

WATER PERMIT NO. 6617-3

Name of Applicant: **Kevin Cusick**

Address: **46824 Burbank Rd, Burbank SD 57010**

Phone: **605 624-8949**

Amount of Water Claimed: **0.69 cfs**

Total Acres: **48**

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

Water to be used for: **irrigation**

County: **Clay**

Type of Waste Disposal System:

Location: **½ miles northwest of Burbank**

PRIORITY

Date Received: **4-6-05**

Application/License Fee: **\$200**

Corrected Application Received:

Period of Annual Use: **June 1 – August 31**

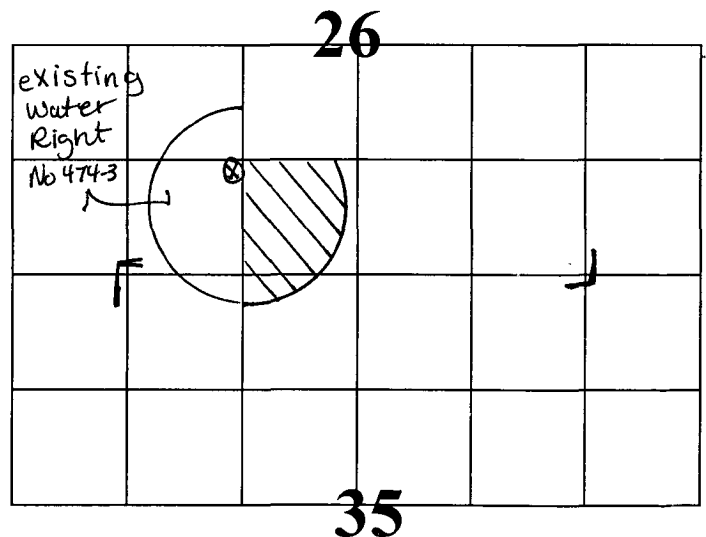
Remarks: **Well is authorized by Waer Right No. 474-3**

Diversion Point: **center of SW ¼ Sec 26-T92N-**

R51W

Land to be Irrigated: **SE ¼ SW ¼ Sec 26, NE ¼**

NW ¼ Sec 35; all in T92N-R51W



Depth of Well: **90 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Kevin B Beerman, NRCS**

Reviewed and the Number Assigned on: **4-7-05**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6617-3</u>	Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Plain Talk, Vermillion</u>	

RECEIVED

APR - 6 2005

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 474-3
 (Use predates Mar 2, 1955)

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

expand existing permit for future change to center pivot

1. Name of Applicant Kevin Cusick Phone 605-624-8949
 (check one) ☒ Owner ☐ Tenant/lessee
- Mailing Address 46824 Burbank RD Burbank State SD 57010
 (Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed .69 *CFS or **GPM ***AF Total Acreage 48
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
well is in the SE corner of N1/4 SW1/4 and NE corner of SW1/4 SW1/4 section 26 - 092 - 51 (center SW1/4 Sec 26)
5. County or counties where water will be used Clay
6. Annual period during which water is to be used June 1 thru August 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 SW 1/4 26-092-51</u>	<u>40</u>		
<u>NE 1/4 NW</u>			
<u>NW 8 acres of NE 1/4 NW 1/4</u>	<u>8</u>		
<u>section 35-092-51</u>			

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

expand permit #474-3

STATE OF SOUTH DAKOTA) SS

County of Clay

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, Kevin Cusick, 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 Kevin CusickSubscribed and sworn to before me this 4th day of April 20 05Kristee Brown

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 6617-3

Date of first receipt of application April 6, 2005.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6617-3 to Kevin Cusick, 46824 Burbank Rd, Burbank SD 57010 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. 6617-3 appropriates 0.69 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (approximately 90 feet deep) located in the approximate center of the SW ¼ Section 26 to irrigate 48 acres located in the SE ¼ SW ¼ Section 26 and the NE ¼ NW ¼ Section 35; all in T92N-R51W. This permit authorizes irrigation of additional acres from the well authorized by Water Right No. 474-3.
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 April 6, 2005.
4. The date of approval of Permit No. 6617-3 is June 13, 2005.
5. One-fifth of the construction is to be completed on or before December 13, 2007.
6. All construction is to be completed on or before June 13, 2010.
7. Water is to be put to beneficial use on or before June 13, 2014.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 08 2005

date



Supplemental Information

(type or print in ink)

