Yankton SD 57078

Dear Mr. Koletzky:

Enclosed is the map which you submitted with your water permit application. The map is being returned because it needs to be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure

Signed on Photo Copy

AK



December 11, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Robert Koletzky
PO Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

As we discussed, enclosed is a water permit application form to apply for additional acres to existing Water Permit No. 5923-3. Originally, Water Permit No. 5923-3 appropriated 1.14 cubic feet of water per second (515 gpm) to irrigate 80 acres. You purchased the adjacent 80 acres and intend to operate the center pivot full circle.

When applying for Permit No. 5923-3 you requested a greater pump rate than was allowed for irrigation of 80 acres but were limited by the statutory pump rate of 1.14 cfs for 80 acres. I assume that in addition to the increased irrigated acreage you will also increase the authorized pump rate. The fact that you are increasing the number of acres irrigated will allow a increased permitted pump rate. The statutory limit is 1 cfs per 70 irrigated acres.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program
(605) 773-3352

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 5923-3
for Robert Koletzky
April 8, 1996

Application No. 5923-3 proposes to appropriate 1.14 cfs (521 gpm) from one existing well approximately 122 feet deep located in the NW 1/4 SE 1/4 of section 9 to irrigate 80 acres located in the S 1/2 NE 1/4 of section 9; all in T94N R54W in Yankton County. This same acreage is authorized by Water Permit No. 5367-3, however, the irrigation system for the S 1/2 NE 1/4 of section was not constructed in the time authorized by that water permit. The applicant is now refiling for the irrigation of this 80 acres. This application also specifies that the correct location of the well authorized by Water Permit No. 5367-3 and this application as being in the NW 1/4 SE 1/4 of section 9, T94N R54W.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried glacial outwash (sand and gravel) under confined or artesian conditions at this site. The driller's log submitted with the application indicated clay from 3 to 69 feet, sand from 69 to 76 feet and coarse sand and gravel from 76 to 122 feet below land surface. The completed well had a static water level of 24 feet below land surface and was capable of producing 1100 gpm with 17 feet of drawdown (specific capacity of 64.7 gpm/ft of drawdown). In general, the Lower James Missouri aquifer may be under water table conditions or artesian conditions. Just to the south, the Lower James Missouri aquifer blends into the Missouri Elk Point aquifer which is predominantly unconfined and under water table conditions. The Lower James Missouri aquifer is hydraulically connected to the Lower Vermillion Missouri aquifer to the east, the Missouri Elk Point aquifer to the south, extends into Bon Homme and Hutchinson Counties to the west and north and to the James and Missouri Rivers. The Lower James Missouri aquifer underlies 238 square miles in Yankton County (Bugliosi, 1986). The Bugliosi report refers to the northern and southern portions of the Lower James Missouri aquifer. These divisions roughly coincide with the management units of the Hedges report. The northern portion refers to the Lower James Missouri of Hedges and the southern portion refers to the Missouri Elk Point of Hedges. The Lower James Missouri aquifer contains an estimated 2.1 million acre feet of recoverable water in storage and the Missouri Elk Point contains an estimated 675,000 acre feet of recoverable water in storage in Yankton County (Hedges, 1982).

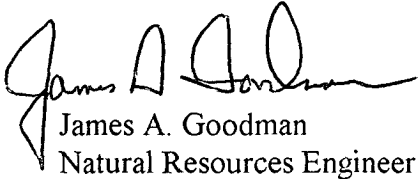
The Water Rights Program monitors an observation well YA-78F which is located within one half mile of this application and completed into the Missouri Elk Point aquifer. The water level record for this well shows good correlation with climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1996). A hydrograph for this well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are five existing water permits/rights within a one mile radius of this application. Interference is not a concern. These are Water Permit Nos. 4782A-3, 4782B-3, 3399-3, 3343-3 and 4603-3. Drawdown created by pumping is not significant. This is shown by the observation well record. All these permits/rights have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. Interference is not expected to be a concern. This is an existing well and has been in use for many years with no apparent problems.
3. The well for this application is completed in accordance with SD Well Construction Standards.



