

WATER PERMIT NO. 6064-3

Name of Applicant: Harley Kats

Address: 2651 310th St, Rock Valley IA 51247

Phone: 712 476-5788

Amount of Water Claimed: 3.55 cfs Total Acres: 320

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation County: Lincoln

Type of Waste Disposal System: NA

Location: 1/2 southwest of Hudson

PRIORITY Date Received: 3-17-1998

Fee: \$325

Corrected Application Received: 3-25-1998

Period of Annual Use: June 1 - September 30

Remarks:

Diversion Point: SE 1/4 SE 1/4 Sec 23-T96N-
R48W

Land to be Irrigated: E 1/2 Sec 23-
T96N-R48W

Depth of Well: 36 & 37 feet deep

Well Driller: Lacey Well Drilling

Remarks:

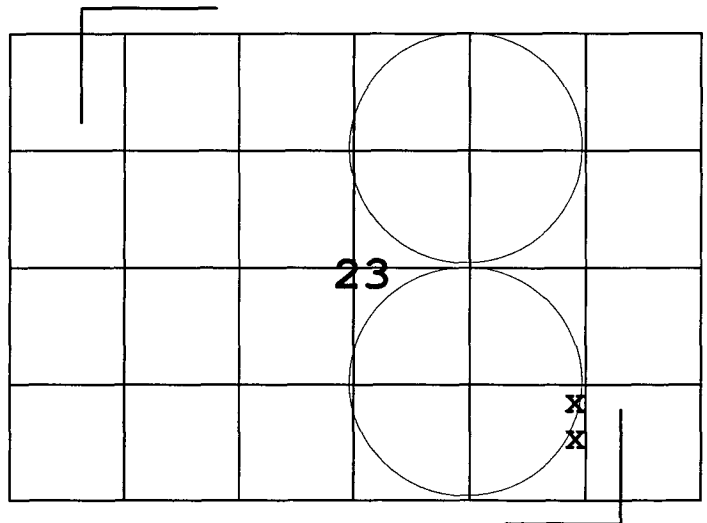
Type of Map: aerial

Prepared by: Lynn Chitson, Lincoln Co. FSA

Reviewed and the Number Assigned on: 3-25-1998

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 6064-3**

Date of first receipt of application March 17, 1998.

Date of return to applicant for corrections, amendments or changes March 17, 1998.

Date of receipt of corrected application March 25, 1998.

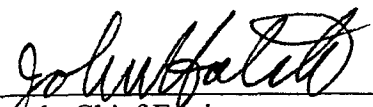
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6064-3 to Harley Kats, 2651 310th St, Rock Valley IA 51247 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6064-3 appropriates 1.78 cubic feet of water per second from two wells (Big Sioux:South Aquifer) 36 and 37 feet deep located in the SE ¼ SE ¼ Section 23 to irrigate 320 acres located in the E ½ Section 23; all in T96N-R48W.
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: June 1 – September 30.
3. The date from which applicant may claim right is March 17, 1998.
4. The date of approval of Permit No. 6064-3 is June 8, 1998.
5. One-fifth of the construction is to be completed on or before November 8, 2000.
6. All construction is to be completed on or before June 8, 2003.
7. Water is to be put to beneficial use on or before June 8, 2007.
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 wells 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. The wells authorized by Permit No. 6064-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

JUN 22 1998
date



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>6064-3</u> Hydrologic Unit <u>10170203</u>
	Basin <u>Sioux River</u>
	Newspaper <u>The Hudsonite, Hudson, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

1. Name of Applicant HARLEY KATS ☒ Owner ☐ Tenant/Lessee Phone 712-476-5788
Mailing Address 2651 310TH ST ROCK VALLEY State IA 51242
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 320
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply 2 WELLS
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) 2 WELLS
SE 1/4 SE 1/4 SECTION 23-T-96-N-13-48-W County LINCOLN SD
EDEN TOWNSHIP
5. County or counties where water will be used LINCOLN
6. Annual period during which water is to be used JUNE 1 - 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)

NORTH E 1/4 Land Description	Acres	SOUTH E 1/4 Land Description	Acres
NE 40	40	NE 40	40
SE 40	40	SE 40	40
SW 40	40	SW 40	40
NW 40	40	NW 40	40

8. Give a description of the project. (Attach sheet if more space is needed)
PROPOSE TO WATER NE 1/4 & SE 1/4 WITH CENTER PIVOT

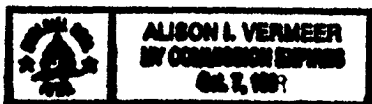
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF ~~SOUTH DAKOTA~~ ^{IOWA}
County of SIoux

I, HARLEY KATS, 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 Harley Kats

