

WATER PERMIT NO. 6362-3

Name of Applicant: Rodney Zemlicka

Address: 45412 164th St, Watertown SD 57201 Phone: 605 886-4010

Amount of Water Claimed: no add'l Total Acres: 100

Source of Water Supply: groundwater (2 existing wells)

Water to be used for: irrigation County: Codington

Type of Waste Disposal System:

Location: 6 miles north of Watertown

PRIORITY Date Received: 9-13-2002

Application/License Fee: \$275

Corrected Application Received: 9-19-2002

Period of Annual Use: June 1 – Aug 31

Remarks: Using the two wells authorized by Water Right No. 5262-3

Diversion Point: SE ¼ NE ¼, SE ¼ SE ¼

Sec 19-T118N-R52W

Land to be Irrigated: SE ¼ Sec 19-T118N-R52W

Depth of Well: 44 feet & 53 feet deep

Well Driller: : Kaiser Well Drilling

Remarks:

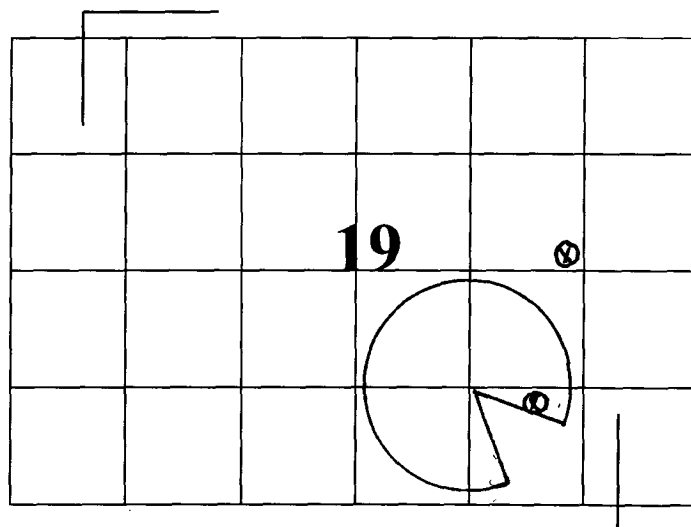
Type of Map: aerial

Prepared by: Cathy Dally, FSA

Reviewed and the Number Assigned on: 9-20-2002

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 6362-3
FOR IRRIGATION

Date of first receipt of application September 13, 2002.

Date of return to applicant for corrections, amendments or changes September 16, 2002.

Date of receipt of corrected application September 19, 2002.

The Water Management Board approved Temporary Use Water Permit No. 6362-3 on December 4, 2002 for Rodney Zemlicka, 45412 164th St, Watertown SD 57201 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. Temporary Use Water Permit No. 6362-3 authorizes irrigation of 100 additional acres. Water Right No. 5262-3 appropriates 2.22 cubic feet of water per second from two wells (Big Sioux-North Aquifer) 44 and 53 feet deep located in the SE ¼ NE ¼, SE ¼ SE ¼ Section 19 to irrigate 165 acres located in the NE ¼, N ½ SE ¼, Section 19; all in T118N-R52W. This temporary use permit authorizes irrigation of 100 additional acres located in the SE ¼ Section 19-T118N-R52W from the existing wells. This temporary use permit does not authorize any increase in the developed diversion rate.
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 – August 31.
3. The date from which applicant may claim right is September 13, 2002.
4. One-fifth of the construction is to be completed on or before June 4, 2005.
5. All construction is to be completed on or before December 4, 2007.
6. Water is to be put to beneficial use on or before December 4, 2011.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The city of Watertown has priority right to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their future use permit. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary use permit.
2. 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.
3. This temporary use permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAR 13 2003

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6362-3</u>	(office use only) Hydrologic Unit <u>10170202</u>
	Basin <u>Big Sioux R.</u>	
	Newspaper <u>Public Opinion</u>	<u>Watertown</u>

RECEIVED
SEP 13 2002
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation No. 5598-3

Type of Application: New Vested Right Amendment/Correction to Permit No. ~~5262-3~~
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)
Adding new pivot for additional acres
using same well

1. Name of Applicant Rodney Zemlicka Phone 605-886-4010
(check one) XX Owner Tenant/lessee
Mailing Address 45412 164th Street Watertown State S.Dak 57201
no add'l (Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 2.22 *CFS or 800-1000 **GPM ***AF Total Acreage 100
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply 260c/15

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 NE 1/4 SE 1/4 E 1/4 19-118-52
County Codington

5. County or counties where water will be used Codington

6. Annual period during which water is to be used June 1 thru Aug 31

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
<u>SE 1/4 118-52</u>			
<u>Section 19</u>	<u>100</u>		

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

STATE OF SOUTH DAKOTA) SS
County of Codington

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)

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

Applicant's signature

Rodney Zemlicka

Subscribed and sworn to before me this 12th day of September 2002

Richard M. Doherty
Notary Public signature

(type or print in ink)

1. Well Information - Proposed Construction

See License ^{no.} 5578-3

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ 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) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

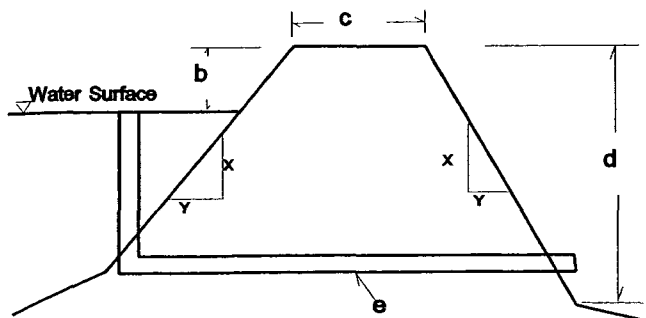
3. Dugout Information

- 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

5262-3 SOUTH DAKOTA WATER WELL COMPLETION REPORT

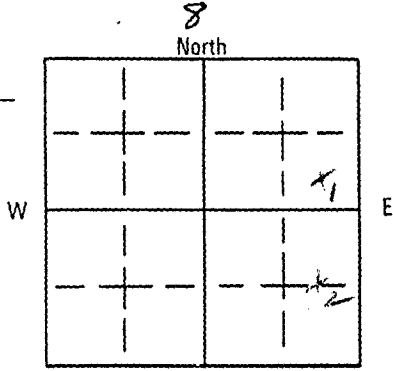
10-85

Location N 1/4 E 1/4 Sec 19 Twp 119 Rg 52

County Codington

Please mark well location with an "X"

1



Well Completion Date 4-8-87

PROPOSED USE:

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

Method of Drilling:

Direct Rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
If other describe Fiberglass Taps

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>12</u>	IN <u>12</u>	FT <u>2'</u>	FT <u>27</u>	IN <u>18</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 ☐ NO

To what depth? 20 FEET

What is grouting material? Portland Cement

If cement, number of sacks? 20

Describe grouting procedure Tremie Pipe

What was grout weight? 152 LB/GAL

SCREEN: ☐ Perforated pipe ☒ Manufactured

Diameter 12 IN Length 15 FEET

Material Fiberglass wound Burgess

Slot Size 050 Set From 27 Feet To 42 Feet

Slot Size Set From Feet To Feet

Slot Size Set From Feet To Feet

Other information Packed with Flint #20

Was a packer or seal used? ☐ YES ☐ NO

If so, what material?