See copy of existing permit
next page

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 36 in Depth 85-90'
- b) Casing Type Steel Diameter 18 in Thickness 12 gauge steel
- c) Screen Type steel Diameter 18 in Thickness 12 gauge
- d) Gravel Pack 9 in Length of Gravel Pack 20'
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) 14'
- g) Distance to nearest existing domestic well:
- On applicants property none On property owned by others 0.5 mile

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

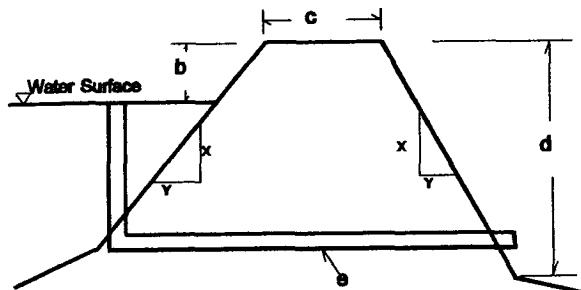
3. Dugout Information

- 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

copy from 474-3 permit

Form 2A — Wells (Supplement to Form 2)

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36 in Depth 85'-90'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18 in Thickness of casing 12-gauge steel

Length of casing 30 If collection gallery, length, size and depth of gallery

(b) Screens

Type of perforated screen 12-gauge

Size of perforated screen 18" (diameter) 30' in well (length)

Thickness of gravel pack 9" length of gravel pack 70'

(c) Water Bearing Materials

Distance to water 14' Character of water bearing materials

coarse gravel and rock

Thickness of water bearing material 2.4'

(d) Pump and Motor

Type of pump Deep well turbine
(centrifugal, propeller, mixed flow, etc.)

Name of pump Weston-Land Bell size 8"

Kind of motor turbine gas
(gasoline, electric, diesel, etc.)

Horsepower 45 Name of Motor John Deere 60

(e) Complete well

Capacity 1000 at drawdown of 27' Estimated cost 2000.00

(f) Owner of land upon which well is located Laverne Quirk
Name

Barabank Address

(g) Distance to nearest existing wells

On same owner's property none rods. On property owned by others 800 rods

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date APRIL 7, 20 05

RECEIVED OF Levit Cusick, 46824 Furbank Road., Furbank SD 57000

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

Fee for Application for Permit No. <u>66617-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	CC
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>66617-3</u>	50	CC
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	200.00

No.