Subscribed and sworn to before me this 13 day of MARCH 19 98



Alison L. Vermeer
Notary Public

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 20" Depth 36-37'
- b) Casing Type plastic Diameter 12" Thickness 6/160
- c) Screen Type plastic Diameter 12" Thickness 5/640
- d) Gravel Pack 3" Length of Gravel Pack 15-18'
- e) Depth to Top of Water Bearing Material 12'
- f) Depth to Water (ground surface to water level) 12'
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others 800'

2. Wastewater Disposal System Information

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

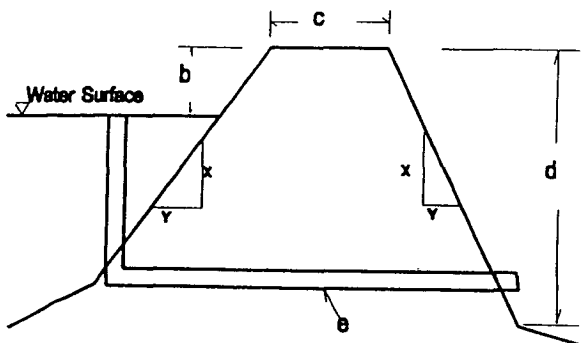
3. Dugout Information

- 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

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415708

Pierre, March 25, 19 98

RECEIVED OF Harley Kats, 2651 - 310th St., Rock Valley, IA 51244-7534
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6064-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	325	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	325 00

By _____
Chief Engineer

John Hatch (C)

Kats Inc.

West Hiway 18
Rock Valley, Iowa
712-476-2707



Harley Ed

*I am requesting 800 PM
for 1 Pivot at a time*



Harley Kats
2651 310th St.
Rock Valley, IA 51247-7534

NOT

TO

SCALE

John Wilson, CED
Madison Co. Ill.
3-20-98



6064-3

6064-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 23 Twp 96 Rg 48

County

North

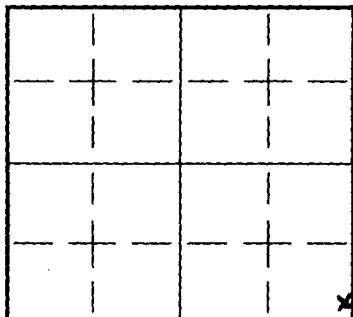
LincolnEden Twp

Please mark well location with an "X"

W

E

Well Completion Date

3/3/2000

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 2600 ft. from Farmstead (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Bucket AugerCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>12</u> IN	<u>+2</u> FT	<u>30</u> FT	<u>30</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Neat Cement</u>	<u>51</u>	<u>15.6</u> lb./gal	<u>0</u> ft.	<u>12</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure _____

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 8' FEETMaterial Stainless SteelSlot Size .095 Set From 30' Feet to 38' Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: chlorinate☐ NO, Why Not? gravel pack and well bore

Laboratory sent to for water quality analysis _____

Well Owner: Harly Kats

Business Name: _____

Address: 2651-310th StRock Valley, Ia 51247

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	2
Yellow clay	2	4 1/2
Yellow sand	4 1/2	19
yellow sand + gravel	19	25
fine to medium yellow sand	25	28
Yellow sand + gravel	28	34
Grey sand + gravel	34	36
Blue clay	36	39

STATIC WATER LEVEL

16 Feet

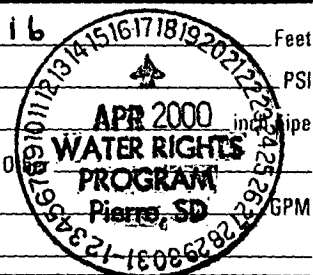
If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ in pipe

Controlled by ☐ Valve ☐ Reducers ☐ 0

Reduced Flowrate _____ GPM

Can well be completely shut in? _____



WELL TEST DATA:

☒ PumpedDescribe: pumped w/ 25 HP☐ BailedSubmersible☐ Other _____

Pumping Level Below Land Surface

23 ft. After 8 Hrs. pumped 500 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 270

And this report is true and accurate.

Drilling firm Alton Well + Concrete Co Inc

Signature of License Representative:

Darryl Vande Brake

Signature of Well Owner or Equitable Property Holder:

Harley KatsDate: 4-12-00

In Water Since 1946

LACEY WELL DRILLING

Wells
Dewatering Work
Test Drilling

RR 1 Box 24
Dell Rapids, South Dakota 57022
Telephone (605) 428-5979

Pumps
Water Specialists
Irrigation Supplies

3-13-98

Mr Hatz

HERE'S logs of the 2 TEST holes
drilled for you West of Hudson, SD

TH #1 600-800' W-NW of
WAYNE DAVENAVS pivot

0-4 topsoil, 4-36' sand & gravel
gw / 13'

TH #2 600' N of TH #1

0-5 topsoil 5-37 sand & gravel,
gw / 13'

Sincerely

Jim Lacey





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 17, 1998

Harley Kats
2651 310th St
Rock Valley IA 51247

Dear Mr. Kats:

Thank you for submitting your *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. The map must 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 NRCS office).
- A well log or driller's test log signed by a South Dakota Licensed well driller should accompany the application. Please indicate if the well log is not available to you.
- The amount of water claimed on the application is 800 gallons per minute. Are you requesting this amount for each center pivot? Or is this the total amount of water requested for both pivots?
- The filing fee for this application to irrigate 320 acres is \$325.00.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karen Schlaak".