Describe packer(s) and location?

Was well disinfected upon completion? ☒ YES ☐ NO

Explain 14 T.H. Taps

Bacteriological analysis ☒ YES ☐ NO

Laboratory sent to Brookings by mail

Well Owner:

Name Harley Zemlicka

Address Watertown SD

Well Log: Depth

Formation	From	To
Top soil	0'	3 1/2'
Sand & gravel	3 1/2'	24'
Blue clay soft	24'	25'
gravel clean	25'	32'
Blue clay	32'	34'
gravel	34'	42'
Blue clay Firm	42'	44'

STATIC WATER LEVEL 6 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 Turbine

☐ Bailed Describe:

☐ Other

Pumping Level Below Land Surface

29 ft. After 24 Hrs. pumped 950 GPM

ft. After Hrs. pumped GPM

ft. After Hrs. pumped GPM

REMARKS:

This well was drilled under license # 337

And this report is true and accurate.

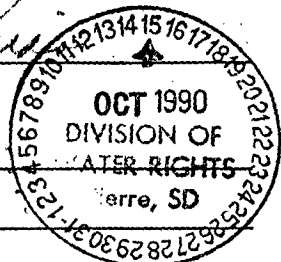
Drilling firm Kaiser Well Drilling

Signature of License Representative:

Ronald J. Kaiser

Signature of Well Owner:

Date 6-21-87



10-85

Laboratory sent to 1100 LING by OWNER

REMARKS:

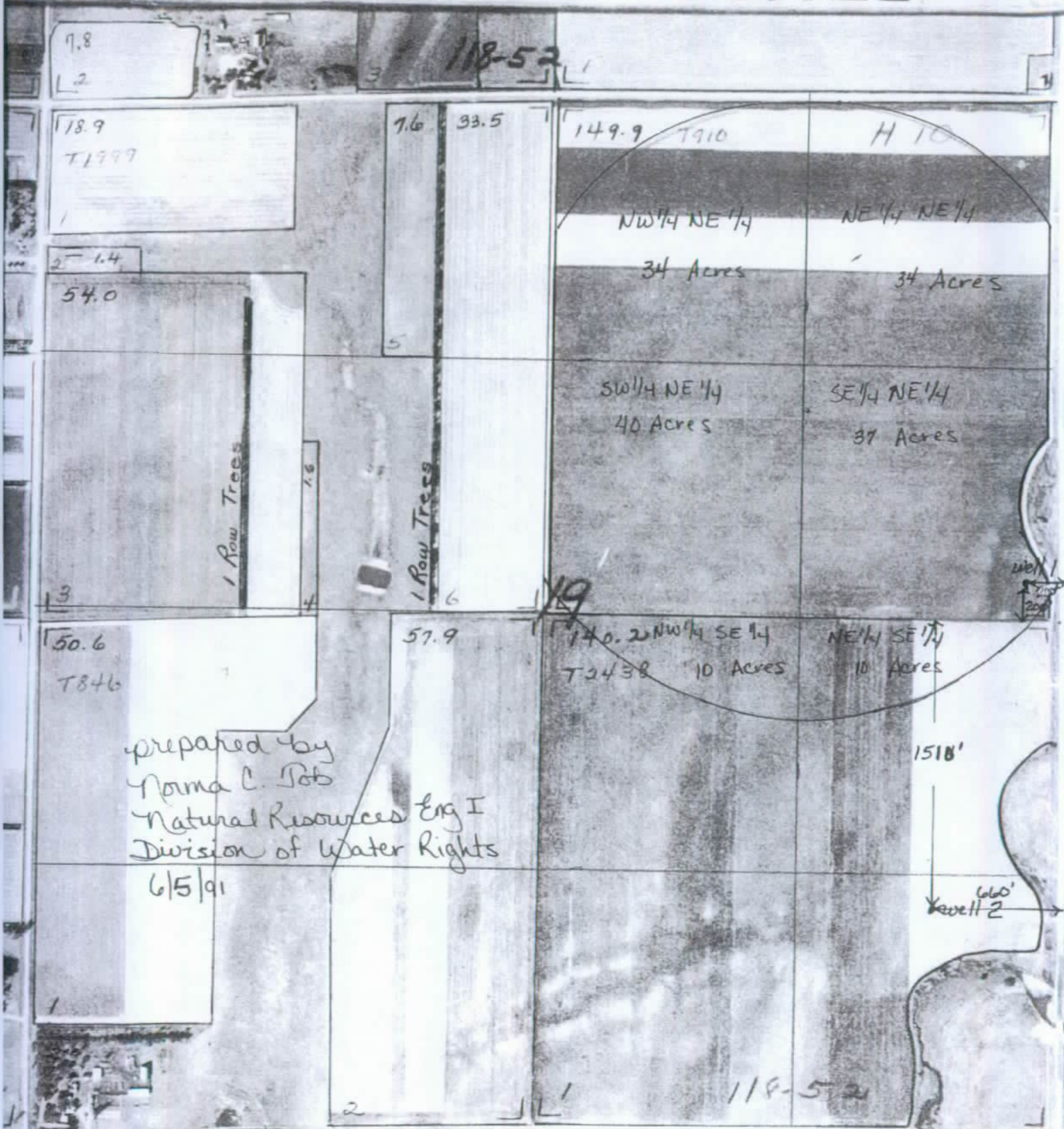
Date 6-27-67 341 WATER Pierre, SD

MAP NOT TO SCALE
THIS IS NOT AN OFFICIAL WETLAND MAP

Rods place



NOT TO SCALE



prepared by
Norma C. Tob
Natural Resources Eng I
Division of Water Rights
6/5/91

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date SEPTEMBER 19, 20 02

RECEIVED OF Zenlicka Farms, 45412 164th st., Watertown SD 57201

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

Fee for Application for Permit No. <u>000003</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. <u>000003</u>	50	00
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	275.00

No.

