

WATER PERMIT NO. 7030-3

Name of Applicant: **Howard A Kathol**

Address: **30918 450th Ave, Gayville SD 57031** Phone: **605 267-4507**

Amount of Water Claimed: **1.61 cfs** Total Acres: **115**

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

Water to be used for: **irrigation** County: **Clay**

Type of Waste Disposal System:

Location: **5 miles northeast of Gayville**

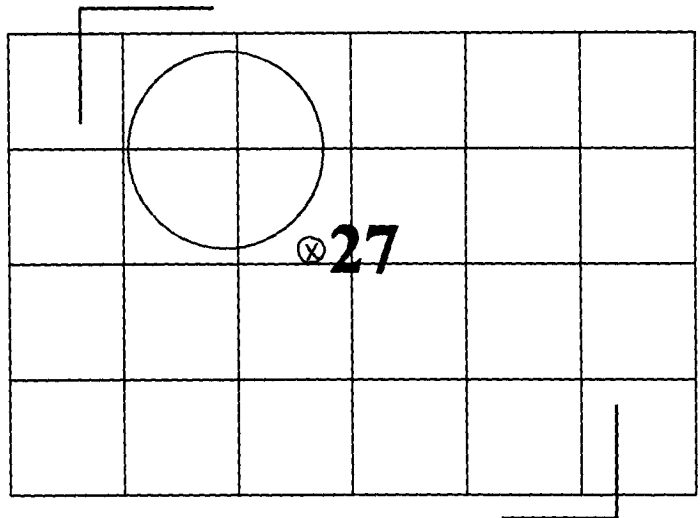
PRIORITY Date Received: **5-1-08** Application/License Fee: **\$275.00**

Corrected Application Received: Period of Annual Use: **May 1 – August 31**

Remarks:

Diversion Point: **SE ¼ NW ¼ Sec 27-T94N-R53W**

Land to be Irrigated: **NW ¼ Sec 27-T94N-R53W**



Depth of Well: **162 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **Vicki Swensen, Yankton Co FSA**

Reviewed and the Number Assigned on: **5-1-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

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

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>7030-3</u>	Hydrologic Unit <u>10170102</u>
	Basin <u>Vermillion River</u>	
	Newspaper <u>Plain Talk</u> <u>PO Box 2516</u> <u>605-624-2695</u> <u>Vermillion 57069</u>	

RECEIVED
MAY - 1 2008
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

- Name of Applicant Howard A. Kathol Phone (605) 267-4507
(check one) ☐ Owner ☒ Tenant/lessee
Mailing Address 30918 450th Ave Gayville State SD 57031
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.61 *CFS or 725 **GPM ***AF Total Acreage 115
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply New Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Clay
1 well in SE1/4 NW 1/4 Section 27-94N-53W Except A
- County or counties where water will be used Clay
- Annual period during which water is to be used Summer (May-Aug) May 1 to Aug 31
- 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
NE 1/4 NW 1/4 Sec 27-94N-53W Except A	25		
SE 1/4 NW 1/4 Sec 27-94N-53W Except A	25		
SW 1/4 NW 1/4 Sec 27-94N-53W Except A	32.5		
NW 1/4 NW 1/4 Sec 27-94N-53W Except A	32.5		

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

To drill a new well that will feed a new irrigation system located on my father-in-law's (Roger Girard, 45541 307 st. Volin SD 57072) land. We will be watering 115 acres out of 126 possible. This will be a center pivot making a complete circle.

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, Howard A. Kathol, 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 Howard A. Kathol

Subscribed and sworn to before me this 30 day of April 2008

[Signature]
Notary Public signature
my Commission Expires 3-21-2014

**SOUTH DAKOTA
WATER PERMIT NO. 7030-3**

Date of first receipt of application May 1, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7030-3 to Howard A Kathol, 30918 450th Ave, Gayville SD 57031 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. 7030-3 appropriates 1.61 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 162 feet deep) located in SE 1/4 NW 1/4 Section 27 to irrigate 115 acres located in the NW 1/4 Section 27; all in T94N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – August 31.
3. The date from which applicant may claim right is May 1, 2008.
4. The date of approval of Permit No. 7030-3 is July 7, 2008.
5. One-fifth of the construction is to be completed on or before January 7, 2011.
6. All construction is to be completed on or before July 7, 2013.
7. Water is to be put to beneficial use on or before July 7, 2017.
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. The well authorized by Permit No. 7030-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 28 2008