James A. Goodman
Natural Resources Engineer

BIBLIOGRAPHY

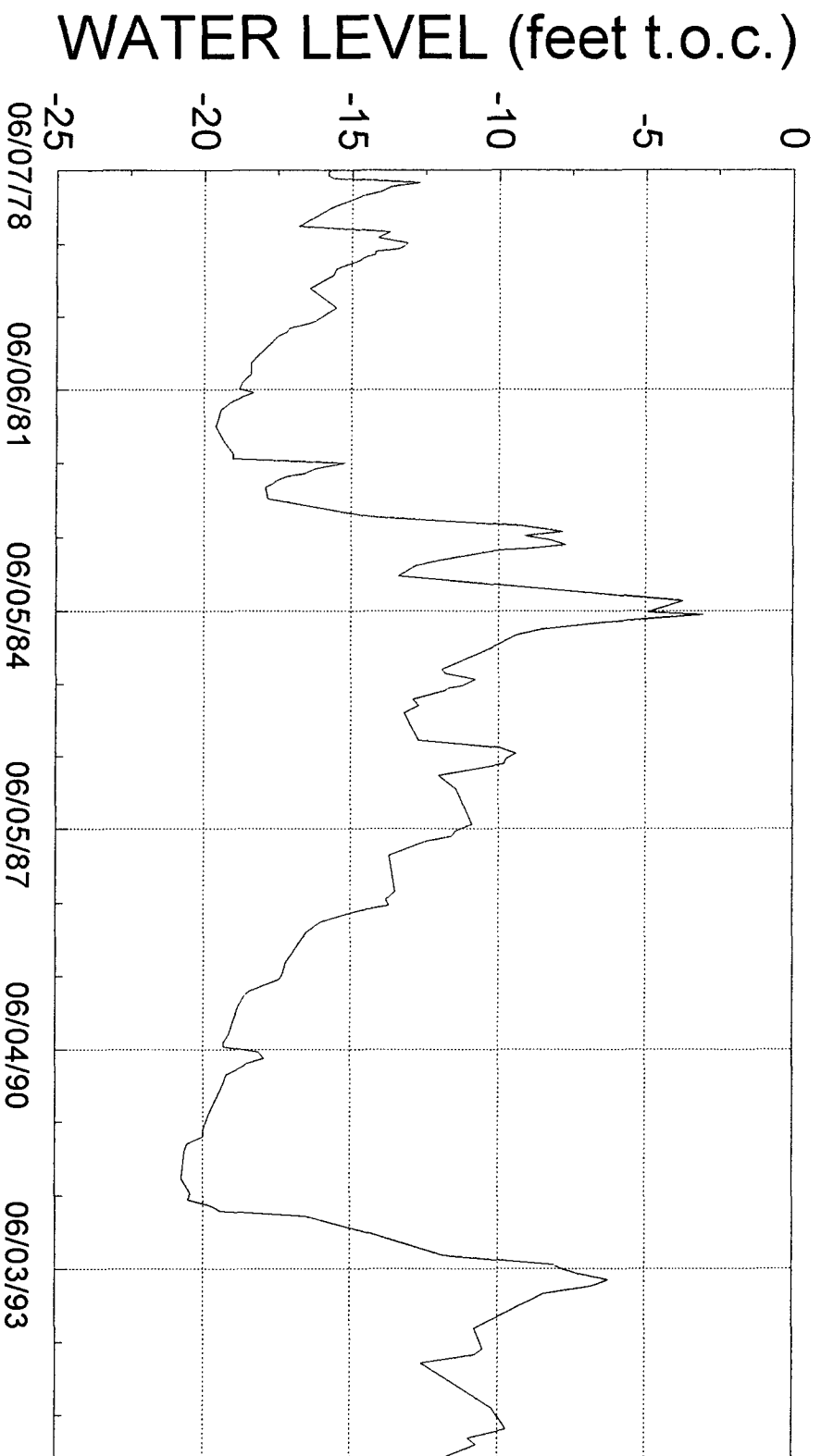
Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, USGS WRI 84-4241, USGS, Huron, SD, 57350.

Hedges, L.S., et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1996, Unpublished Observation Well Data for Yankton County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

YA-78F



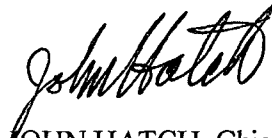
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5923-3, Robert Koletzky**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 5923-3, Robert Koletzky, Box 589, Yankton, SD 57078.

The Chief Engineer is recommending APPROVAL of Application No. 5923-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
April 24, 1996



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

April 26, 1996

Robert Koletzky
Box 589
Yankton, SD 57078

Dear Mr. Koletzky:

Water Permit Application No. 5923-3 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 Daily Press & Dakotan printed at Yankton, SD (Ph # (605) 665-7811). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are 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. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 1996

Daily Press & Dakotan
P.O. Box 56
Yankton, SD 57078-0056

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5923-3 to be published twice. Please publish the first notice on May 6, 1996, 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, Box 589, Yankton, SD 57078 (Ph # (605) 665-3872).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. 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. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Program
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 May 6, 1996, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5923-3 to Appropriate Water

Notice is given that Robert Koletzky, Box 589, Yankton, SD 57078 has filed an application for a water permit to appropriate 1.14 cubic feet of water per second (cfs) from one existing well (Lower James-Missouri Aquifer) 122 feet deep located in the NW 1/4 SE 1/4 Section 9 to irrigate 80 acres located in the S 1/2 NE 1/4 Section 9; all in T94N-R54W. The same acreage is authorized by Water Permit no. 5367-3; however, the irrigation system for the S 1/2 NE 1/4 Section 9 was not constructed in the time authorized by the water permit. The applicant is now refiling for the irrigation of this 80 acres. This application also specifies that the correct location of the well authorized by Permit No. 5367-3 and this application as being in the NW 1/4 SE 1/4 Section 9-T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5923-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 23, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

Form 8

5+6+13
NOTICE OF APPLICATION NO. 5923-3
to Appropriate Water

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Yankton) SS

I, Tonya M. Schild

certify that the attached printed Notice was
taken from the Yankton Daily Press
& Dakotan

printed and published in Yankton

County of Yankton and State of

South Dakota. The notice was published in
the newspaper on the following two dates:

May 6, 1996 & May 13, 1996

Cost of Printing: \$46.32

Tonya M. Schild
(Signature)

Accounting Clerk
(Title)

May 14, 1996

(Date Signed)

Notice is given that Robert Koletzky, Box 589, Yankton, SD 57078 has filed an application for a water permit to appropriate 1.14 cubic feet of water per second (cfs) from one existing well (Lower James-Missouri Aquifer) 122 feet deep located in the NW 1/4 SE 1/4 Section 9 to irrigate 80 acres located in the S 1/2 NE 1/4 Section 9, all in T94N-R54W. The same acreage is authorized by Water Permit No. 5367-3; however, the irrigation system for the S 1/2 NE 1/4 Section 9 was not constructed in the time authorized by the water permit. The applicant is now refiling for the irrigation of this 80 acres. This application also specifies that the correct location of the well authorized by Permit No. 5367-3 and this application as being in the NW 1/4 SE 1/4 Section 9-T94N-R54W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5923-3 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. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief engineer's address is "Water Rights Program, Foss Building, 523 e. Capitol, Pierre, SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by May 23, 1996.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.





**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.



**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.