000233

By

Darlene E. White

Chief Engineer

gm



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Rodney Zemlicka
45412 164th St
Watertown SD 57201

Dear Mr. Zemlicka:

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

Item No. 4 of the application indicates the well will be located in the SE $\frac{1}{4}$ Section 19-T118N-R52W. It is our understanding that you will be using the existing well located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 20. Is this correct?

Enclosed is the map submitted with the application. On the map, please outline the 100 acres you intend to irrigate. 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).

We are returning your \$300 check. The application/license fee will be \$275.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Water Rights Program - File Documentation

NAME: Rodney Zemlicka

ADDRESS: Watertown

DATE: 9-20-2002 **COUNTY:** Codington **TELEPHONE:** 605 886-4010

RE: pending application

COMMENTS:

Called Rodney Zemlicka to clarify application. We determined that this application was to irrigate 100 additional acres using the two wells authorized by Water Right No. 5262-3, not 5578-3.



Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
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**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6362-3, Rodney Zemlicka**

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. 6362-3, Rodney Zemlicka, 45412 164th Street, Watertown SD 57201.

The Chief Engineer is recommending APPROVAL of Application No. 6362-3 as a TEMPORARY PERMIT pursuant to SDCL 46-5-39 because 1) water is available to be appropriated as a temporary permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diversion can be developed as a temporary permit 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 city of Watertown has priority right to this water under future use withdrawal permits. This permit is issued as a temporary permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their future use permit. The Chief Engineer must provide the permit holder six months notice prior to cancellation of this temporary permit.
2. 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.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
October 23, 2002

REPORT ON WATER PERMIT APPLICATION NO. 6362-3
For Rodney Zemlicka
October 8, 2002

Application No. 6362-3 proposes to irrigate an additional 100 acres. Water Right No. 5262-3 appropriates 2.22 cfs from two wells approximately 44 and 53 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 19 to irrigate 165 acres located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, of section 19; all in T118N R52W in Codington County. This application is to irrigate an additional 100 acres located in the SE $\frac{1}{4}$ of section 19, T118N R52W from the existing wells. This application, if approved, does not authorize any increase in the developed diversion rate of 2.22 cfs.

AQUIFER – BIG SIOUX NORTH (BS-N)

The Big Sioux is a surficial outwash (sand and gravel) which is under water table conditions in this area. The aquifer underlies 150 square miles and contains an estimated 350,000 acre-feet of water in storage in Codington and Grant Counties (Hansen, 1990). The Big Sioux North aquifer (management unit of the entire Big Sioux aquifer) underlies 67,300 acres and contains an estimated 151,430 acre-feet of recoverable water in storage in Codington County (Hedges, 1982). The aquifer is hydraulically connected to the Big Sioux River and in the area of this application to Mud Creek. In general, ground water movement is from north to south and locally toward the Big Sioux River. In the area of this application ground water movement is from northeast to southwest and locally toward Mud Creek (also called Gravel Creek).

Recharge to the Big Sioux aquifer has been estimated to be 5.53 inches per year (Putnam, 1996). Other estimates for recharge to the Big Sioux aquifer range from about 1.0 to 6.9 inches per year (Hedges, 1983). A recharge rate of 5.53 inches would equate to a total recharge of 5,760 acre-feet per year from the aquifer area of about 12,500 acres. This recharge rate is larger than the estimate of 4,200 acre-feet used in the Report on Water Permit Application No. 5862-3 for the City of Watertown. That application was a future use for the City of Watertown that was approved for 3,700 acre-feet per year with the remainder of the application, 2575 acre-feet, deferred for further study (Goodman, 1995). These new calculations indicate that 1,560 acre-feet of additional water could be allocated to the City of Watertown leaving about 1,015 acre-feet remaining in deferred status. The existing irrigation rights from the Big Sioux North aquifer (in the 12,500 acre area) use at most about 500 acre-feet of water annually and the city of Watertown is not using any water at this time.

The Water Rights Program monitors eleven observation wells completed into the Big Sioux North aquifer and also located within the Mud Creek drainage area. Four of these wells, CD-89A, CD-89B, CD-57A and CD-76B are all located within a one and one-half mile radius of this application. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for these wells are included with

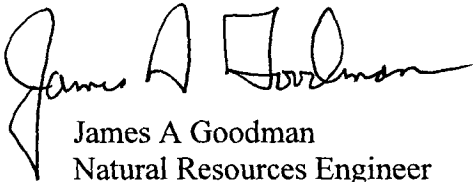
this report. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2002).

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are two existing water right Nos. 5263-3 and 5578-3 located within one-half mile of this application. The wells used for Water Right No. 5262-3 will be used to supply this system. Interference is not a concern. These are wells that have been in use for many years with no problems.

CONCLUSIONS

1. The aquifer (12,500 acres of aquifer plus drainage above the future use area) has been fully appropriated by the Future Use Permit No. 5862-3 for the City of Watertown.
2. Water is available for this application but is subject to the City of Watertown's permit. If needed, Watertown can exercise their right to this water supply.
3. The aquifer is under water table conditions, and pumping will not create significant drawdown. Interference is not a concern.
4. With the results of the 1996 study cited earlier, the City of Watertown can be authorized an additional 1,560 acre-feet of water under future use permit No. 5862-3.
5. The observation well record indicates that the aquifer does recharge and that water levels generally mirror the climatic conditions. The observation well hydrographs illustrate this fact.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Goodman, J.A., 1995, Report on Water Permit Application No. 5862-3 for the City of Watertown, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, WRI 89-4147, USGS, Huron, SD, 57350.