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

**Water Rights Program
File Documentation**

NAME OF PERSON OR FILE: Harley Kats

ADDRESS: 2651 310th St., Rock Valley IA 51247

DATE: April 6, 1998 TELEPHONE: (712)476-5788

RE: Water Permit Application No. 6064-3

COMMENTS:

Harley Kats called to say that he will be planting in about two weeks and he wanted to know if there was anything that could be done to speed the process. I informed Kats that we could approve construction of a test well prior to approval of a permit. Kats wanted permission to actually use water prior to approval of a permit. I explained Water Law and the permit process to him and explained that he must have a permit to use water. He stated that it looked like he "started too late" but he would check back in a month or so.



Ken Buhler
Natural Resources Engineer

REPORT ON WATER PERMIT APPLICATION NO. 6064-3

for Harley Kats

May 12, 1998

Application No. 6064-3 proposes to appropriate 1.78 cfs (800 gpm) from two wells approximately 36 and 37 feet deep located in the SE 1/4 SE 1/4 of Section 23 to irrigate 320 acres located in the E 1/2 of Section 23; all in T96N-R48W in Lincoln County.

AQUIFER - BIG SIOUX SOUTH (BS-S)

The Big Sioux South is a outwash (sand and gravel) which is under unconfined or water table conditions in this area. The aquifer underlies 60 square miles and contains an estimated 160,000 acre feet of water in storage in Lincoln and Union Counties (Niehus, 1994). Ground water movement is basically from north to south and toward the Big Sioux River. The aquifer extends into Minnehaha County to the north and is probably hydraulically connected to the Newton Hills and Shindler aquifer to the west. The Big Sioux South also extends into Union County to the south where it blends into the Missouri Elk Point aquifer. The aquifer is hydraulically connected to the Big Sioux River which probably acts as a recharge/discharge zone. According to test well information supplied with the application, sand and gravel was encountered from 4 to 5 feet below land surface and extended to a depth of 36 to 37 feet. The reported water level was 13 feet below land surface. No production pumping information was reported.

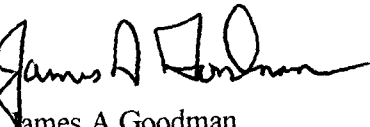
The Water Rights Program does monitor an observation well, LN-57D, completed into the Big Sioux South aquifer and located about one-half mile southeast of the proposed wells for this application. Water levels for this well show good response to climatic conditions, that is, rising water levels during 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, 1998).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing irrigation permits/rights in the immediate area to this application which obtain water from the Big Sioux South aquifer. The nearest is Water Permit No. 5442-3 (0.6cfs, 42 acres) and the well for this application is about one-quarter mile southeast of the wells for this application. The well for Water Permit 2353-3 (1.09 cfs, 76 acres) is located about one-half mile east of the wells for this application. Interference is not expected to be a concern. Drawdown created by pumping should not be significant at this distance between diversion points.

CONCLUSIONS

1. Water is available from the Big Sioux South aquifer.
2. The aquifer is under water table conditions. Drawdown created by pumping is not expected to be significant. Interference should not be a problem.
3. The applicant indicates he will be pumping about 800 gpm from the two wells to irrigate one center pivot at a time.
4. The wells authorized by this application must be constructed in accordance with SD Well Construction Standards.



