

WATER PERMIT NO. 7524-3

Name of Applicant: Wayne A Heckenlaible

Address: 29574 434th Ave, Utica SD 57067 Phone: 605 660-1207

Amount of Water Claimed: 2.0 cfs Total Acres: 120

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Yankton

Type of Waste Disposal System:

Location: 15 miles northwest of Yankton

PRIORITY Date Received: 11-16-12 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: SE 1/4 NW 1/4 Sec 36-T96N-
R57W

Land to be Irrigated: N 1/2 SW 1/4, SE 1/4 NW
1/4, Sec 36-T96N-R57W

Depth of Well: 120 feet deep

Well Driller:

Remarks:

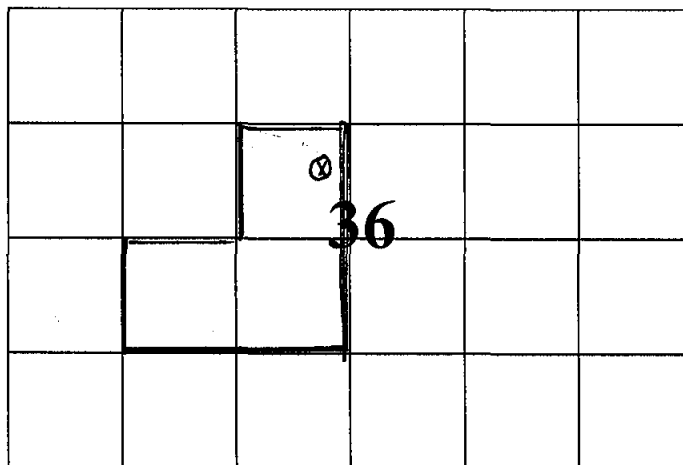
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-19-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7524-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan</u>
	<u>319 Walnut Yankton 57078 605-665-7811</u>

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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.)

1. Name to Appear on Irrigation Permit Wayne A. Heckenlaible

(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 29574 434th ave Utica SD 57067
 (Address) (City) (State) (Zip Code)

Home Phone 605-364-7000 Cell 605-660-1207 Email _____

2. Amount of water claimed 2.0 *CFS or 900 **GPM _____ ***AF Total Acreage 120
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply A well to be completed by Quality Well Service of Yankton, SD

4. Location of point of diversion 1 well in the north east corner of the SE 1/4 of NW 1/4 of section 36-96N-57W
 (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Yankton

5. County or counties where water will be used Yankton Co. SD.

6. Annual period during which water is to be used June- September 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
 (Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
SE 1/4 of the NW 1/4 of 36-96N-57W	40		
NW 1/4 of the SW 1/4 of 36-96N-57W	40		
NE 1/4 of the SW 1/4 of 36-96N-57W	40		

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

Drill a well and put up an irrigation pivot to make 3/4 circle on the above described land and irrigate the corners with an irrigation gun

I, Wayne A. Heckenlaible, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7524-3**

Date of first receipt of application November 16, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7524-3 to Wayne A Heckenlaible, 29574 434th Ave, Utica SD 57067 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. 7524-3 appropriates 2.0 cubic feet of water per second from one well to be completed into the Lower James Missouri:Scotland Aquifer (120 feet deep) located in SE 1/4 NW 1/4 Section 36 for irrigation of 120 acres located in the N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 36; all in T96N-R57W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30.
3. The date from which applicant may claim right is November 16, 2012.
4. The date of approval of Permit No. 7524-3 is February 11, 2013.
5. One-fifth of the construction is to be completed on or before August 11, 2015.
6. All construction is to be completed on or before February 11, 2018.
7. Water is to be put to beneficial use on or before February 11, 2022.
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. 7524-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7524-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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

MAR 28 2013
date



Aerial Map



map center: 43° 5' 23.16, 97° 31' 41.78
scale: 9869

Maps provided by:



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www.AgriDataInc.com

36-96N-57W
Yankton County
South Dakota



11/13/2012

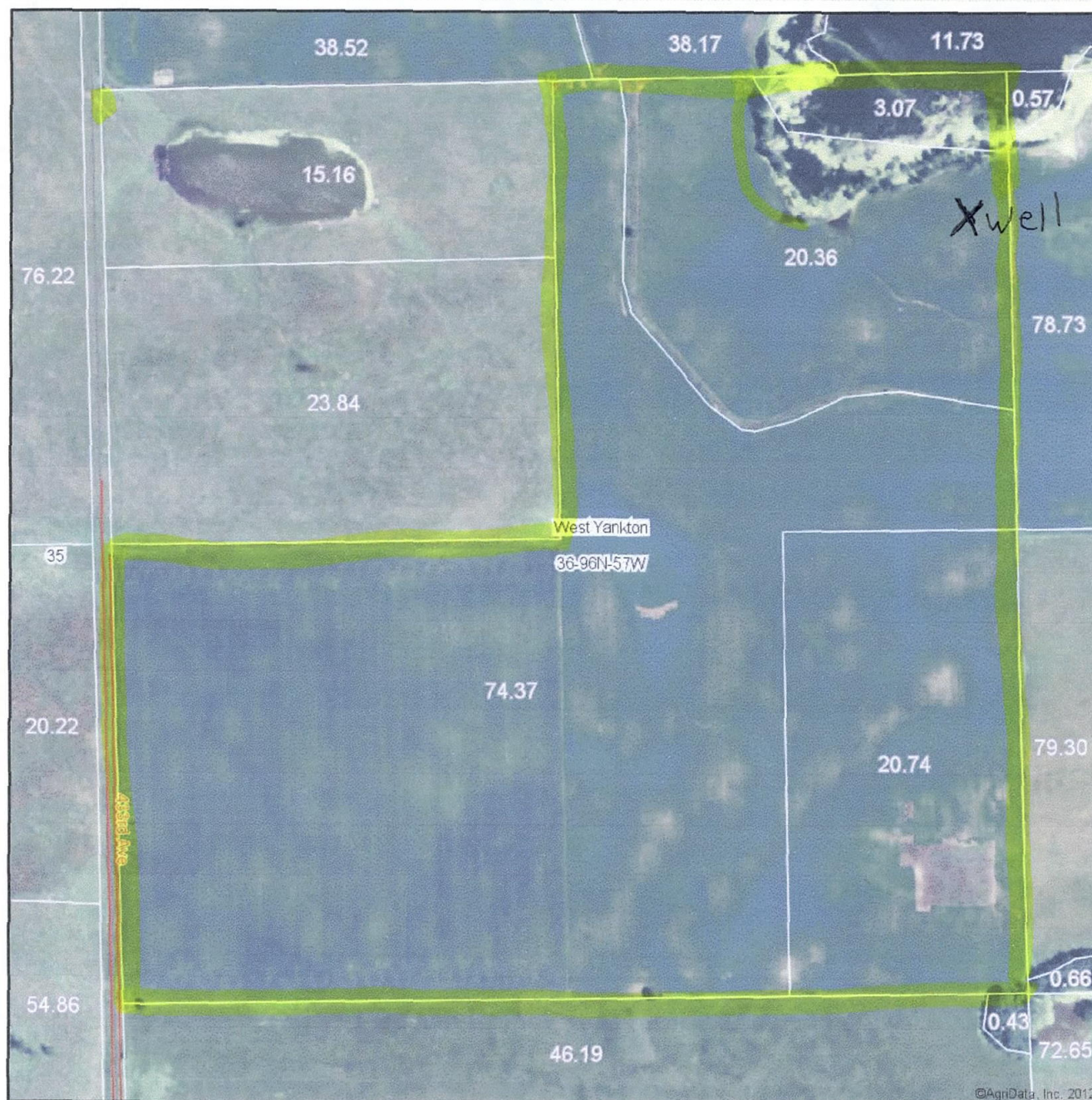
Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

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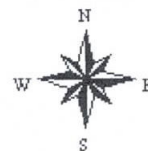
Aerial Map



Maps provided by:

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36-96N-57W
Yankton County
South Dakota

map center: 43° 5' 21.79, 97° 31' 58.94
scale: 5438

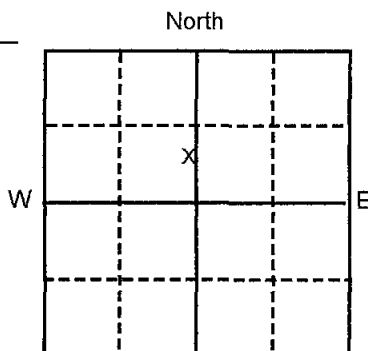
11/13/2012

Field borders provided by Farm Service Agency as of 5/21/2008. Aerial photography provided by Aerial Photography Field Office.

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SOUTH DAKOTA WATER WELL COMPLETION REPORT

11- 02

Location SE 1/4 NW 1/4 Sec 36 Twp 96N Rg 57WCounty YanktonPlease mark well
location with an "X"

Well Completion Date

11-03-2012

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
6,000.0 ft. from septic system (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☐ Plastic ☒ Other
If other describe test hole

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
		Lb/gal	Ft	Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ 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?

☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Wayne A. Heckenlaible

Business Name: _____

Address: 29574 434ave.City, State, Zip: Utica SD 57067

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
top soil	0	4
sand clay mix	4	8
yellow clay	8	12
coarse sand	12	15
yellow clay	15	19
sand clay mix	19	25
blue clay	25	36
sand and small rocks	36	45
gravel	45	120

STATIC WATER LEVEL 19.0 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

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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report is true and accurate.Drilling firm: "self" Wayne Heckenlaible

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 11-13-2012

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/19, 20 12

RECEIVED OF Wayne Heckenliable 29574 434th Ave Utica SD 67067

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

Fee for Application for Permit No. <u>7524-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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>7524-3</u>	200	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	950 00

No. **05706**

By

David O. Erdahl
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7524-3, Wayne A Heckenlaible**

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. 7524-3, Wayne A Heckenlaible, 29574 434th Avenue, Utica SD 57067.