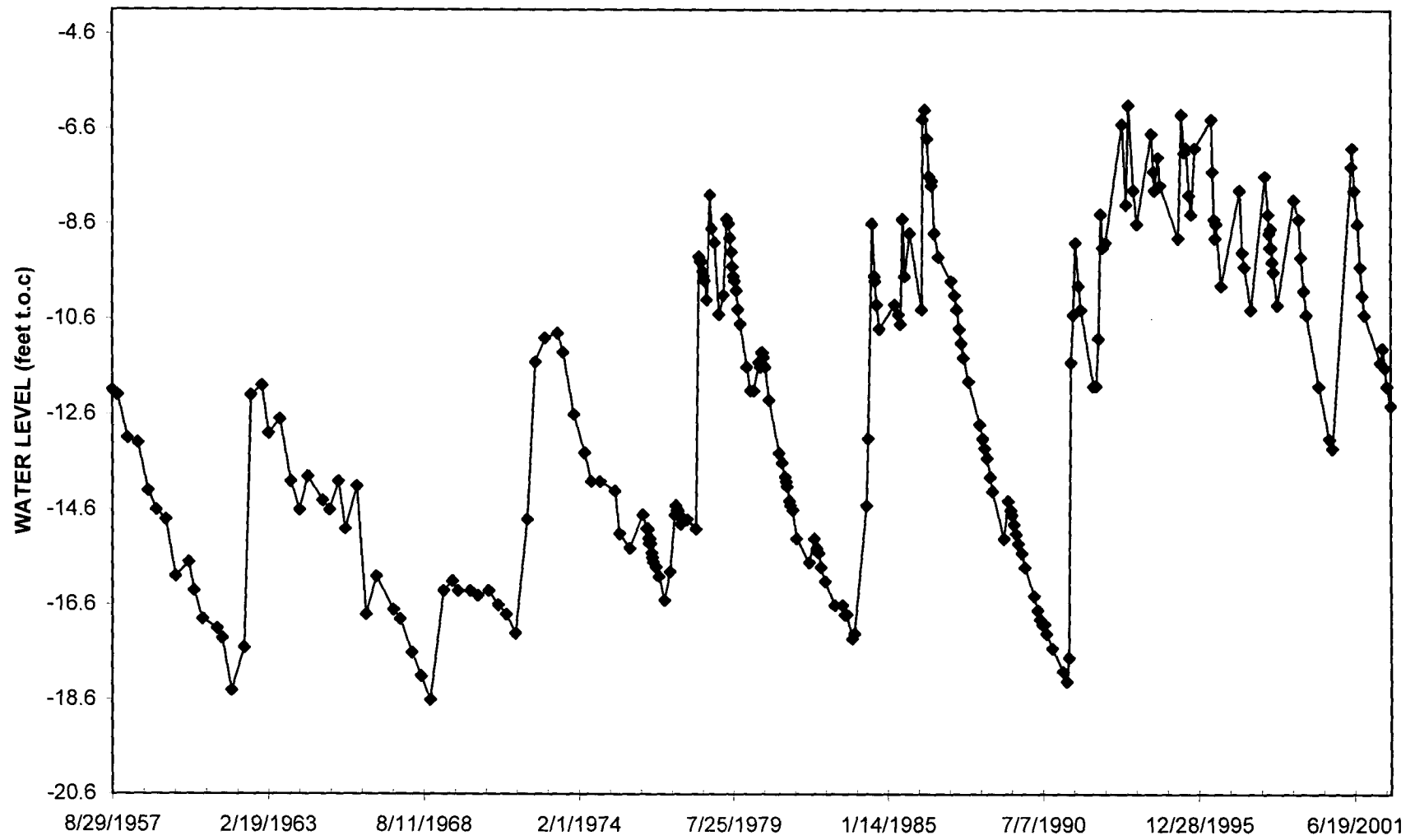
Hedges, L.S., etal, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Hedges, L.S., etal, 1983, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, SD and Iowa, Task 7 : Ground Water Recharge, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

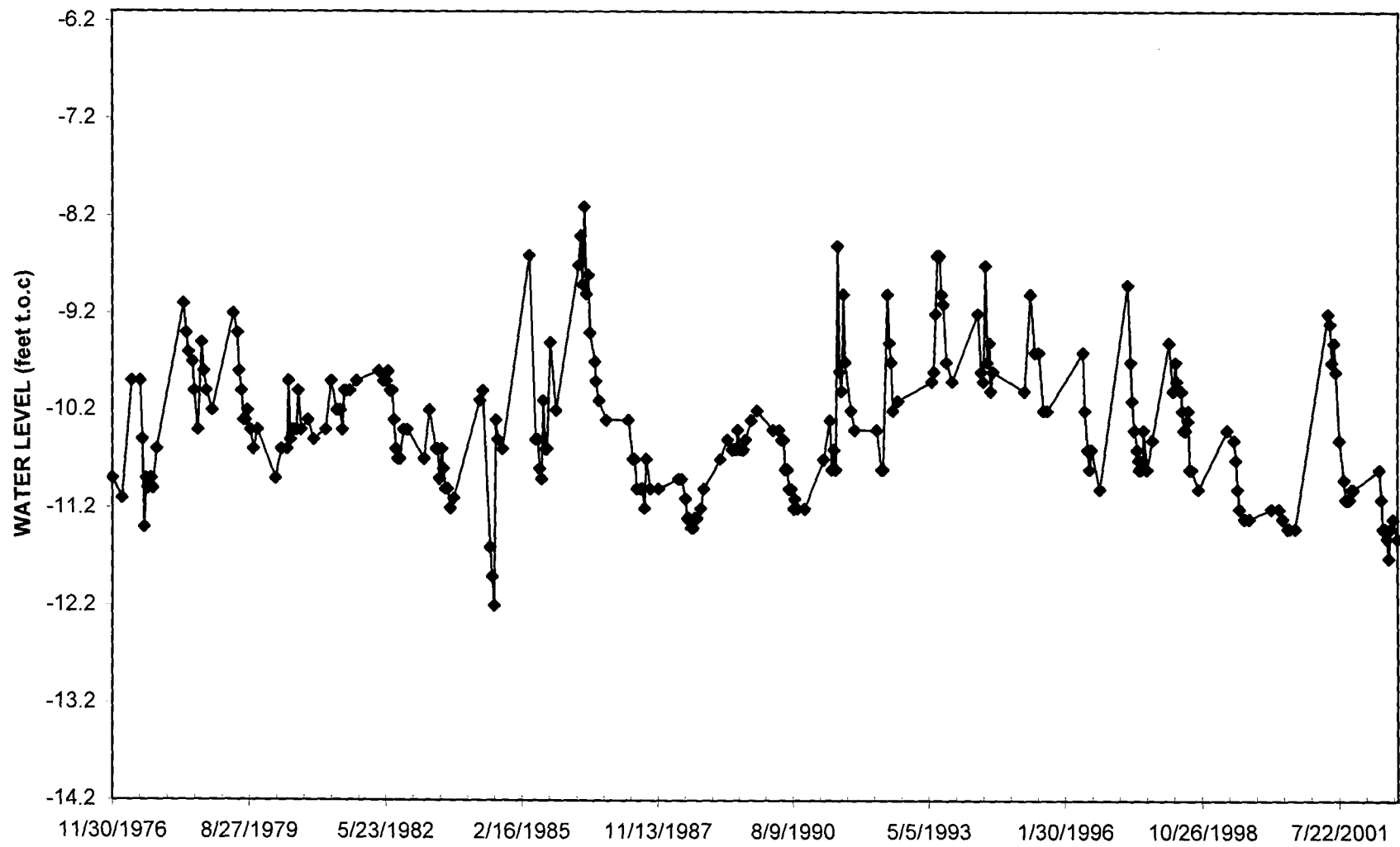
Putnam, L.D., R.C. Thompson, 1996, Appraisal of the Water Resources of the Big Sioux Aquifer, Codington and Grant Counties, South Dakota, WRI 96-4275, USGS, Rapid City, SD, 57702.

