

RECEIVED

AUG 30 2021

WATER RIGHTS
PROGRAM

Hi Genny,

I am sending the map back with an outline in pink showing what I own. The pink line crossed out shouldnt be there. I'm also sending the descriptions of each of our properties in case you need them. I hope this helps, As I said, this is all new to me dealing with this. If you have any more questions, please call me at 881-6705.

Thank You, Carol

Carol's: SW1/4 of Section 5 Township 122 North, Range 52 West of the 5th P.M.;

W1/2SE1/4 of Section 5 Township 122 North, Range 52 West of the 5th P.M.;

NW1/4 of Section 8 Township 122 North, Range 52 West of the 5th P.M.

Daniel's: Township 122 North, Range 52 West of the 5th P.M.

Section 5: NE1/4

DJ's: No Irrigation 148.49 acres S2NW4 EXC Gaikowski Addition in the

SW4NW4; Lots 3 & 4 Sec 5-122-52 Ortley

Township

No Pivot



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

September 30, 2021

7073-3

Daniel Gaikowski
45065 138th St
Waubay SD 57273

Dear Mr. Gaikowski:

Thank you for visiting with me about ownership of land described in Water Permit No. 7073-3.

The water permit will need to be divided into 3 separate permits and then licensed for what was developed. I have included a map showing the areas to be licensed once the transfers are completed.

- No. 7073A-3: Carol Gaikowski, 120 acres in the S ½ Section 5 and 1.71 cfs (~767 gpm)
- No. 7073B-3: Daniel Gaikowski, 121 acres in the NE ¼ Section 5 and 1.73 cfs (~776 gpm)
- No. 7073C-3: D J Gaikowski, 9 acres in the SE ¼ NW ¼ Section 5 and 0.12 cfs (~54 gpm)

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

7073B-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date October 7, 2021RECEIVED OF Daniel Gaikowski 45065 138th St., Waubay, SD 57273

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>7073B-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 Grankund
Chief EngineerVM

PAID

OCT 7 2021

Ck# 5028

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

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

OCT - 7 2021

WATER RIGHTS
PROGRAM

No. 7073B-3

Date: _____

I/We request that portions of Water Permit No. 7073-3formerly owned by: Duane Gaikowski

be transferred to: (name & address)

Daniel D. Gaikowski 45065 138th St
Wausau SD 57273Telephone No. 605 881-0974

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

NE ¼ Section 5, T122N, R52W

I/We understand that the validity of Water Permit No. 7073-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

I/We

Daniel D. Gaikowski

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

Daniel D. Gaikowski

(Signed by new owner)

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

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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7073B-3

(1) Duane J Gaikowski, Waubay SD 57273 made Application No. 7073-3, September 16, 2008, for a water permit to divert 5.13 cubic feet of water per second from ground water (two wells) Coteau Lakes Aquifer, Roberts County, South Dakota for irrigation purposes. Permit No. 7073-3, with a priority date of September 16, 2008, was approved January 1, 2009, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 2, 2014, and for the application to beneficial use of said water on or before January 2, 2017.

The investigation of the water use system found an additional well had been drilled. Pursuant to SDCL 46-5-13.1 and ARSD 74:02:01:14.01, the Chief Engineer makes a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

Water Permit No. 7073-3 authorized irrigation of 359.5 acres in Section 5, T122N, R52W. The investigation of the water use system found a total of 250 acres being irrigated. Ownership changes were filed in August and October 2021 for the irrigated acreage. Water Licenses will be issued as follows:

- **No. 7073A-3:** Carol Gaikowski, 120 acres in the S ½ Section 5 and 1.71 cfs
- **No. 7073B-3:** Daniel D Gaikowski, 121 acres in the NE ¼ Section 5 and 1.73 cfs
- **No. 7073C-3:** D J Gaikowski, 9 acres in the SE ¼ NW ¼ Section 5 and 0.13 cfs