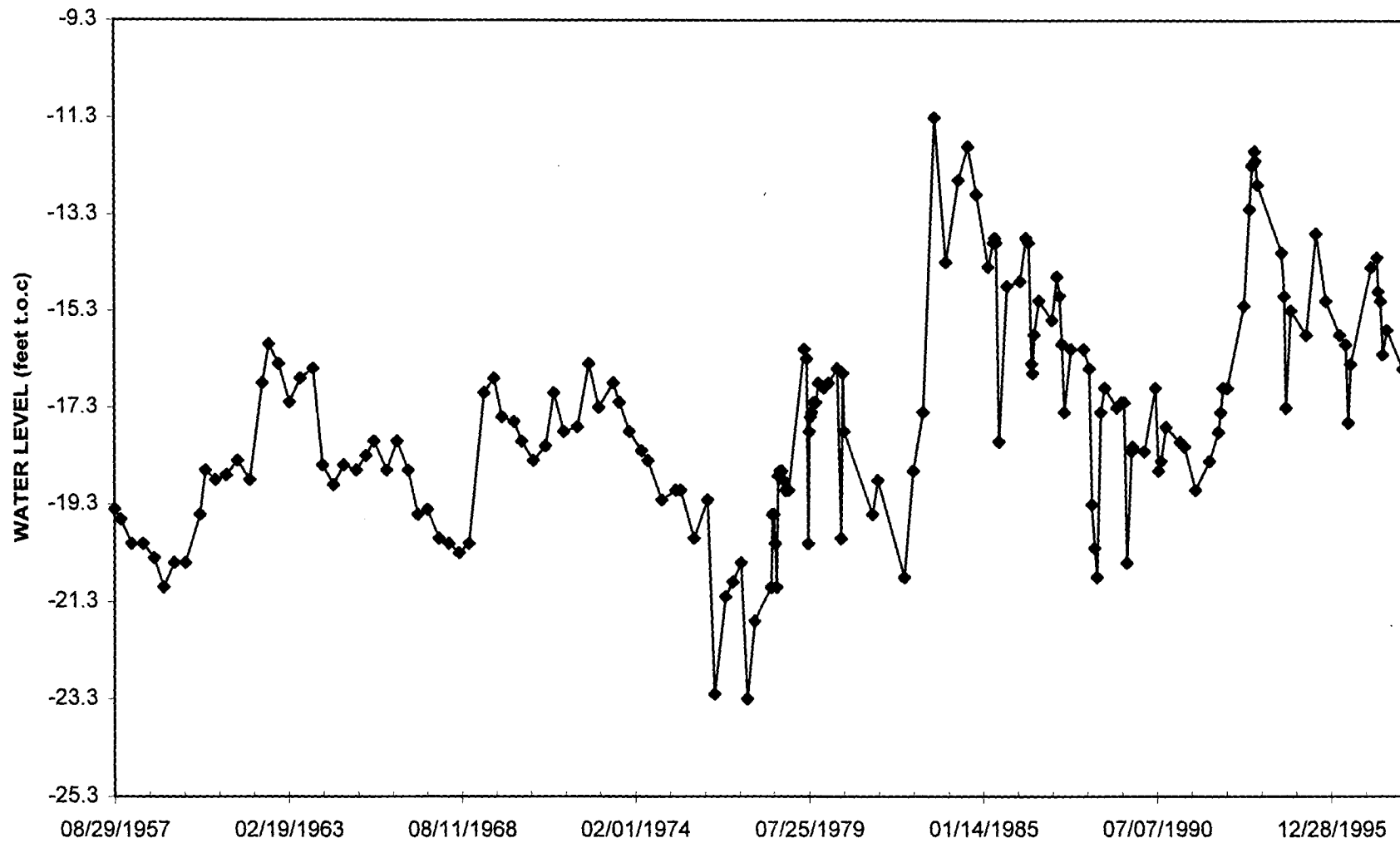
James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Niehus, C.A., 1994, Water Resources of Lincoln and Union Counties, South Dakota, WRI 93-4195, USGS, Rapid City, SD, 57702.

Water Rights, 1998, Unpublished Observation Well Records for Lincoln County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
LN-57D



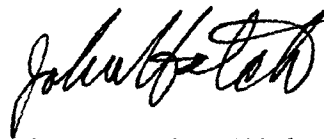
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6064-3, Harley Kats**

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. 6064-3, Harley Kats, 2651 310th Street, Rock Valley, IA 51247.

The Chief Engineer is recommending APPROVAL of Application No. 6064-3 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) it is in the public interest with the following qualifications:

1. The wells 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. The wells authorized by Permit No. 6064-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
May 14, 1998



**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.

May 15, 1998

Harley Kats
2651 310th St.
Rock Valley, IA 51247

Dear Mr. Kats:

Water Permit Application No. 6064-3 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 Hudsonite printed at Hudson, SD (Ph # (605) 934-2640). 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

May 15, 1998

The Hudsonite
Box 467
Hudson, SD 57034-0467

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 6064-3 to Appropriate Water to be published twice. Please publish the first notice on May 21, 1998, 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 Harley Kats, 2651 310th St., Rock Valley, IA 51247 (Ph # (712) 476-5788).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6064-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of May 15, 1998, enclosing Notice of Hearing to Appropriate Water by Application No. 6064-3 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 21, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6064-3 to Appropriate Water

Notice is given that Harley Kats, 2651 310th St, Rock Valley IA 51247 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from two wells (Big Sioux: South Aquifer) 36 and 37 feet deep located in the SE 1/4 SE 1/4 Section 23 to irrigate 320 acres located in the E 1/2 Section 23; all in T96N-R48W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6064-3 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 June 8, 1998.

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.