Water Rights, 2002, Unpublished Observation Well Data for Codington County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

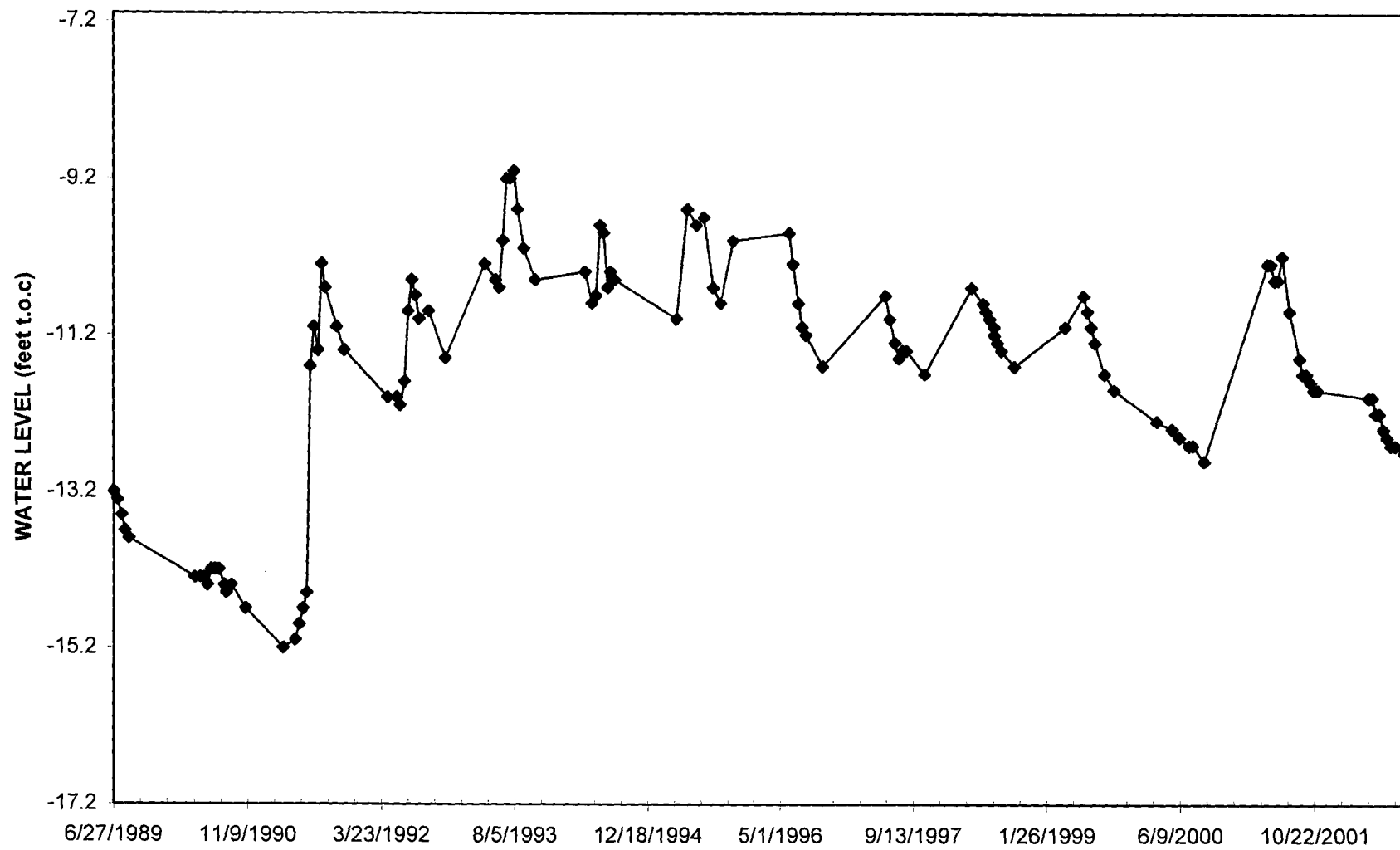
WATER RIGHTS' OBSERVATION WELL
CD-57A



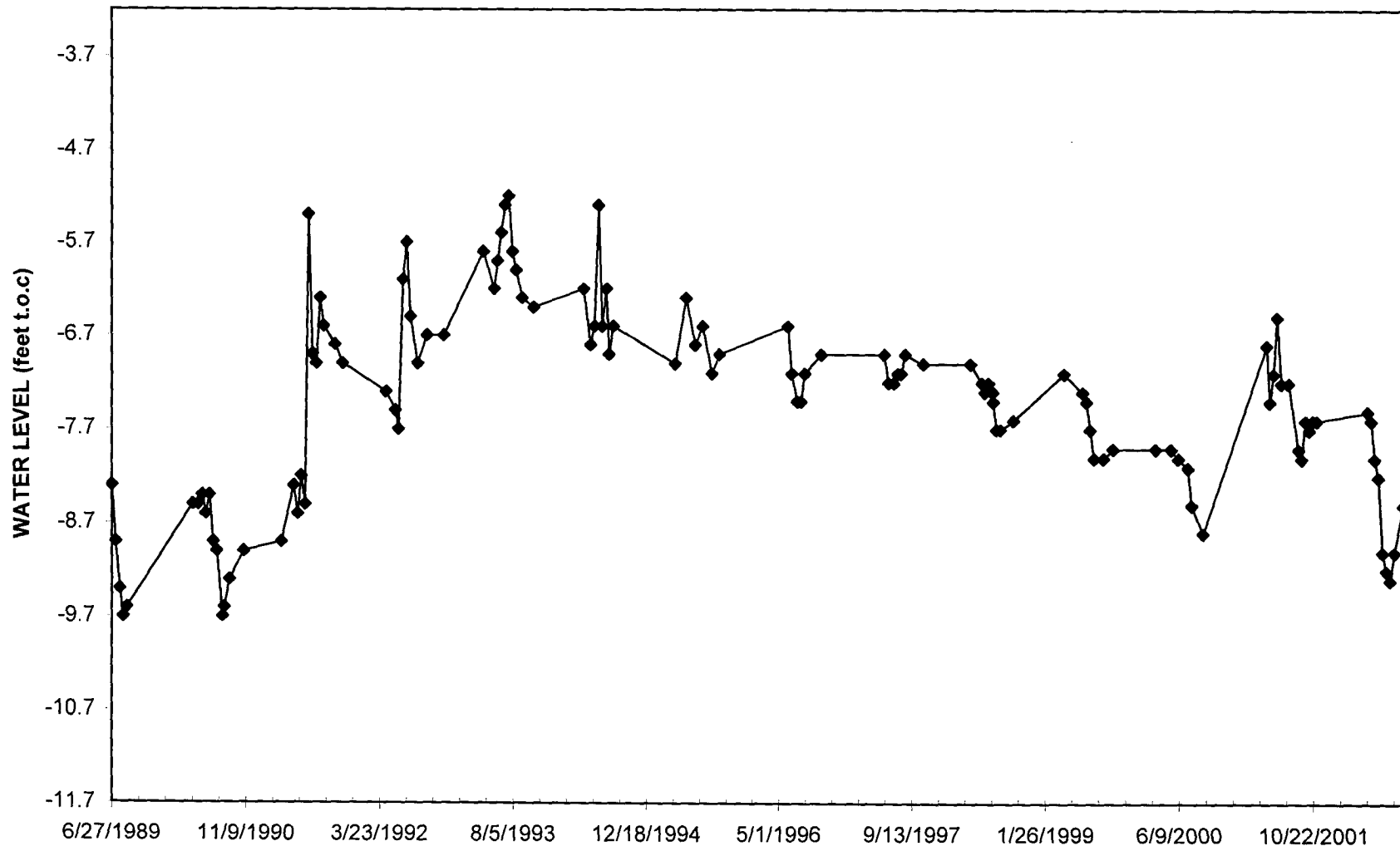
**WATER RIGHTS' OBSERVATION WELL
CD-76B**