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.73 cubic feet of water per second for beneficial use. The diversion points are located as follows:

- Well #1:** 155'N & 1,995'E of SW corner of Section 5, T122N, R52W (SE ¼ SW ¼ Sec 5)
Lat 45.37062 Long -97.19866
- Well #2:** 970'N & 2,340'E of SW corner of Section 5, T122N, R52W (SE ¼ SW ¼ Sec 5)
Lat 45.37266 Long -97.19727
- Well #3:** 915'N & 3,000'E of SW corner of Section 5, T122N, R52W (SW ¼ SE ¼ Sec 5)
Lat 45.37256 Long -97.19481

The wells are located within the former boundaries of the Sisseton Wahpeton Indian Reservation.

(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 5, T122N, R52W	NW ¼ NE ¼	31 acres	Total 121 acres
	NE ¼ NE ¼	31 acres	
	SE ¼ NE ¼	31 acres	
	SW ¼ NE ¼	28 acres	

The above land is located within the former boundaries of the Sisseton Wahpeton Indian Reservation.

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Daniel D Gaikowski, 45065 138th St., Waubay SD 57273 the holder and/or owner of Water Right No. 7073B-3 is issued a license to appropriate water, the right to use 1.73 cubic feet of water per second from ground water (three wells) Coteau Lakes Aquifer with a priority date of September 16, 2008, from the locations 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. 7073-3 and subject to the following qualifications:

- The wells approved under this water right will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this water right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The wells authorized by Permit No. 7073-3 (7073B-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. ***One well was drilled by Kaiser Well Drilling in May 2010. The remaining two wells were drilled by Lee Well Drilling, Inc., in July 2013. Copies of the well completion reports are on file with the Water Rights Program.***
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



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

APR 11 2022

date





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

APR 11 2022

7073B-3

Daniel D Gaikowski
45065 138th St
Waubay SD 57273

Dear Mr. Gaikowski:

Enclosed is Water License No. 7073B-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 and a receipt for the filing fee you paid for the ownership change.

Based on the ownership changes filed on the originating water permit, No. 7073-3 was divided, and the licenses issued as follows:

- **No. 7073A-3:** Carol Gaikowski, 120 acres in the S ½ Section 5 and 1.71 cfs (~767 gpm)
- **No. 7073B-3:** Daniel D Gaikowski, 121 acres in the NE ¼ Section 5 and 1.73 cfs (~776 gpm)
- **No. 7073C-3:** D J Gaikowski, 9 acres in the SE ¼ NW ¼ Section 5 and 0.13 cfs (~54 gpm)

The wells authorized under Water License No. 7073B-3 are on land owned by Carol Gaikowski. Diversion of water from the wells to irrigate your land must be through an agreement with you and Carol.

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

Sincerely,

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

enclosures



0 0.15 0.3 0.6 0.9 1.2 Miles



Darrell DeBoer
Water Right Inspector
DANR-Water Rights Program

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7073-3**

I have this day, August 18, 2021, made a thorough examination of the water use system constructed by Duane J Gaikowski, 13872 450th Ave, Waubay, SD 57273 of Permit No. 7073-3, bearing the priority of September 16, 2008 authorizing the diversion of 5.13 cu. ft. per second of the waters of the Coteau Lakes Aquifer for irrigation purposes, in Roberts County.

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Kaiser Well Drilling & Lee Well Drilling
- 2) No. of Wells 3
- 3) Depth(s) 33 - 37 feet
- 4) Well logs are available Y

Casing:

- 1) Diameter 12 inches
- 2) Length 20 - 25 feet
- 3) Type Plastic

Screen:

- 1) Type 1- Plastic & 2 - Stainless steel
- 2) Length 10, 13 & 15 feet
- 3) Static water level 3 feet

Pump:

- 1) Make NA
- 2) Model Submersibles
- 3) Size NA
- 4) Capacity 1700 total GPM (more like 1450 – pivot design flows)