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 24" Depth 162'
- b) Casing Type PVC Diameter 16" Thickness 3/4"
- c) Screen Type PVC Diameter 16" Thickness 3/4"
- d) Gravel Pack 1/8"-3/8" p-rock Length of Gravel Pack 40'
- e) Depth to Top of Water Bearing Material 127'
- f) Depth to Water (ground surface to water level) 90'
- g) Distance to nearest existing domestic well:

On applicants property na

On property owned by others greater than 2800'

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

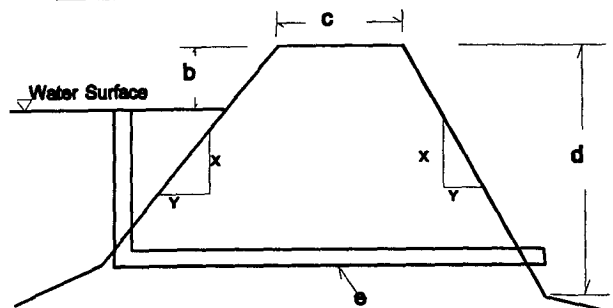
3. Dugout Information

- 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

Yankton Co. Farm Service Agency

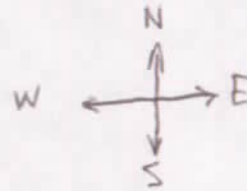
Clay Co.