WATER RIGHTS' OBSERVATION WELL
CD-89A



WATER RIGHTS' OBSERVATION WELL
CD-89B





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 24, 2002

Geoff Heig
Watertown Municipal Utilities
901 Fourth Avenue SW
Watertown SD 57201

Dear Mr. Heig:

Please find enclosed a copy of the report, recommendation and notice regarding Water Permit Application No. 6362-3 filed by Rodney Zemlicka. The application proposes to irrigate 100 additional acres from two wells. The Chief Engineer is recommending approval as a temporary permit subject the city of Watertown developing water reserved from their future use permits. Please see Jim Goodman's report for a more detailed description of the project.

The notice is scheduled to be published in the Public Opinion printed in Watertown on October 31 and November 7, 2002. If you desire to petition to intervene in order to participate in the December 4, 2002 hearing before the Water Management Board, you must submit the petition by November 25, 2002.

This information is being sent to you because of the interest you have shown in water right appropriations in the Watertown area. If you have any question on the application, please contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

October 24, 2002

Rodney Zemlicka
45412 164th St.
Watertown SD 57201

Dear Mr. Zemlicka:

Water Permit Application No. 6362-3 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 Public Opinion printed at Watertown, SD (Ph # 605-886-6901). You will need to contact the newspaper and authorize publication of this notice. 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. Upon receiving authorization, 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 also 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 57501-3182
www.state.sd.us/denr

October 24, 2002

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

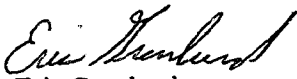
Enclosed is a Notice of Hearing on Application No. 6362-3 to Appropriate Water to be published twice. Please publish the first notice on October 31, 2002 with the second publication 7 days later.

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 Rodney Zemlicka, 45412 164th St., Watertown SD 57201 (Ph # 605-886-4010).

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. 6362-3

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

Date _____

We are in receipt of your letter of October 24, 2002 enclosing Notice of Hearing to Appropriate Water by Application No. 6362-3 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 October 31, 2002 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6362-3 to Appropriate Water

Notice is given that Rodney Zemlicka, 45412 164th St, Watertown SD 57201 has filed an application for a water permit to irrigate 100 additional acres. Water Right No. 5262-3 appropriates 2.22 cubic feet of water per second from two wells (Big Sioux-North Aquifer) 44 and 53 feet deep located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 19 to irrigate 165 acres located in the NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 19; all in T118N-R52W. This application is to irrigate 100 additional acres located in the SE $\frac{1}{4}$ Section 19-T118N-R52W from the existing wells. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6362-3 as a TEMPORARY PERMIT because 1) water is available to be appropriated as a temporary permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diversion can be developed as a temporary permit without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to 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 November 25, 2002. 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.

The Water Management Board will consider this application at 10:00 A.M. December 4, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 2002 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2002.

Any hearing may be an adversarial proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by November 24, 2002, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
 County of Codington)

I, Monica K. Saathoff

certify that the attached printed Notice was
 taken

from the Watertown Public Opinion

printed and published in Watertown

County of Codington and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

October 31, 2002

November 7, 2002

Cost of Printing 135.00

Monica K Saathoff
 (Signature)

Bookkeeper

(Title)

November 7th, 2002

(Date Signed)

DENR**NOTICE OF APPLICATION
 NO. 6362-3 to Appropriate
 Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6362-3 as a TEMPORARY PERMIT because 1) water is available to be appropriated as a temporary permit until the City of Watertown develops water reserved from their future use permits, 2) the proposed diversion can be developed as a temporary permit without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest.

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The Water Management Board will consider this application at 10:00 A.M. December 4, 2002 in the Matthew Training Center, Foss Building, 523 E. Capitol, Pierre SD. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The December 4, 2002 hearing date will be automatically delayed for at least 20

days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by November 25, 2002.

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This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3, 1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, Steven M. Pinner, Secretary, Department of Environment and Natural Resources.
 (October 31, November 7, 2002)

135.00

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NOV 12 2002

WATER RIGHTS
 PROGRAM

MUNICIPAL UTILITIES DEPARTMENT

901 Fourth Avenue Southwest

WATERTOWN, SOUTH DAKOTA 57201-4107

PHONE (605) 882-6233 • FAX (605) 882-6238

November 12, 2002

Eric Gronlund
Department of Environment and Natural Resources
Joe Foss Building 523 East Capitol
Pierre S.D. 57501-3182

RE: Water Right Permit Application No. 6362-2

Dear Mr. Gronlund:

This letter is to petition water right permit application No. 6362-3 as an interested party. The Municipal Utilities Department is in favor of the permit being issued as a temporary permit. These requested wells are right next to our future use area of the Big Sioux North Aquifer. The City of Watertown is growing and we are interested in preserving the water rights for our future growth. I plan on attending the Water Management Board meeting on December 4th to offer testimony on water right permit application No. 6362-3.