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF LINCOLN)

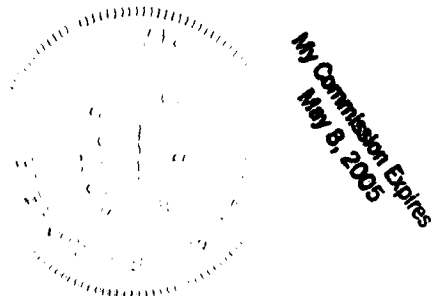


Paul B. Buum, being duly sworn, says: The Hudsonite is, and during all the times hereinafter mentioned was, a weekly legal newspaper as defined in SDCL 17-2-2, as amended, published at Hudson, Lincoln County, South Dakota; that affiant is and during all of said times was, the publisher of such newspaper and has personal knowledge of the facts stated in this affidavit; that the notice, order or advertisement, a printed copy of which is attached, was published in said newspaper _____ successive issues, bearing the following dates:

**Nettie H. Myers, Secretary,
Department of Environmental and
Natural Resources
Publish May 21, 28, 1998**

May 19 1998
 Michele Y. Bunn
 Notary Public, South Dakota

(SEAL)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 22 1998

Harley Kats
2651 310th St.
Rock Valley, IA 51247

Dear Mr. Kats:

Enclosed is Water Permit No. 6064-3 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.

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.



6064-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2000

NOTICE

TO: HARLEY KATS, 2651 310TH ST, ROCK VALLEY, IA 51247

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6064-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6064-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6064-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HARLEY KATS
2651 310TH ST
ROCK VALLEY IA 51247

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

HARLEY KATS

C. Signature

x Harley Kats

☐ Agent
☐ AddresseeD. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

2 227 676 469



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2000

6064-3

Harley Kats
2651 310th St
Rock Valley, IA 51247

Dear Mr. Kats:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Permit No. 6064-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



6064-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 19, 2001

NOTICE

TO: HARLEY KATS, 2651 310TH ST, ROCK VALLEY, IA 51247 7534

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaire(s)

Our records indicate that the 2000 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6064-3. The request for the Questionnaire was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6064-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6064-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 2, 2001, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6064-3

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HARLEY KATS
2651 310TH ST
ROCK VALLEY IA 51247 7534

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

HARLEY KATS

B. Date of Delivery

1-23-01

C. Signature

x *Harley Kats*☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number (Copy from service label)

7000 0600 0026 9814 2355

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 1, 2001

6064-3

Harley Kats
2651 310th St
Rock Valley, IA 51247-7534

Dear Mr. Kats:

I am writing to acknowledge receipt of your 2000 irrigation questionnaire. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Permit No. 6064-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

6064-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: HARLEY KATS, 2651 310TH ST, ROCK VALLEY, IA 51247 7534

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6064-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6064-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6064-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



Track & Confirm

Delivery Status

You entered 2301 0370 0000 7541 3817

There is no record of that item. If it was mailed recently, information may not yet be available. Please try again later.

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)



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U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7541 3817

HARLEY KATS
2651 310TH ST
ROCK VALLEY IA 51247 7534

Postmark
Here

POSTAL CUSTOMER:

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com
or call 1-800-222-1811

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(See Reverse)

PS Form 153, February 2001

No confirmation on delivery, however questionnaire was received and no followup is needed.

Chambers



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2003

6064-3

Harley Kats
2651 310th St
Rock Valley IA 51247-7534

Dear Mr. Kats:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit No. 6064-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

Approval of Location Change and/or Additional Diversion Point(s)

NAME: Harley Kats

ADDRESS: 2651 310th Street, Rock Rapids IA 51247

DATE: September 8, 2005

COUNTY: Lincoln

TELEPHONE: 712-476-5788

AUTHORITY:

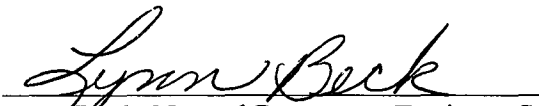
Pursuant to SDCL 46-5-13.1, the location of a diversion point may be changed or additional diversion points may be licensed provided the following conditions are met and the potential for interference with other existing diversions is not increased:

- **Developed water source same as permitted source and no additional water appropriated**
1.78 cfs from the Big Sioux: South Aquifer as stated on permit.
- **If irrigation, no new land is irrigated**
109 acres in the NE¼ and 115 acres in the SE¼ Section 23-T96N-R48W, as authorized by the permit.
- **Review of Existing Diversions**

There are nine irrigation wells within one mile of this diversion. Two wells are authorized by Permit No. 6064-3 owned by Harley Kats; one well authorized by Permit No. 2353-3 owned by Donald Winterfeld and used by Permit No. 6144-3 owned by Doug Winterfeld; one well authorized by License No. 2541-3 and two wells authorized by Permit No. 6591-3 both owned by Ronald & Connie Hulshof; one well authorized by Permit No. 5442-3-3 owned by Wayne Davelaar; one well authorized by License No. 2256-3 owned by Rolfe Cole and operated by James Cole; and one well authorized by License No. 3566-3 owned by James Cole. There are domestic wells in the area. The adequate domestic well qualification is on the permit.

RECOMMENDED ACTION

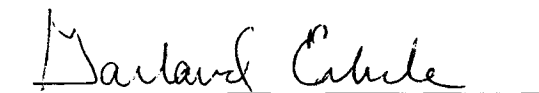
Based on the above criteria, it is recommended that the diversion point(s) be licensed as developed.