27-94N-53W

Vicki Swensen, PT

4-29-08

2008



RECEIVED

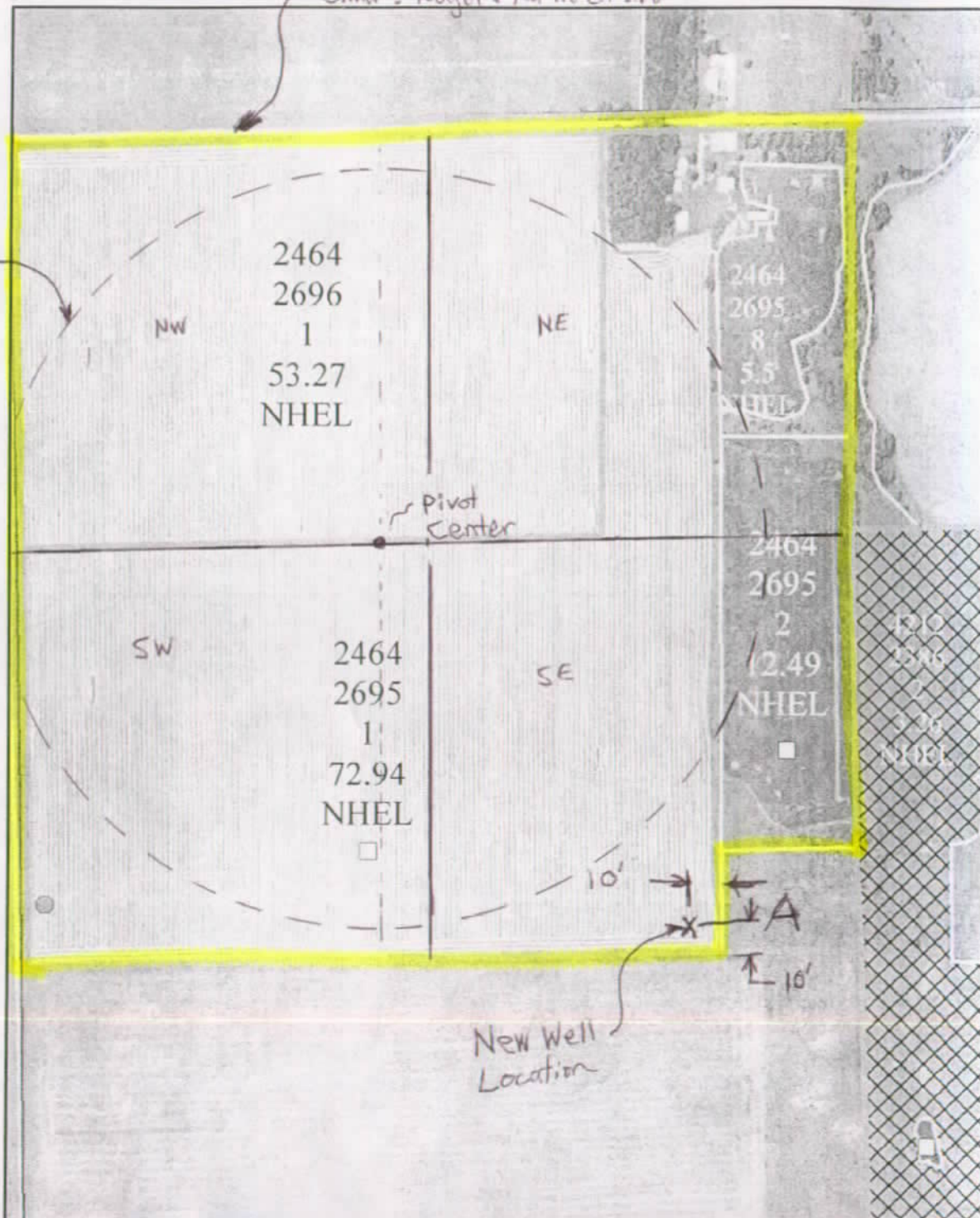
MAY - 1 2008

WATER RIGHTS
PROGRAM

NW 1/4 Sec 27-94N-53W Except A
Owner: Roger & Karen Girard

outer perimeter
115 acres watered

Owner: Roger Girard
Karen Girard



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MAY - 1 2008
WATER RIGHTS
PROGRAM
Range
its

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/1, 20 08

RECEIVED OF Howard Kathol 30918 450th Ave Gayville SD 57031

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

Fee for Application for Permit No. <u>7030-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7030-3</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.

03653

By

Garland E. Eide
Chief Engineer



**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. 7030-3, Howard A Kathol**

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. 7030-3, Howard A Kathol, 30918 450th Avenue, Gayville SD 57031.

The Chief Engineer is recommending APPROVAL of Application No. 7030-3 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. The well authorized by Permit No. 7030-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 12, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7030-3
For Howard A. Kathol
June 10, 2008

Application No. 7030-3 proposes to appropriate 1.61 cfs (725 gpm) from one well approximately 162 feet deep located in the SE ¼ NW ¼ of section 27 to irrigate 115 acres located in the NW ¼ of section 27; all in T94N R53W in Clay County.

AQUIFER –LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that is under predominantly water table conditions in this area. The aquifer underlies 5,400 acres and contains an estimated 81,000 acre-feet of recoverable water in storage in Clay County (Hedges, 1982). The aquifer extends into Yankton County to the west and blends into the much larger Missouri Elk Point aquifer just to the south. For all practical purposes the two aquifers could be considered the same in Clay County. Ground water movement is from northwest to southeast in the area of this application (Christensen, 1967). The hydrogeologic map in the Christensen report indicates the aquifer should be 75 to 100 feet thick in this area. Christensen described the aquifer as follows “On the floodplains of the Missouri and Vermillion Rivers the outwash is overlain by alluvium--gravel, sand, silt, and clay that was transported by the rivers and deposited at places where the velocity of the water was insufficient to maintain the materials in motion. Much of the floodplain alluvium is permeable and forms a single aquifer with the underlying outwash” (Christensen, 1967). This location is up above the floodplain and in fact the aquifer does extend under a till layer about 120 feet thick.

No test well was drilled for this application. A nearby test indicates coarse sand and fine gravel from 124 to 234 feet below land surface. The information available from the county study, area domestic and irrigation wells and the observation wells all indicates the aquifer is present at this site and should be capable of producing the amount of water requested. The hydrogeologic map in the Christensen report indicates the site chosen for a well should have 50 to 75 feet of saturated material. A nearby domestic well (located in the NE ¼ of section 33) which is about one mile to the southwest indicates topsoil and clay with sand from the surface to 20 feet and sand and gravel from 20 to 100 feet all below land surface. This domestic well had a static water level of 25 feet below land surface.