Thank you and please call if you have any questions.

Sincerely,



Jeff DeVille
Water Superintendent
Watertown Municipal Utilities Dept.

Cc: Rodney Zemlicka

RECEIVED

NOV 14 2002

**WATER RIGHTS
PROGRAM**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 13 2003

Rodney Zemlicka
45412 164th St
Watertown SD 57201

Dear Mr. Zemlicka:

Enclosed is Temporary Use Water Permit No. 6362-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 6362-3

I have this day, May 2, 2023, made a thorough examination of the water use system constructed by Rodney Zemlicka; 45412 164th St, Watertown, SD 57201 of Permit No. 6362-3, bearing the priority of September 13, 2002 authorizing the diversion of 0.00 additional cu. ft. per second of the waters of the Big Sioux:North Aquifer for irrigation purposes, in Codington County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling
- 2) No. of Wells 2
- 3) Depth(s) 42 & 52 feet
- 4) Well log is available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 27 & 37 feet
- 3) Type Fiberglass

Screen:

- 1) Type Fiberglass
- 2) Length 15 feet
- 3) Static water level 6 feet

Pump:

- 1) Make Fairbanks Morse
- 2) Model H16DL7100BDF
- 3) Capacity 1000 total GPM

Motor:

- 1) Make US Electric Motors
- 2) Model No. 286 TPH
- 3) Horsepower rating 30 hp

Pump and motor information taken from inspection report in Water Right No. 5262-3

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

- 1) Type Buried PVC
- 2) Size 8 & 6 inches
- 3) Length 1600 & 940 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Overall length 1300 feet
- 3) Number of towers 7
- 4) End gun Y
- 5) Capacity 1000 total GPM

Chemigation Equipment:

- 1) Does chemigate Y (uses commercially available equipment)

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows: well locations
From the SE corner Sec 19 T118N R52W; WELL #1: 2,830 ft N & 130 ft W, Lat 45.01391 Long - 97.10635 WELL #2: 1,660 ft N & 445 ft W, Lat 45.00935 Long -97.10764 (SE ¼ NE ¼ & NE ¼ SE ¼).
2. The works are capable of diverting and conveying to the place of use 2.22 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:

Sec 19 T118N R52W

NW ¼ SE ¼ – 36.5 acres

NE ¼ SE ¼ – 23.5 acres

SE ¼ SE ¼ – 12.0 acres

SW ¼ SE ¼ 35.5 acres

Total for pivot = 107.5 acres

Pivot covers 7.5 more acres than permitted
however, the acreage is covered under No. 5262-3

3. All structures, wells and lands on map Y

F. Comments or other permit(s) associated with the project:

The irrigated acreage was determined with the aid of FSA imagery and ArcMAP software.

The two (2) wells are authorized under Permit 5262-3 with a total discharge of 1000 gpm. Only additional acres are involved with this permit.

The mailing address in the permit materials is current but a new contact phone number is 605/881-8483 (cell).

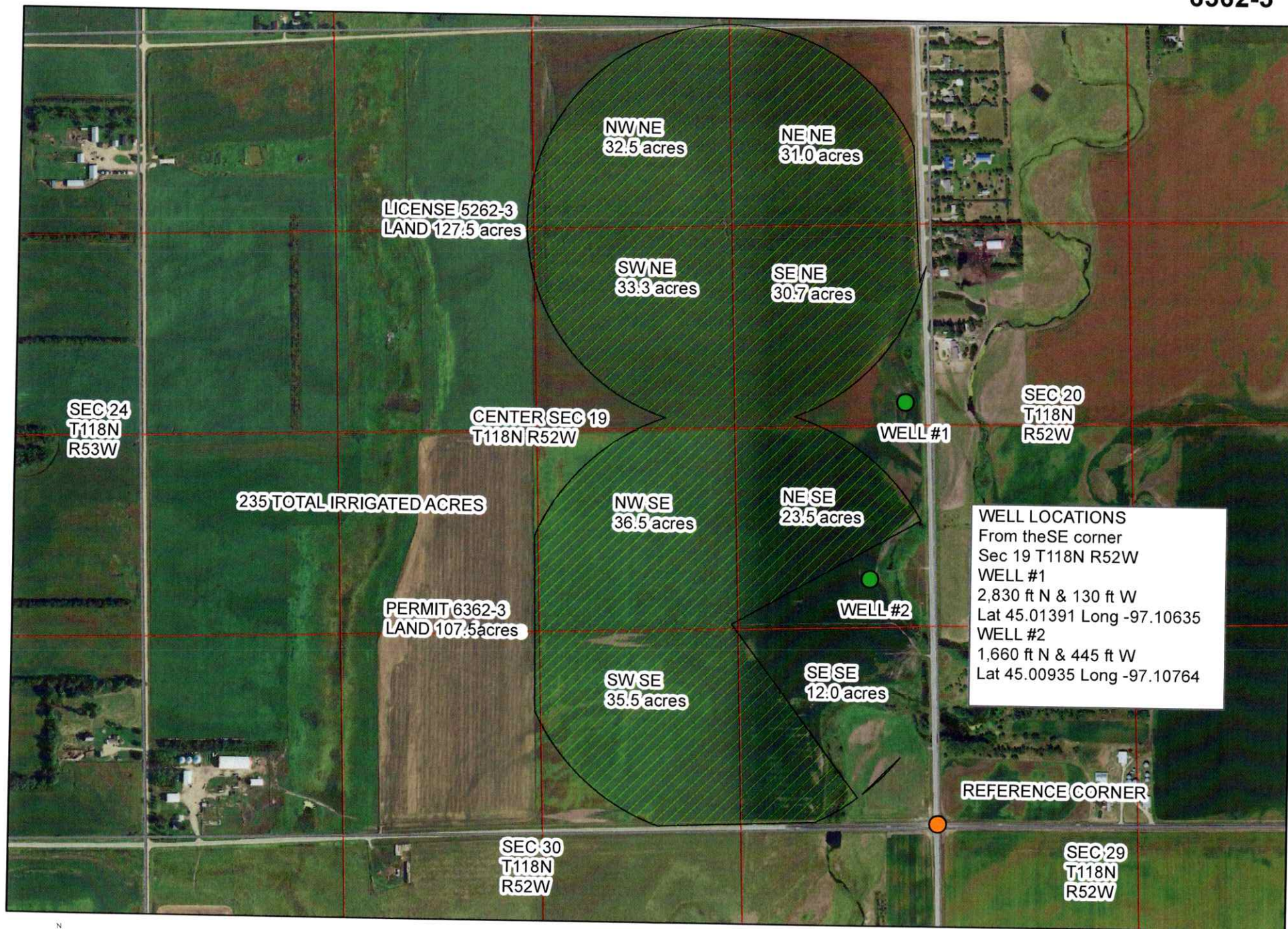


Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: May 6, 2023

Note: No. 6362-3 is a temporary use water permit and will not be licensed. The permit will be reissued to reflect the findings of the investigation. The map included with the reissued temporary use water permit reflects the entire system as developed under both Nos. 6362-3 and 5262-3.