Lynn Beck, Natural Resources Engineer Specialist
Water Rights Program

The Chief Engineer makes a finding pursuant SDCL 46-5-13.1 and ARSD 74:02:01:14.01 that:

This change in location and/or additional diversion point(s) does not increase the potential for adverse effects to existing diversions.



Garland Erbele, Chief Engineer
Water Rights Program

WATER RIGHT NO. 6064-3
HARLEY KATS
August 12, 2005

R48W



SCALE

0 330 660 1,320 1,980 2,640 Feet

Lynn Beck

Lynn Beck
Natural Resources Engineer Specialist
DENR, Water Rights Program
August 12, 2005

South Dakota Department of
Environment and Natural Resources



Permit No. 6064-3
Big Sioux 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, July 26, 2005, made a thorough examination of the water use system constructed by Harley Kats of 2651 310th St., Rock Rapids IA 51247 holder of Permit No. 6064-3, bearing the priority of March 17, 1998 authorizing the diversion of 1.78 cu. ft. per second of the waters of Big Sioux: South Aquifer for irrigation purposes, in Lincoln County.

Inspection contact & relationship **Harley Kats - owner**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information: S well Well Drilling Firm: <u>Alten</u> <u>Well & Concrete</u> Depth(s) <u>39</u> feet Well log is available <u>yes</u> Comment: Casing: Diameter <u>12</u> inches Length <u>32</u> feet Type <u>pvc</u> Screen: Type <u>stainless steel</u> Length <u>8</u> feet Static water level <u>16</u> feet Pump: Make <u>submersible</u> Model Size Capacity <u>500</u> GPM Motor: Make <u>Hitachi</u> Model No. Horsepower rating <u>25</u> hp	Well Information: M well Well Drilling Firm: <u>Lacey</u> <u>Well Drilling</u> Depth(s) <u>36</u> feet Well log is available <u>yes</u> Comment: Casing: Diameter <u>12</u> inches Length <u>20</u> feet Type <u>pvc</u> Screen: Type <u>stainless steel</u> Length <u>6.5</u> feet Static water level <u>16</u> feet Pump: Make <u>submersible</u> Model Size Capacity <u>150</u> GPM Motor: Make <u>Hitachi</u> Model No. Horsepower rating <u>10</u> hp	Well Information: N well Well Drilling Firm: <u>Lacey</u> <u>Well Drilling</u> Depth(s) <u>36</u> feet Well log is available <u>yes</u> Comment: Casing: Diameter <u>12</u> inches Length <u>20</u> feet Type <u>pvc</u> Screen: Type <u>stainless steel</u> Length <u>6.5</u> feet Static water level <u>16</u> feet Pump: Make <u>submersible</u> Model Size Capacity <u>350</u> GPM Motor: Make <u>Hitachi</u> Model No. Horsepower rating <u>20</u> hp
---	---	---

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

- | | | |
|--------------------|-------------------------|----------------------------|
| 1) Type <u>pvc</u> | 2) Size <u>6</u> inches | 3) Length <u>900</u> feet |
| 1) Type <u>pvc</u> | 2) Size <u>8</u> inches | 3) Length <u>3960</u> feet |

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 850 GPM

Chemigation Equipment: Does chemigate yes

- 1) Main line check valve yes
- 2) Inspection port/air relief yes
- 3) Low pressure drain yes
- 4) Discharge is 20' from source yes
- 5) Interlock type electrical
- 6) Injection pump type piston or other
- 7) Injection check valve Y/N
- 8) Injection line check valve or positive displacement pump Y/N
- 9) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules The injection pump is rented and was not on site.

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

The system is in good condition with the point(s) of diversion located as follows: S well: 2670' W and 1320' N; M well: 2670' W and 840' N; N well: 2670' W and 420' N of the SE corner Section 23-T96N-R48W. The works are capable of diverting and conveying to the place of use 1.78 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:

Section 23-T96N-R48W:

NE¼ NE¼ 19 acres

NE¼ SE¼ 31 acres

NW¼ NE¼ 28 acres

NW¼ SE¼ 31 acres

SW¼ NE¼ 31 acres

SW¼ SE¼ 31 acres

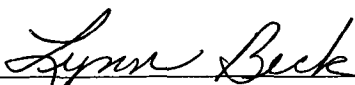
SE¼ NE¼ 31 acres

SE¼ SE¼ 22 acres

Comprising a total of 224 acres of land and the license should be issued for 1.78 cfs.

All structures, wells and lands on map yes

Comments or other permit(s) associated with the project: **The center pivot irrigates the each quarter every other year. The permit authorizes two wells, a third well was developed and is only used when chemigation takes place. See the document for an additional diversion point allowed by SDCL 46-5-13.1.**



Lynn Beck

Natural Resources Engineer Specialist
DENR, Water Rights Program

Date report completed: August 12, 2005



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 8, 2005

6064-3

Harley Kats
2651 310th St
Rock Valley IA 51247

Dear Mr. Kats:

On July 26, 2005 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 6064-3, was completed by Lynn Beck, staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact Genny McMath with our program at (605) 773-3352.