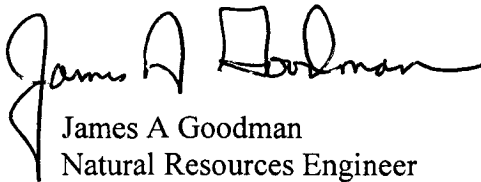
The Water Rights Program monitors an observation well CL-80A that is located about four miles southeast of this application. Water level records for this observation well go back in time to 1958. Water level records for this well show good response to climatic conditions that is rising water levels during wet periods (recharge) and gradually declining water levels during dry years. The water level record indicates the aquifer is capable of sustaining additional withdrawals (Water Rights, 2008). A hydrograph for this observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing permitted users are Water Permit Nos. 6964-3 (1.78 cfs, 260 acres), 6886-3 (1.78 cfs, 134 acres) and 6948-3 (1.67 cfs, 104 acres). This proposed well is located about one mile from each of the permitted wells. Existing wells in this area reportedly have large specific capacities. Interference is not a concern. Drawdown created by pumping will not be significant at this distance. This is also shown by the observation well record. Also there have never been any reported water availability problems for the Missouri Elk Point or Lower James Missouri aquifers in Clay County.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer appears to behave like it is under water table conditions. It is not anticipated that drawdown created by pumping will be significant nor cause any adverse effect. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