001977

By

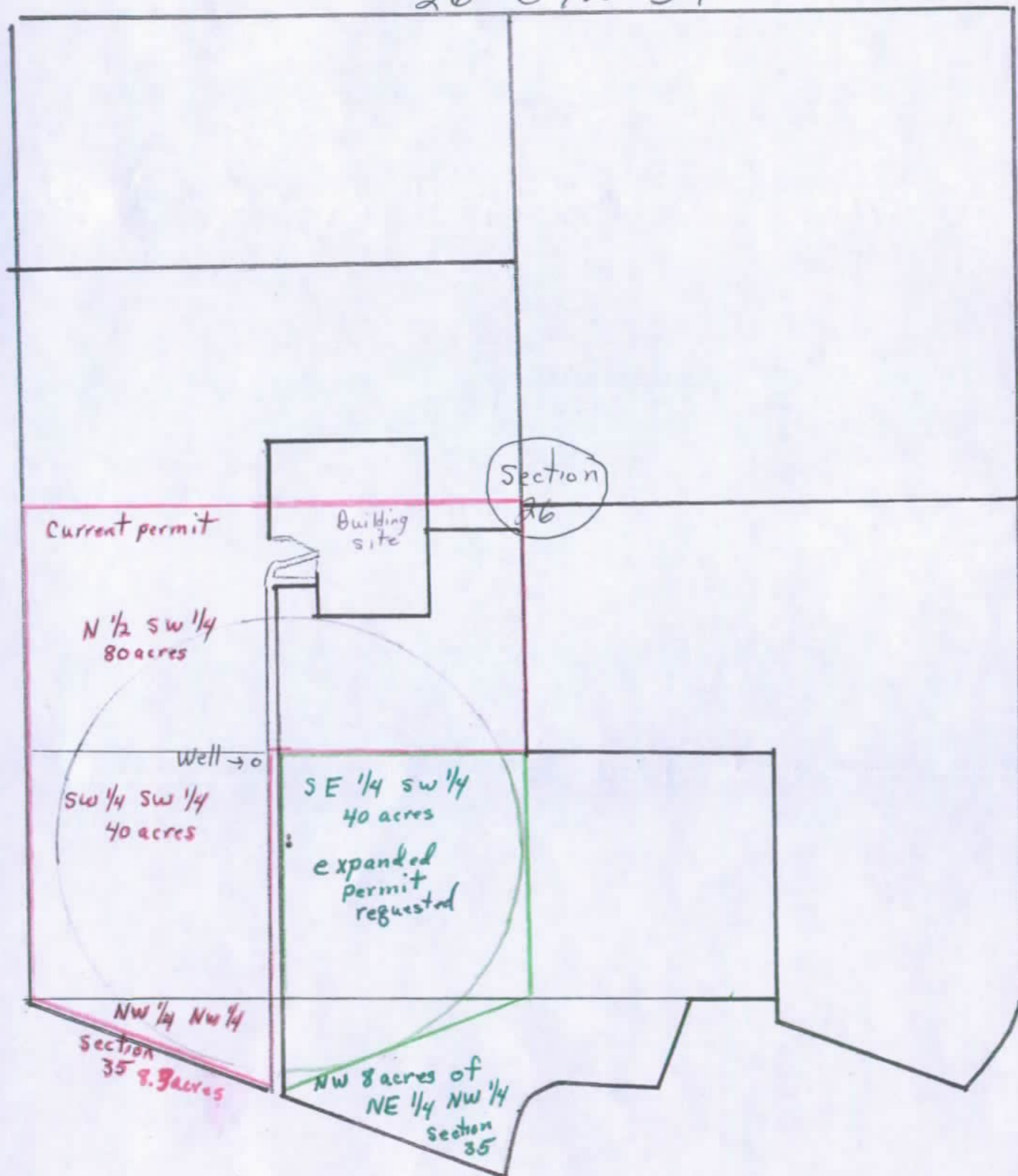
Darland E. White
Chief Engineer *gm*

Kevin Cusick

KEVIN C. BERGMANN NRCG

W.D. Berman

26-092-51



H14

T 178

2000

L2 78.3 W
NHSL

T 2239

46 Alf
Hef
96

T 2238

35.3
Corn gn

26 156
NHSL

T 279

Shares - All

79.2
Corn
gn

well

T 2170

27.3 Soybeans

92.51
H14

130.2
NHSL

T 171

79.2
I.R.R. NHSL

109.5
NHSL
W

T 2171
NW
NHSL
215.2

100
NHSL
NW

T 217
13.4
NHSL

T 217
13.4
NHSL

REPORT ON WATER PERMIT NO. 6617-3

For Kevin Cusick

May 11, 2005

Application No. 6617-3 proposes to appropriate 0.69 cfs (310 gpm) from an existing well completed to a depth of approximately 90 feet and located in the approximate center of the SW $\frac{1}{4}$ of section 26 to irrigate 48 acres located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 26 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of section 35; all in T92N R51W in Clay County. This application proposes to irrigate additional acres from the well authorized by Water Right No. 474-3.

AQUIFER – MISSOURI ELK POINT (M-EP)

The Missouri Elk Point is an alluvium mantled outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 74,500 acres and contains an estimated 1.117 million acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Union County to the east, Yankton County to the west, blends into the Lower Vermillion Missouri aquifer to the north and is hydraulically connected to both the Missouri and Vermillion Rivers. Ground water appears to move from northwest to southeast in this area and toward the Missouri River (Christensen, 1967).

This is an existing well and has been in use for many years. No log is available but there is sufficient information available from the county study, nearby domestic and irrigation wells, and observation wells to evaluate this application. The county study mapping indicates the aquifer should be 100 to 125 feet thick in this area (Christensen, 1967).