Motor: unknown

B. Works used to transport water to place of use: Buried pipe lines

C. Works used to apply water to beneficial use:

Center pivots:

- 1) Make 4 - Valleys
- 2) Overall length 1 - 1300 & 3 - 775 feet

- 3) Number of towers 1 - 7 & 3 - 5
- 4) End gun Y
- 5) Capacity 1 - 750 , 1 - 750 & 2 - 700 GPM (Source Farmers Impl/Irrigation)

Chemigation Equipment: none

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 SW corner of Section 5 T122N R52W; ** WELL #1: 155 ft N & 1995 ft E, Lat 45.37062 Long -97.19866 (SE ¼ SW ¼ Sec 5) ** WELL #2: 970 ft N & 2340 ft E, Lat 45.37266 Long -97.19727 (SE ¼ SW ¼ Sec 5) ** WELL #3: 915 ft N & 3000 ft E, Lat 45.37256 Long -97.19481 (SW1/4 SE ¼ Sec 5)

2. The works are capable of diverting and conveying to the place of use 3.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All land in Sec 5 T122N R52W
SE ¼ NW ¼ - 9 acres

NW ¼ NE ¼ - 31 acres
NE ¼ NE ¼ - 31 acres
SE ¼ NE ¼ - 31 acres
SW ¼ NE ¼ - 28 acres

NW ¼ SW ¼ - 1 acre
NE ¼ SW ¼ - 29 acres
SE ¼ SW ¼ - 23 acres
SW ¼ SW ¼ - 5 acres

NW ¼ SE ¼ - 37 acres
SW ¼ SE ¼ - 25 acres

comprising a total of 250 acres of land and the license should be issued for 3.57 cfs (statutory limit for the acreage developed).

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 maps and the ArcMAP software.



Darrell W DeBoer
Water Rights Inspector
DANR, Water Rights Program

Date report completed: August 23, 2021

At the time of licensing, the land authorized for irrigation was owned by three different people. Ownership changes were filed in August and October 2021. The Water Licenses will be issued as follows:

- **No. 7073A-3:** Carol Gaikowski, 120 acres in the S ½ Section 5 and 1.71 cfs (~767 gpm)
- **No. 7073B-3:** Daniel Gaikowski, 121 acres in the NE ¼ Section 5 and 1.73 cfs (~776 gpm)
- **No. 7073C-3:** D J Gaikowski, 9 acres in the SE ¼ NW ¼ Section 5 and 0.13 cfs (~54 gpm)



Genny McMath
Water Rights Program

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

NAME: Duane Gaikowski,

ADDRESS: 13872 450th Ave, Waubay SD 57273

DATE: 02-10-2022

COUNTY: Roberts

GENERAL DESCRIPTION OF AUTHORIZED PROJECT:

The permit holder is authorized to divert from Coteau Lakes Aquifer at a diversion rate of 5.13 cfs from two wells into the Coteau Lakes Aquifer to irrigate 359.5 acres in Sec 5 T122N-R52W (Res). The permit holder constructed 3 wells into Coteau Lakes Aquifer 3.57 cfs for irrigation of 250 acres in Sec 5 T122N-R52W (Res).

AUTHORITY:

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

- **Developed water source same as permitted source and no additional water appropriated**

The third well was constructed into the Coteau Lakes Aquifer as was permitted. The additional well is located in the SE ¼ SW ¼ of Sec 5 T122N-R52W (Res), which is the same quarter-quarter section authorized by the permit.

- **If irrigation, no new land is irrigated**

There is less irrigation developed than was permitted.

- **Review of Existing Diversions**

The source of water is from Coteau Lakes Aquifer. The nearest well not part of this permit and constructed into the same aquifer is located approximately 0.75 miles southeast of this project, adverse impacts to this well is not expected.

RECOMMENDED ACTION

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



Mark D. Rath, Natural Resources Engineer III
Water Rights Program

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

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



Eric Gronlund, Chief Engineer
Water Rights Program