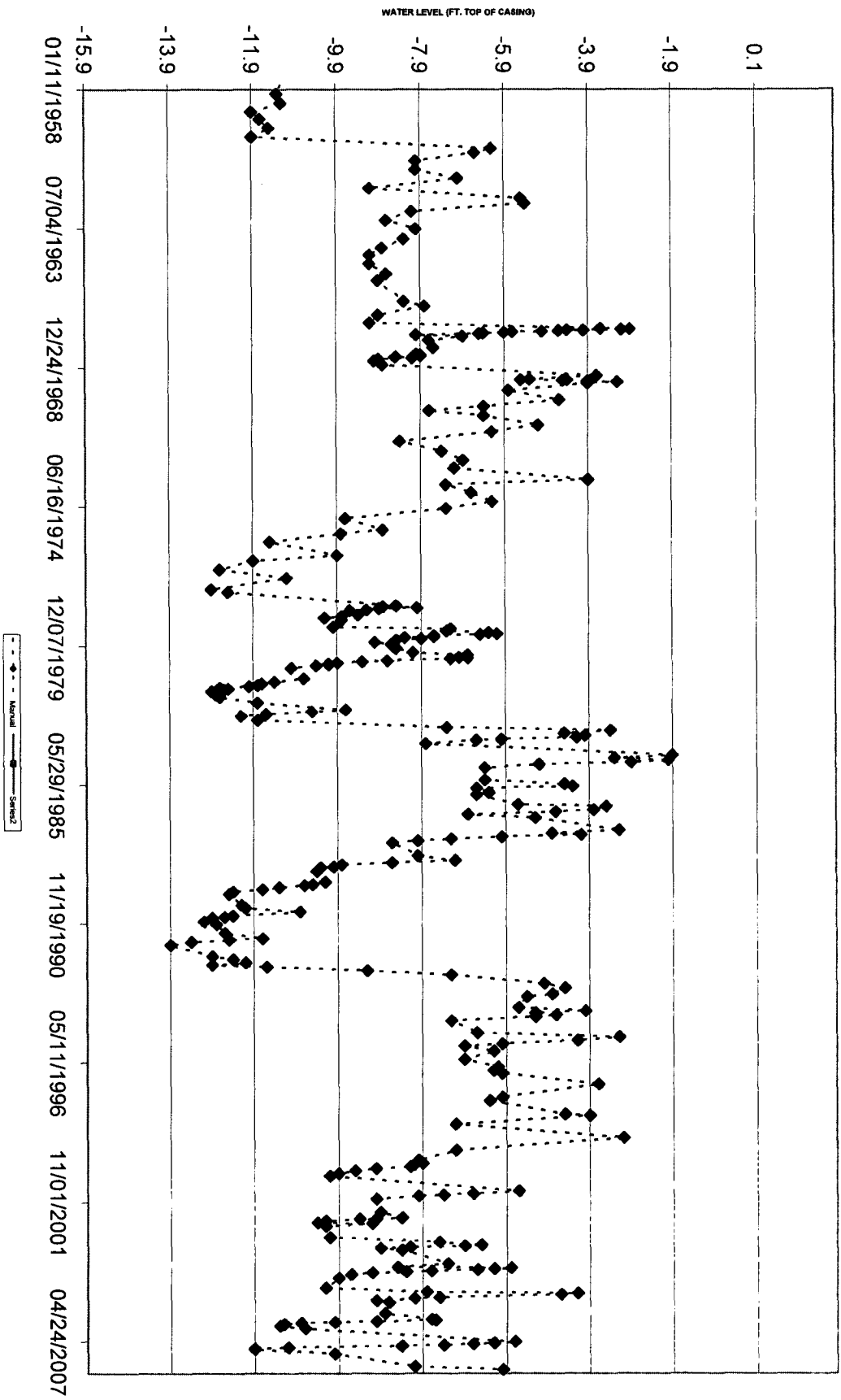
BIBLIOGRAPHY

Christensen, C.M., J.C. Stephens, 1967, Geology and Hydrogeology 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 South Dakota and Upper Big Sioux River, South Dakota and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 2008, Unpublished Observation Well Data for Clay County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL CL-80A



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Clay, ss.

Penny Tucker

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 NO. 7030-3

TO APPROPRIATE WATER

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 20th day of June, 20 08, and that the succeeding publications were severally

on Friday, the 27th day of June, 20 08,

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

Forty-one dollars and 71 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.

Penny Tucker

Subscribed and sworn to before me

this 30th day of June, 20 08

Diane J. Davis

EX-9-5-2013

Notary Public

RECEIVED

1111 - 2 2008

NOTICE OF APPLICATION NO. 7030-3 to Appropriate Water

Notice is given that Howard A. Kappel, 30018 450th Ave., Garrettsville, SD 57031 has filed an application for a water permit to appropriate 1.61 cubic feet of water per second from one well to be completed into the Lower James: Missouri Aquifer (approximately 162 feet deep) located in SE 1/4 NW 1/4 Section 27 to irrigate 115 acres located in the NW 1/4 Section 27; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7030-3 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 this 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 this 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 July 7, 2008.

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: June 20 & 27, 2008



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 13, 2008

Plain Talk
PO Box 256
Vermillion SD 57069

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7030-3 to Appropriate Water to be published twice. Please publish the first notice on June 20, 2008 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 Howard A Kathol, 30918 450th Ave, Gayville SD 57031 (Ph # 605-267-4507).

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. 7030-3

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

Date _____

We are in receipt of your letter of June 13, 2008 enclosing Notice to Appropriate Water by Application No. 7030-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**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.**

June 13, 2008

Howard A Kathol
30918 450th Ave
Gayville SD 57031

Dear Mr. Kathol:

Water Permit Application No. 7030-3 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 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.

Instruction to Newspaper - Publish first Notice on June 20, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7030-3 to Appropriate Water

Notice is given that Howard A Kathol, 30918 450th Ave, Gayville SD 57031 has filed an application for a water permit to appropriate 1.61 cubic feet of water per second from one well to be completed into the Lower James:Missouri Aquifer (approximately 162 feet deep) located in SE ¼ NW ¼ Section 27 to irrigate 115 acres located in the NW ¼ Section 27; all in T94N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7030-3 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 this 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 this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUL 28 2050

Howard A Kathol
30918 450th Ave
Gayville SD 57031

Dear Mr. Kathol:

Enclosed is Water Permit No. 7030-3 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

7030-3
RECEIVED

SEP 15 2008

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 9-11-2008TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Howard Kathol
(name)30918 450th Ave
(address)Gayville, SD 57031
(city, state, zip)(605) 267-4507
(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

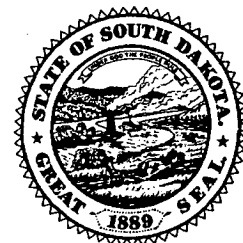
Water Permit No. 7030-3 states that the water use system is to be constructed by July 7, 2013, and water is to be put to beneficial use by July 7, 2017.
(date) (date)

The water use system was completed on August 24, 2008.
(date)

Applying the water to beneficial use was completed on August 26, 2008.
(date)

You may schedule an investigation so that the water license may be issued.