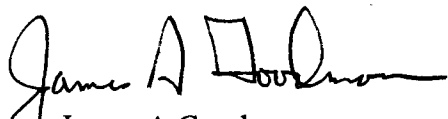
The Water Rights Program monitors to observation wells CL-80D and CL-80E located within two miles of this application. Water levels for these observation wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Hydrographs for these two observation wells are included with this report. In general the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2005). Of note, observation well CL-80D appears to show a slight decline over the period of record beginning in 1957. This is apparently due to the gradual incising of the Missouri River and this phenomena shows up in other Missouri Elk Point aquifer observation wells located within a short distance of the river.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are four existing water rights with wells within a one to two mile radius of this application. Interference is not a concern. The aquifer is prolific and drawdown created by pumping does not extend very far from the individual production wells. The distance between the irrigation wells is sufficient to minimize any potential impacts of drawdown. This is an existing well and has been used for many years with no apparent problems. The observation well hydrographs verify these conclusions.

CONCLUSIONS

1. Water is available from the Missouri Elk Point aquifer.
2. The aquifer is under water table conditions at this site. Drawdown is not expected to be significant. Interference is not a concern.
3. This is an existing well. It can not be determined if this well was constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

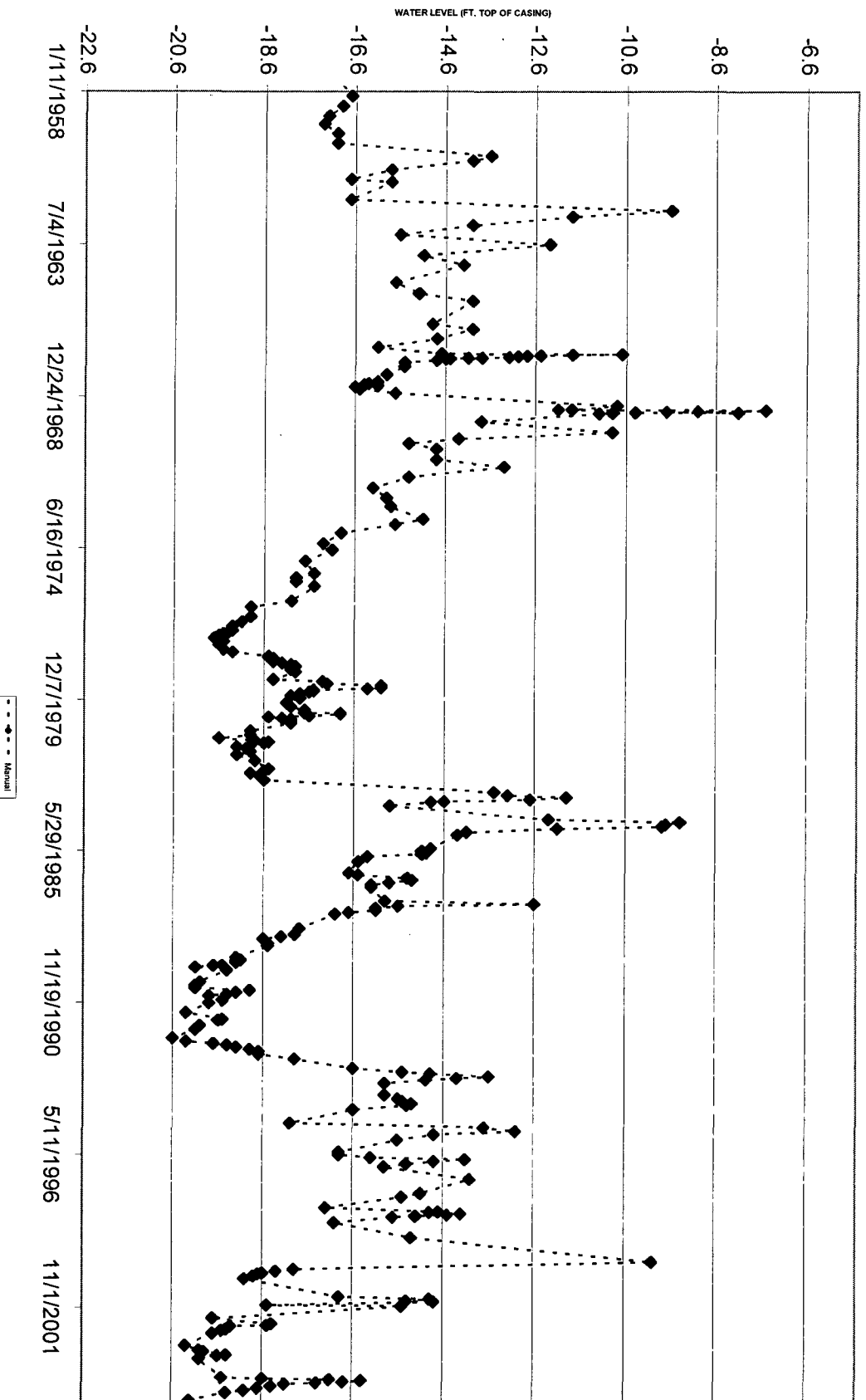
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrology of Clay County, South Dakota, Part II Water Resources, Bulletin 19, SD DENR, SDGS, Vermillion, SD, 57069.