Sincerely,

Karen Schlaak
Water Rights Program
(605) 773-3352

Kats Inc.

**West Hiway 18
Rock Valley, Iowa
712-476-2707**

6064-3



Harley

Ed

*I think I made a
payment for this at the
time I applied for the
Permit*

Harley West

RECEIVED

OCT 17 2005

**WATER RIGHTS
PROGRAM**

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 17, 20 05

RECEIVED OF Harley Kats, 2651 310th Street, Rock Valley IA 51247

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6064-3</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50.00	
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	

No.

001979

By

Darland E. Eide

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 15 2005

6064-3

Harley Kats
2651 310th St
Rock Valley IA 51247

Dear Mr. Kats:

Enclosed is Water License No. 6064-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 1989 for the \$50.00 which you paid for the investigation and issuance of the Water License. Your note indicated you thought this fee had been paid. We reviewed your water right and found on March 25, 1989 you submitted an application filing fee of \$325.00. The \$50.00 license fee was not included in this amount.

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. 6064-3, 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6064-3

(1) Harley Kats, 2651 310th St, Rock Valley IA 51247 made Application No. 6064-3, March 17, 1998 for a water permit to divert 1.78 cubic feet of water per second from groundwater (two wells), Lincoln County, South Dakota for irrigation purposes. Permit No. 6064-3, with a priority date of March 17, 1998 was approved June 8, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 8, 2003 and for the application to beneficial use of water on or before June 8, 2007.

An investigation conducted for licensing purposes found an additional diversion point developed under Water Permit No. 6064-3. Pursuant to SDCL 46-5-13.1, the Chief Engineer makes a finding that the additional diversion point does not increase the potential for interference with existing water rights.

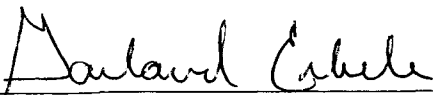
(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 6064-3 is issued a license, bearing a priority date of March 17, 1998 to appropriate 1.78 cubic feet of water per second from groundwater (three wells) to irrigate 224 acres.

The diversion points are located: south well – 2,670 feet west and 1,320 feet north; middle well – 2,670 feet west and 840 feet north; north well – 2,670 feet west and 420 feet north; all from the southeast corner Section 23-T96N-R48W (SE ¼ SE ¼). The acres authorized for irrigation are as follows:

Section 23-T96N-R48W			
NE ¼ NE ¼	19 acres	NE ¼ SE ¼	31 acres
NW ¼ NE ¼	28 acres	NW ¼ SE ¼	31 acres
SW ¼ NE ¼	31 acres	SW ¼ SE ¼	31 acres
SE ¼ NE ¼	31 acres	SE ¼ SE ¼	22 acres
Total 224 acres			

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 6064-3 including the following now applicable qualifications:

- The wells 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.
- The wells authorized by Permit No. 6064-3 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 15 2005
date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: HARLEY KATS, 2651 310TH ST, ROCK VALLEY, IA 51247 7534

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6064-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6064-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6064-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6064-3

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Track & Confirm

Search Results

Label/Receipt Number: 2303 2160 0000 0802 3073
Status: **Delivered**

Your item was delivered at 8:45 AM on January 23, 2008 in ROCK VALLEY, IA 51247. The item was signed for by H KATS.

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SIGNATURE CONFIRMATION NUMBER:
2303 2160 0000 0802 3073

HARLEY KATS
2651 310TH ST
ROCK VALLEY IA 51247 7534

Waiver of Signature ☐ YES ☐ NOPostmark
Here**POSTAL CUSTOMER:**

Keep this receipt. For inquiries:
Access internet web site at
www.usps.com[®]
or call 1-800-222-1811

- ☐ Priority Mail[™] Service
- ☐ First-Class Mail[®] parcel
- ☐ Package Services parcel



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 31, 2008

6064-3

Harley Kats
2651 310th St
Rock Valley IA 51247-7534

Dear Mr. Kats:

I am writing to acknowledge receipt of your 2007 irrigation questionnaire. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 6064-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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www.state.sd.us/denr

November 18, 2009

6064-3

Harley Kats
29365 487th Ave
Hudson SD 57034-6620

Dear Mr. Kats:

Enclosed is a "Notice" dated October 16, 2009 concerning the 2009 irrigation questionnaire.

The notice was originally mailed to 2651 310th St, Rock Valley IA. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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www.state.sd.us/denr

December 11, 2009

6064-3

Doug Kats
29365 487th Ave
Hudson SD 57034

Dear Mr. Kats:

I am writing in follow-up to my phone conversation with Karla concerning Water Right No. 6064-3 listed in the name of Harley Kats.

Enclosed for your files are copies of the water right, inspection report, map and the last four years of irrigation questionnaire returns. They will give you an idea of not only what is authorized for irrigation but how the system was set up and how Harley reported irrigation.