Howard Kathol
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 16, 2008

7030-3

Howard Kathol
30918 450th Ave
Gayville SD 57031

Dear Mr. Kathol:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your irrigation system.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

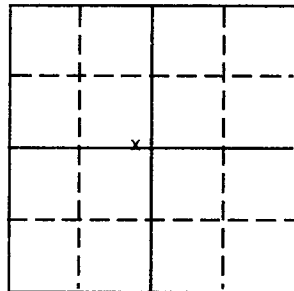
11-02

Location se $\frac{1}{4}$ nw $\frac{1}{4}$ Sec 27 Twp 94n Rg 53w

County

Clay

North



Please mark well location with an "X"

Well Completion Date

7/25/2008

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 2,550.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Direct Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	16.00	0.0	131.0	22.00

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From Ft	To Ft
bent grt	29	9.5	0.0	125.0

Describe grouting procedure
tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16.00 Inches Length 30.0 FeetMaterial pvcSlot Size 0.080 Set From 131.0 Feet to 161.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? HTH tablets
☐ No, Why Not?

Lab sample sent to for water quality analysis

Well Owner: Howard Kathol

Business Name:

Address: 30918 450th AveCity, State, Zip: Gayville SD 57031

WELL LOG:

DEPTH

FORMATION	FROM	TO
Clay, brown silty, pebbly	0	24
Clay, gray, silty pebbly	24	127
Sand, med to coarse, pebbly	127	161
Shale, dk gray	161	167

STATIC WATER LEVEL 91.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

115.0 Ft. After 1.0 Hrs. pumped 700.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB - 2 2009

WATER RIGHTS PROGRAM

This well was drilled under license # 666

And this report is true and accurate.

Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12/10/08

Permit No. 7030-3
Missouri River - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, 9/1/2009, made a thorough examination of the water use system constructed by Howard A Kathol of 30918 450th Avenue, Gayville, SD 57031 holder of Permit No. 7030-3, bearing the priority of 5/1/2008 authorizing the diversion of 1.61 cu. ft. per second of the waters of the Lower Vermillion Missouri aquifer for irrigation purposes, in Clay County.

Inspection contact & relationship to permit holder, if applicable: **Howard Kathol—Permit holder**

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond-Wetmore Drilling
- 2) No. of Wells 1
- 3) Depth(s) 167 feet
- 4) Well log is available Yes
- 5) Comment: well—log on file

Casing:

- 1) Diameter 16 inches
- 2) Length 131 feet
- 3) Type Plastic

Screen:

- 1) Type Manufactured
- 2) Length 30 feet
- 3) Static water level 91 feet

Pump:

- 1) Make American Marsh
- 2) Model 625S-300
- 3) Size 40 hp
- 4) Capacity 600 GPM

Report of Examination of Works

Permit No. ~~6955-3~~

7430-3

NW ¼ NW ¼ 32.50 acres

NE ¼ NW ¼ 25.00 acres

SE ¼ NW ¼ 25.00 acres

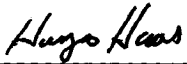
SW ¼ NW ¼ 32.50 acres

**All in Section 27, Township 94 North, Range 53
West**

comprising a total of **115** acres of land and the license should be issued for **1.34** cfs.

All structures, wells and lands on map **Yes**

Comments or other permit(s) associated with the project: **Spoke with Sue at Heine Electric (Center Pivot Dealer) and determined that this system pumps at 600 gpm.**



Hayes Haas
Natural Resources Engineer
DENR, Water Rights Program

Date report completed: **3/30/2010**

Report of Examination of Works

Permit No. ~~6955-3~~

7030-3

Motor:

- 1) Make Unknown
- 2) Model No. na
- 3) Horsepower rating 40 hp

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

- 1) Type cast iron
- 2) Size 10 inches
- 3) Length ~30 feet

C. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley 8000
- 2) Overall length 1,117 feet
- 3) Number of towers 6
- 4) Distance between towers ~180 feet
- 5) End gun Yes
- 6) High or low pressure Low
- 7) Capacity 600 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
- 3) Exceptions to compliance are: list

The system is in good condition with the point of diversion located as follows: 2,154 feet east and 2,554 feet south of the NW corner of Section 27, Township 94 North, Range 53 West, lat/long N 42.93177 W -97.09357.