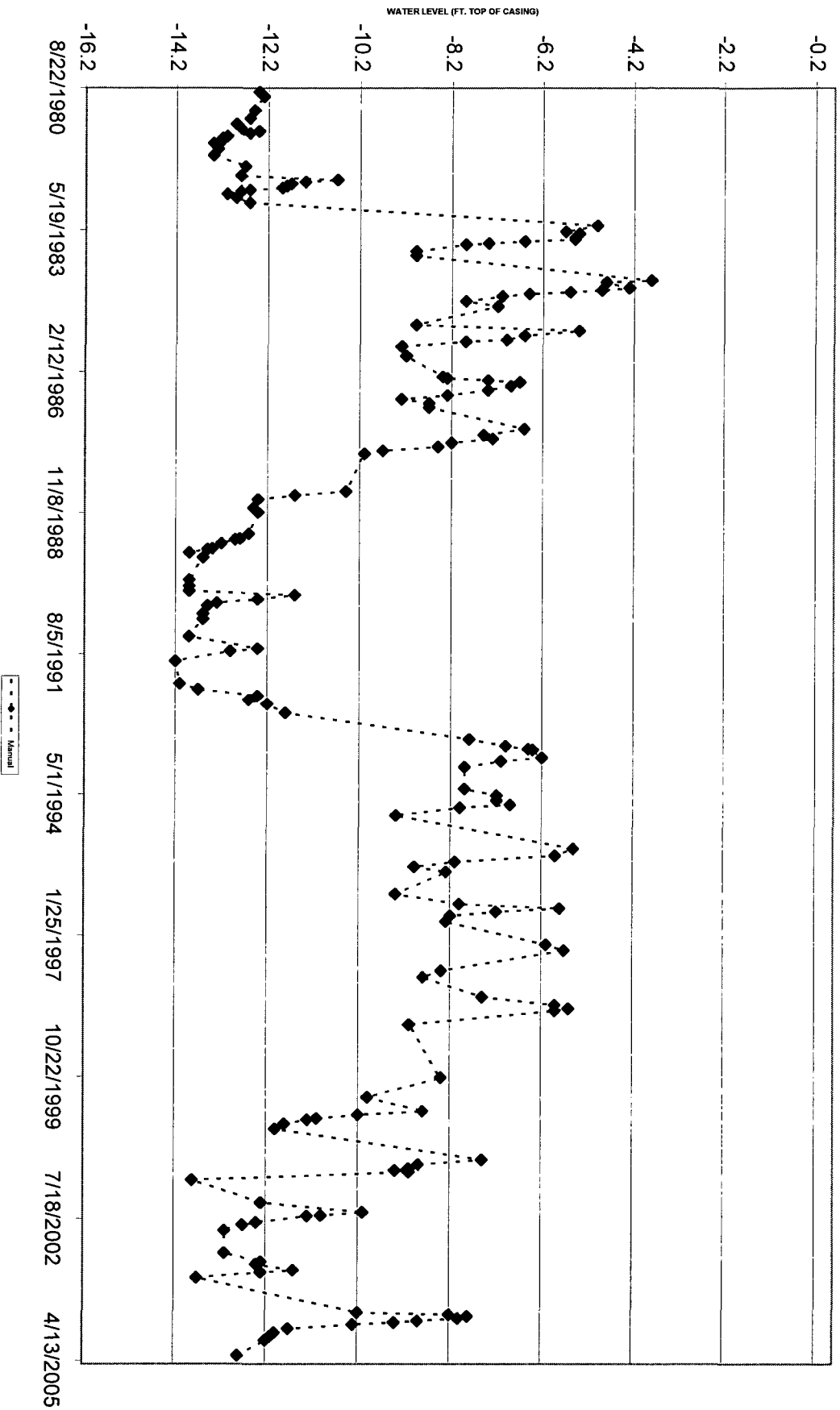
Hedges, L.S, and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2005, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL
CL-80D



WATER RIGHTS' OBSERVATION WELL CL-80E





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6617-3, Kevin Cusick**

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. 6617-3, Kevin Cusick, 46824 Burbank Road, Burbank SD 57010.