Genny



WELL LOCATIONS
 From the SE corner
 Sec 19 T118N R52W
WELL #1
 2,830 ft N & 130 ft W
 Lat 45.01391 Long -97.10635
WELL #2
 1,660 ft N & 445 ft W
 Lat 45.00935 Long -97.10764



0 0.1 0.2 0.4 0.6 0.8 Miles



Darrell DeBoer
 Water Right Inspector
 DANR-Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

MAY 11 2023

6362-3

Rodney Zemlicka
45412 164th St
Watertown SD 57201

Dear Mr. Zemlicka:

Enclosed is Reissued Temporary Use Water Permit No. 6362-3. The temporary use water permit was reissued acknowledging the acreage was developed and water has been applied to beneficial use. A map is enclosed showing the location of the pivots and well locations as described in Nos. 6362-3 and Water Right No. 5262-3.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, 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.

The Reissued Temporary Use Water Permit is subject to the qualifications listed in the permit. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

REISSUED
SOUTH DAKOTA
TEMPORARY USE WATER PERMIT NO. 6362-3
FOR IRRIGATION

The Water Management Board approved Temporary Use Water Permit No. 6362-3 on December 4, 2002, for Rodney Zemlicka, 45412 164th St, Watertown SD 57201 authorizing the construction of the water use system and the placing of water to beneficial use.

Temporary Use Water Permit No. 6362-3 authorized irrigation of 100 additional acres in the SE ¼ Section 19, T118N, R52W from two existing wells (Big Sioux-North Aquifer) 44 and 53 feet deep authorized under Water Right No. 5262-3. The temporary use permit did not authorize any increase in the developed diversion rate.

1. On May 2, 2023, an investigation was conducted of the water use system described in Temporary Use Water Permit No. 6362-3. The investigation found the system had been developed as permitted for the 100 acres in the SE ¼ Section 19, T118N, R52W. The two existing wells, licensed under Water Right No. 5262-3, are located as follows: **Well #1**: 2,830' N & 130' W of the SE corner, Section 19, T118N, R52W (Latitude 45.01391, Longitude -97.10635) (SE ¼ NE ¼) and **Well #2**: 1,660' N & 445' W of the SE corner, Section 19, T118N, R52W (Latitude 45.00935, Longitude -97.10764) (NE ¼ SE ¼).
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 - August 31.
3. The date from which applicant may claim right is September 13, 2002.
4. 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 city of Watertown has priority right to this water under future use withdrawal permits. This permit is issued as a temporary use permit pursuant to SDCL 46-5-39 and is subject to Watertown's prior rights if or when the city develops the reserve water supply. This permit may be subject to cancellation when the city puts to beneficial use water reserved by their future use permit. The Chief Engineer must provide the permit holder six months' notice prior to cancellation of this temporary use permit.
2. 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.
3. This temporary use permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By:

Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture & Natural Resources

MAY 11 2023
date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 3, 2026

6362-3

Brenda Zemlicka
45412 164th St
Watertown, SD 57201

Dear Ms. Zemlicka:

Hello Benda, per our conversation, you stated that Permit No. 6362-3, needed to be changed from Rodney Zemlicka to you and your son's name. For your convenience I have enclosed a partially completed "Transfer of Ownership" form for you to complete and return in the pre-paid envelope.

Please return the form with a check for \$50.00 made payable to "SD Water Rights Program" to cover the transfer fee. If you would prefer to pay by card you may call our Fiscal Office at 605.773.5559. This form will still need to be returned even if you are submitting payment over the phone.

Should you decide you wish to discontinue the irrigation on this piece of land, we would ask that you let us know.

If you have any questions or concerns, please give me a call. My direct number is 605.773.8204

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

enclosure

6362-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: RODNEY ZEMPLICKA, 45412 164TH ST, WATERTOWN, SD 57201 7324
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6362-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 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) 6362-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6362-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: AELYXL**

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.

RECEIVED

FEB 24 2026

OFFICE OF
WATER

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 6362-3

Date: 2-16-2026

I/We request that Water Right/Permit No. 6362-3 formerly owned by:
Rodney Zemlicka

be transferred to: Rec't#

New Owner Name:

Brenda Zemlicka ^{or} Brent Zemlicka

Address:

454 1/2 164th St.

mobile: 605-881-3323

City, State, Zip

Watertown SD 57201

email: brenda264@hotmail.com

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

100 acres located in:
SE1/4 Section 19 - T118N - R52W



I understand that the validity of Water Right/Permit No. 6362-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Brenda Zemlicka, the new owner, certify that the above information is true and correct.

Brenda Zemlicka

(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

RECEIVED

FEB 06 2026

OFFICE OF
WATER

PAID

FEB 23 2026

Ck# 1913

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

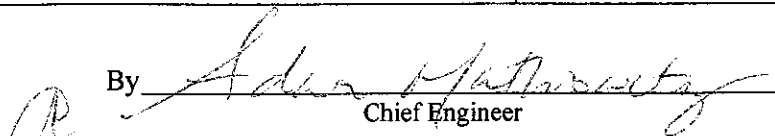
Date February 23, 2026

RECEIVED OF Brenda Zemlicka or Brent Zemlicka 45412 164th St Watertown, SD 57201

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #6362-3	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By


Chief Engineer



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 25th, 2026

6362-3

Brenda or Brent Zemlicka
45412 164th St
Watertown, SD 57201

Dear Brenda Zemlicka & Brent Zemlicka,

The South Dakota Water Rights Program is in receipt of the "Notice of Transfer of Ownership" form and the required fee you submitted for Water Permit No. 6362-3. Enclosed is a receipt of payment for your records.

Water Permit No. 6362-3, previously held by Rodney Zemlicka, is now listed under your names. I have also updated your contact information in our system.

As a reminder, so long as you use the water beneficially, as stated in the Permit (copy enclosed), State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the Permit will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-3352
Shannon.konst@state.sd.us

NOTE: The validity of Water Permit No. 6362-3 has not been determined by this transfer action. Only the Water Management Board has the authority to determine if a water permit/right is valid.

enclosure