The works are capable of diverting and conveying to the place of use 1.34 cu. ft. per second of water of the Lower James Missouri aquifer which is to be used for crop irrigation. Water has been put to beneficial use to the maximum extent as follows:

Permit No. 7030-3
Howard Kathol



Hayes Haas

Hayes Haas
Natural Resources Engineer
DENR Water Rights Program
September 2009

2,100
Feet

South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

APR 29 2010

7030-3

Howard A Kathol
30918 450th Ave
Gayville SD 57031

Dear Mr. Kathol:

Enclosed is your Water License No. 7030-3. 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. 7030-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

**STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7030-3**

(1) Howard A Kathol, 30918 450th Ave, Gayville SD 57031 made Application No. 7030-3, May 1, 2008 for a water permit to divert 1.61 cubic feet of water per second from ground water (one well – Lower James Missouri Aquifer), Clay County, South Dakota for irrigation purposes. Permit No. 7030-3, with a priority date of May 1, 2008 was approved July 7, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 7, 2013 and for the application to beneficial use of said water on or before July 7, 2017.

The Permit holder submitted a "*Notice of Completion of Works and Application of Water to Beneficial Use*" on September 15, 2008. The "*Notice*" stated the water use system was completed on August 24, 2008 and the water placed to beneficial use on August 26, 2008.

(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 1.34 cubic feet of water per second for beneficial use. The location of the diversion point is 2,154 feet east and 2,554 feet south of the NW corner of Section 27, T94N, R53W (SE ¼ NW ¼).

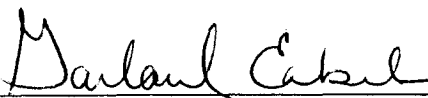
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 27, T94N, R53W	NW ¼ NW ¼	32.5 acres
	NE ¼ NW ¼	25.0 acres
	SE ¼ NW ¼	25.0 acres
	SW ¼ NW ¼	32.5 acres
	Total	115.0 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Howard A Kathol, 30918 450th Ave, Gayville SD 57031 the holder and/or owner of Water Right No. 7030-3 is issued a license to appropriate water, the right to use 1.34 cubic feet of water per second from ground water (one well – Lower James Missouri Aquifer) with a priority date of May 1, 2008 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7030-3 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.
- The well authorized by Permit No. 7030-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28 (***well drilled by Hammond-Wetmore Drilling – log on file with the Water Rights Program***).
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.


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

APR 29 2010
date



WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Howard A Kathol

DATE: November 5, 2012

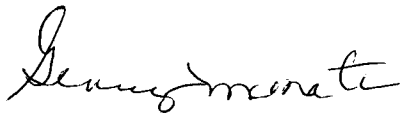
RE: ownership

COMMENTS:

Mr. Kathol indicated he originally applied for No. 7030-3 as renter of the property. On January 1, 2010, he purchased the property.

Since the water right is already listed in his name, no transfer is necessary however I told him I would put documentation in the file indicating he owns the property.

He is also going to make an application to add acres and diversion rate to the existing system. Application forms were sent to Mr. Kathol in today's mail.



Genny McMath
Water Rights Program



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUN 21 2017

7030-3
7510-3

Howard A Kathol
30918 450th Ave
Gayville SD 57031

Dear Mr. Kathol:

Enclosed is Water License No. 7510-3. 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. 7510-3, 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,

A handwritten signature in black ink that reads "Jeanne Goodman". The signature is fluid and cursive, with the first name "Jeanne" being more prominent than the last name "Goodman".

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

enclosures

NOTE: Upon licensing, the applicable portions of Water Right No. 7030-3 were incorporated into Water License No. 7510-3.