The Chief Engineer is recommending APPROVAL of Application No. 6617-3 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 well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
May 16, 2005

AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Shani Bonner

Being first duly sworn, deposes and says: That he/she is a resident of the County of Clay and State of South Dakota; that

THE PLAIN TALK

is a legal newspaper of general circulation, printed and published in Vermillion, in said County and State, by Broadcaster Press, Inc., and is now and has been such newspaper continuously during all the times hereinafter mentioned; that affiant is and was during all the time hereinafter mentioned in charge of the advertising department thereof, and has personal knowledge of all the facts stated in this affidavit: and that the notice and advertisement headed:

NOTICE OF APPLICATION NOS. 6617-3

TO APPROPRIATE WATER: KEVIN CUSICK

a printed copy of which is hereunto attached and made a part hereof, was printed and published in the said newspaper at least once in each week

for 2 successive weeks; that said newspaper at the time of the first publication of said notice hereinafter stated, had, and still has, a bona fide circulation of over two-hundred paid copies weekly, and had been published in the said county of Clay for more than one year immediately prior to the date of the said publication of said notice, and that said newspaper during said times, was, and is, printed in part in an office maintained at said city of Vermillion, the said place of publication; that the first publication of said notice in said newspaper as aforesaid

was on Friday, the 27th day of May 20 05, and that the succeeding publications were severally

on Friday, the 3rd day of June, 20 05,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

on Friday, the _____ day of _____, 20 _____,

that the fees charged for the printing and publication of the said notice and advertisement in said newspaper as aforesaid were

Thirty-nine dollars and 87 cents

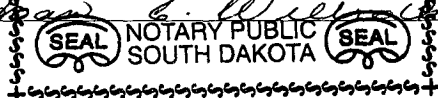
and that said fees for the printing and publishing of said notice and advertisement have been fully paid; that the full amount of the fee charged for the publishing of the said attached annexed notice and advertisement inures to the benefit of the publisher of the said newspaper, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any other person whomsoever.

Shani Bonner

Subscribed and sworn to before me

this 27th day of May, 20 05

JOAN E. WILLROTH



Notary Public JUN 16 2005

RECEIVED

WATER RIGHTS PROGRAM

My Commission Expires 04/17/2011

NOTICE OF APPLICATION NO. 6617-3 to Appropriate Water

Notice is given that Kevin Cusick, 46824 Burbank Rd., Burbank, SD 57010 has filed an application for a water permit to appropriate 0.69 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (approximately 90 feet deep) located in the approximate center of the SW 1/4 Section 26 to irrigate 48 acres located in the SE 1/4 SW 1/4 Section 26 and the NE 1/4 NW 1/4 Section 35; all in T92N-R51W. This application proposes to irrigate additional acres from the well authorized by Water Right No. 474-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6617-3 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 13, 2005.

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. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.
Publish: May 27 & June 3, 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

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

May 17, 2005

Kevin Cusick
46824 Burbank Rd
Burbank SD 57010

Dear Mr. Cusick:

Water Permit Application No. 6617-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Plain Talk printed at Vermillion, SD (Ph # 605-624-2695). 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 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. 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

PMB 2020
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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 17, 2005

Plain Talk
PO Box 256
Vermillion SD 57069-0256

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6617-3 to Appropriate Water to be published twice. Please publish the first notice on May 27, 2005 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Kevin Cusick, 46824 Burbank Rd, Burbank SD (Ph # 605-624-2695).

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. 6617-3

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

Date _____

We are in receipt of your letter of May 17, 2005 enclosing Notice to Appropriate Water by Application No. 6617-3 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 27, 2005 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6617-3 to Appropriate Water

Notice is given that Kevin Cusick, 46824 Burbank Rd, Burbank SD 57010 has filed an application for a water permit to appropriate 0.69 cubic feet of water per second from one existing well completed into the Missouri:Elk Point Aquifer (approximately 90 feet deep) located in the approximate center of the SW ¼ Section 26 to irrigate 48 acres located in the SE ¼ SW ¼ Section 26 and the NE ¼ NW ¼ Section 35; all in T92N-R51W. This application proposes to irrigate additional acres from the well authorized by Water Right No. 474-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6617-3 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.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