As I discussed with Karla, since Harley has passed away, the water right should be transferred to the current owner. She indicated the land was still tied up in the estate for awhile yet. I have included a "Notice of Transfer of Ownership" form and as soon as the estate is settled, an ownership change will need to be filed. If between now and then you lose the transfer form, just give me a call and I can send you another one or you can download one off our website. All our forms are available for downloading (including the annual irrigation questionnaire) at the following website: <http://denr.sd.gov/des/wr/wr.aspx>

If you have any questions, please contact me.

Sincerely,

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

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 10, 2013

6064-3

Doug Kats
29365 487th Ave
Hudson SD 57034

Dear Mr. Kats:

I am writing in regard to ownership of land authorized for irrigation under Water Right No. 6064-3. In December 2009, I spoke with Karla concerning the water right. At that time, it was my understanding that the land was still tied up in an estate and an ownership change would be filed for the water right as soon as the estate was settled.

I wanted to touch base with you again to check on the status of the estate and whether or not the water right could be transferred accordingly. If so, please complete the enclosed "Notice of Transfer of Ownership form" and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If the estate has not yet been settled and we should continue to mail correspondence to you as "administrator of the estate", please let me know. Thank you in advance for helping to update the water right.

Sincerely,

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

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

RECEIVED

MAY 30 2013

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6064-3

Date: 5-27-13

I/We request that Water Right No. 6064-3

formerly owned by: Harley Kats

be transferred to: (name & address) Doug Kats, 29365 487th Ave., Hudson SD 57034

Telephone No. _____

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

224 acres -- E 1/2 Section 23, T96N, R48W

I/We understand that the validity of Water Right No. 6064-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

I/We Doug Kats, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

RECEIVED OF Douglas G Kats 29365 487th Ave Hudson SD 57034 Date 5/30, 20 13

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>6064-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. 06352

By

James Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 6, 2013

6064-3

Doug Kats
29365 487th Ave
Hudson SD 57034

Dear Mr. Kats:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6064-3.

The ownership change has been completed. Water Right No. 6064-3, formerly held by Harley Kats is now listed in your name.

Enclosed for your records is Receipt No. 06352 in the amount of \$50.00 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

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

enclosure

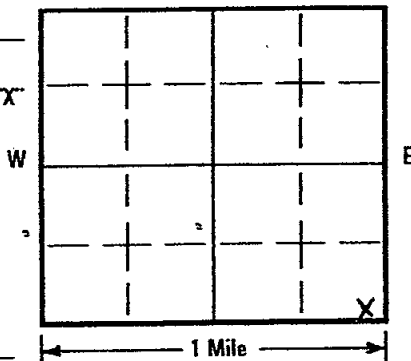
SOUTH DAKOTA WATER WELL COMPLETION REPORT

6064-3

07-92

Location SE 1/4 SE 1/4 Sec 23 Twp 96 Rg 48County Lincoln NorthEden Twp

Please mark well location with an "X"



Well Completion Date

6/11/2013

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1000' ft. from farmstead (identify source).

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Bucket augerCASING DATA: ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>12</u> IN	<u>+1'-6</u> FT	<u>30'-6</u> FT	<u>26</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>benonite</u>	<u>12</u>	<u>9.4</u> lb./gal	<u>0</u> ft.	<u>14</u> ft.
_____	_____	_____ lb./gal	_____ ft.	_____ ft.

Describe grouting procedure 1 1/2" tremie pipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 12 IN Length 6 FEETMaterial Stainless Steel H-110Slot Size -080 Set From 30 1/2 Feet to 36 1/2 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

X YES, How: Chlorinate_____ NO, Why Not? gravel pack& well bore

Laboratory sent to for water quality analysis _____

Well Owner: Doug Kats

Business Name: _____

Address: 29365 - 487th Ave.Hudson, SD 57034

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>black top soil</u>	<u>0</u>	<u>1</u>
<u>yellow soft sandy clay</u>	<u>1</u>	<u>6</u>
<u>yellow fine very dirty sand</u>	<u>6</u>	<u>13</u>
<u>yellow sand w/ gravel</u>	<u>13</u>	<u>24</u>
<u>very silty rocky gravel</u>	<u>24</u>	<u>26</u>
<u>very silty sand w/ gravel</u>	<u>26</u>	<u>32</u>
<u>sand & gravel & some silt</u>	<u>32</u>	<u>36 1/2</u>

STATIC WATER LEVEL 16 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped Describe: pumped w/ centrifugal☐ Bailed pumps☐ Other _____

Pumping Level Below Land Surface

20'-4 ft. After 2 Hrs. pumped 138 GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

RECEIVED

AUG 12 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 270

And this report is true and accurate.

Drilling firm Alton Well

Signature of License Representative:

Doug Kats

Signature of Well Owner or Equitable Property Holder:

Date: 6/11/2013