JUL 08 2005

Kevin Cusick
46824 Burbank Rd
Burbank SD 57010

Dear Mr. Cusick:

Enclosed is Water Permit No. 6617-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

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. 6617-3

I have this day, November 2, 2015, made a thorough examination of the water use system constructed by Kevin Cusick, 46824 Burbank Rd, Burbank, SD 57010 of Permit No. 6617-3, bearing the priority of April 6, 2005 authorizing the diversion of 0.69 cu. ft. per second of the waters of Missouri:Elk Point Aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Kevin Cusick, permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Unknown
- 2) No. of Wells 1 - Existing
- 3) Depth(s) 102 feet
- 4) Well log is available No If no, explain in comments

Comments: Information from Water Right 474-3 1969 Examination of Works

Casing:

- 1) Diameter 18 inches
- 2) Length _____ feet
- 3) Type Concrete

Screen:

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

Pump:

- 1) Make Turbine
- 2) Model _____
- 3) Capacity 800 GPM

Motor:

- 1) Make US Electric
- 2) Model No. _____
- 3) Horsepower rating 40 hp

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

- 1) Type PVC 2) Size 8 inches 3) Length 400 feet

Comments: Installed with center pivot

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley Model 800
2) Overall length 1280 feet
3) Number of towers 7
4) End gun Yes
5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate No

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, Water Permit 6617-3 began irrigating in 2006.

List any extended period of nonuse: Did not use in 2010 due to adequate rainfall

- 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: East 1300', North 1320' from SW corner Sec 26-T92N-R51W; Lat 42.78393/Long -96.92857; SW ¼ SW ¼ Sec 26-T92N-R51W.
2. The works are capable of diverting and conveying to the place of use 1.78 cfs or 800 gpm of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:
- | | |
|---|---|
| <u>Water Permit 6617-3/46 ac</u> | <u>Water Right 474-3/87 ac</u> |
| <u>SE ¼ SW ¼ Sec 26-T92N-R51W – 38 ac</u> | <u>NE ¼ SW ¼ Sec 26-T92N-R51W – 21 ac</u> |
| <u>NE ¼ NW ¼ Sec 35-T92N-R51W – 8 ac</u> | <u>NW ¼ SW ¼ Sec 26-T92N-R51W – 22 ac</u> |
| | <u>SW ¼ SW ¼ Sec 26-T92N-R51W – 38 ac</u> |
| | <u>NW ¼ NW ¼ Sec 35-T92N-R51W – 6 ac</u> |

comprising a total of 133 acres of land and the license should be issued for 1.78 cfs or 800 gpm.

3. All structures, wells and lands on map Yes

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

Water Permit 6617-3 appropriates 0.69 cfs or 310 gpm from existing well authorized by Water Right 474-3 for irrigation of 48 additional acres. Water Right 474-3 was licensed in June 1969 for 1.83 cfs to irrigate 128.3 acres.



Harold Holoch, PE
Engineer Water Rights Inspector
DENR, Water Rights Program

Date report completed: December 3, 2015



6617-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

FEB 24 2016

474-3
6617-3

Kevin Cusick
46824 Burbank Rd
Burbank SD 57010

Dear Mr. Cusick:

Enclosed is Water License No. 6617-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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. 6617-3, 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,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Note: The applicable portions of Water Right No. 474-3 were incorporated into Water License No. 6617-3.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6617-3

(1) Kevin Cusick, 46824 Burbank Rd., Burbank SD 57010 made Application No. 6617-3, April 6, 2005 for a water permit to divert 0.69 cubic feet of water per second from ground water, one existing well (Missouri Elk Point Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 6617-3, with a priority date of April 6, 2005 was approved June 13, 2005 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 13, 2010 and for the application to beneficial use of said water on or before June 13, 2014.

Water Right No. 474-3, with a priority date of April 23, 1957, authorizes diversion of 1.83 cfs from one well for irrigation of 128.3 acres. Water Permit No. 6617-3 was obtained to appropriate additional water and acres to the existing system allowing the pivot to make a full rotation. The applicable portions of Water Right No. 474-3 are incorporated into this Water License No. 6617-3. A priority date of April 23, 1957 is retained for the entire diversion authority. Priority dates for the acreage are described in (3) of this license.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 1,300 feet east and 1,320 feet north of the SW corner of Section 26, T92N, R51W (approximate center of the SW ¼).

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

T92N, R51W Section 26	SE ¼ SW ¼	38 acres	April 6, 2005 (established under 6617-3)
	NE ¼ SW ¼	21 acres	April 23, 1957 (established under 474-3)
	NW ¼ SW ¼	22 acres	April 23, 1957 (established under 474-3)
	SW ¼ SW ¼	38 acres	April 23, 1957 (established under 474-3)
Section 35	NE ¼ NW ¼	8 acres	April 6, 2005 (established under 6617-3)
	NW ¼ NW ¼	6 acres	April 23, 1957 (established under 474-3)
Total		133 acres	

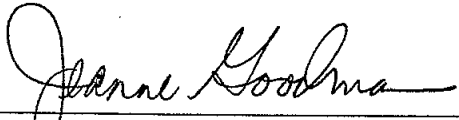
(4) Pursuant to South Dakota Water Law 46-5-30.1 Kevin Cusick, 46824 Burbank Rd., Burbank SD 57010 the holder and/or owner of Incorporated Water Right No. 6617-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Missouri Elk Point Aquifer) with priority dates of April 23, 1957 (1.78 cfs & 87 acres) and April 6, 2005 (46 acres) from the location specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 6617-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.

continued

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



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 24 2016

date



6617-3

Well Location

From the SW corner of

Sec 26 T92N-R51W

1300 Ft E

1320 Ft N

Well

Lat: 42.78393

Long: -96.92857

Sec 26 T92N-R51W

NW SW
22 ac
474-3

NE SW
21 ac
474-3

26

27

CLAY

8" PVC
Underground Piping

SW SW
38 ac
474-3

SE SW
38 ac
6617-3

92 51 W

Sec 27 T92N-R51W

NW NW
6 ac
474-3

NE NW
8 ac
6617-3

Sec 34 T92N-R51W

Sec 35 T92N-R51W

34

35

Total Acres = 133 ac



0 165 330 660 990 1,320



Feet

SCALE

Harold Holoch, PE
Water Rights Inspector
November 2, 2015



6617-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

November 27, 2023

Kellen Cusick
46824 Burbank Rd
Burbank SD 57010

To whom it may concern:

Each year, the State of South Dakota sends out Water Management Irrigation Questionnaires to collect information based on annual water use from our state's waters.

This year we received word from one of the irrigator's that the property they'd previously reported on had been sold to you. 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 Megan Stephenson in our Fiscal Office at 605.773.4216. 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 605.910.5187

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosures



6617-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

December 13, 2023

6617-3

Kellen Cusick
46824 Burbank Rd
Burbank SD 57010

Dear Mr. Cusick:

I have received your "Notice of Transfer of Ownership" form and the required fees. Enclosed is a receipt of payment for your records.

Water Right No. 6617-3 previously owned by Kevin Cusick is now listed under your name. 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 Water Right, 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 Water Right will be subject to cancellation.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

PAID

DEC 12 2023

Ck# 545
Rec't# 101213

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. 6617-3

Date: 11/30/23

I/We request that Water Right/Permit No. 6617-3 formerly owned by:
Kevin Cusick be transferred to:

New Owner Name: Kellen Cusick
Address: 46824 Burbank Rd mobile: 605 670 1058
City, State, Zip: Burbank, SD, 57010 email: Kellen.Cusick@gmail.com

Title to the following described land(s)/property has been transferred as described above: all in T92N, 51W

Sec 26 SW¹/₄

TOTAL 133 acres

Sec 35 N¹/₂ NW¹/₄

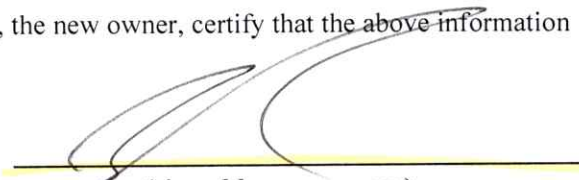


I understand that the validity of Water Right/Permit No. 6617-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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, Kellen Cusick, 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, 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

DEC 12 2023

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date December 12, 2023

RECEIVED OF Kellen Cusick 46824 Burbank Rd., Burbank SD 57010

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 <u>6617-3</u>	<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 Eric Gronlund
Chief Engineer
vm