The Chief Engineer is recommending APPROVAL of Application No. 7524-3 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. 7524-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7524-3 authorizes a maximum diversion rate of 2.0 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
January 23, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7524-3
WAYNE A. HECKENLAIBLE
JANUARY 22, 2013

Water Permit Application No. 7524-3 proposes to appropriate up to 240 acre-feet (ac-ft) of water annually at a maximum diversion rate of 2.0 cubic feet per second (cfs) from one well to be completed into the Scotland management unit of the Lower James Missouri aquifer. The well is expected to be 120 feet deep and is to be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T96N-R57W. The permit application proposes to irrigate 120 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T96N-R57W in Yankton County. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Scotland Management Unit of the Lower James Missouri (LJM: S)

GEOLOGIY AND AQUIFER CHARACTERISTICS:

The Lower James Missouri: Scotland aquifer is a buried outwash that is probably under water table conditions at the proposed well location (Bugliosi, 1986). Bugliosi (1986) included the Lower James Missouri: Scotland in his assessment of the Lower James Missouri aquifer in Yankton County. Previously, Jorgenson (1971) combined the Lower James Missouri: Scotland and the Choteau: Tyndall aquifers into the Tyndall-Scotland aquifer in Bon Homme County. The Lower James Missouri: Scotland extends from central Bon Homme County into Yankton County where it blends into the Lower James Missouri aquifer. The Lower James Missouri: Scotland underlies approximately 72,800 acres and contains an estimated 1,110,650 ac-ft of recoverable water in storage (Hedges et.al, 1982). Groundwater movement is generally from the west toward the James River in the east. The test hole log submitted with this application identified top soil from ground surface to a depth of four feet, a sand and clay mix from four to eight feet below grade, yellow clay from eight to 12 feet below grade, coarse sand from a depth of 12 to 15 feet, yellow clay from 15 to 19 feet below grade, sand and clay mix from a depth of 19 to 25 feet, blue clay from 25 to 36 feet below ground surface, and sand and gravel with small rocks from 36 to 120 feet below grade. The static water level was 19 feet below ground surface on November 3, 2012.

SDCL 46-2A-9:

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, the proposed diversion can be developed without unlawful impairment of existing rights and the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water from the aquifer and the potential for impairment of exiting rights.

WATER AVAILABILITY:

Water Permit Application No. 7524-3 proposes to appropriate up to 240 ac-ft of water annually from the Lower James Missouri: Scotland aquifer. The probability of unappropriated water being available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a

groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.”

Recharge versus Discharge:

Recharge:

Recharge to the Lower James Missouri: Scotland aquifer is primarily through infiltration of precipitation, and seepage from adjacent till (Bugliosi, 1986). Hedges and others (1985) estimated, by regional flow-net analysis, the recharge to the Lower James Missouri: Scotland to be 1.5 inches per year. Total estimated recharge to the Lower James Missouri: Scotland aquifer is 9,100 ac-ft/yr.

Discharge:

Discharge from the Lower James Missouri: Scotland is from leakage to the James River, till adjacent to the aquifer, and from well withdrawals (Bugliosi, 1986). There are 12 water rights/permits authorizing diversion from wells completed into the Lower James Missouri: Scotland aquifer and one pending water permit (Water Rights, 2013b). There are 11 water rights/permits authorizing water use for irrigation purposes and one, Water Right No. 7072-3, authorizing water use for livestock confinement operation purposes. The estimated annual pumpage by Water Right No. 7072-3 is 47.8 ac-ft. This estimation assumes pumping 60 percent of the time at the maximum permitted diversion rate. Water use from the Lower James Missouri: Scotland aquifer as reported to the SD DENR-Water Rights Program through annual irrigation questionnaires is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	11	4327	398.17
2010	10	4239	62.68
2009	10	4239	111.18
2008	10	4239	358.36
2007	7	3485	212.12
2006	7	1937	530.85
2005	7	1617	383.6
2004	7	1617	176.77
2003	7	1617	484.28
2002	6	1601	422.6
2001	6	1601	384.7
2000	6	1601	445.96
1999	6	1601	271.26
1998	7	2035	249.47
1997	7	2287	245
1996	7	2287	239.65
1995	7	2374	275.03
1994	7	2374	196.19
1993	8	2416.4	26
1992	7	2230.4	120
1991	7	2230.4	283
1990	7	2230.4	417
1989	7	2230.4	297
1988	7	2230.4	359
1987	7	2230.4	194.4
1986	7	2230.4	190
1985	6	2146	241
1984	6	2146	186
1983	7	2230.4	119.45
1982	5	2026	125.95
1981	5	2026	119.45
1980	3	1050	73
1979	3	1050	118
Min	3	1050.0	26.00
Max	11	4327.0	530.85
Avg	6.9	2296.4	252.03

Table 1- Water use by irrigation from the Lower James Missouri: Scotland aquifer (Water Rights, 1979-2012).

Comparing the average annual recharge calculated by Hedges and others (1985), 9,100 ac-ft, to the estimated maximum annual pumpage from the aquifer, 578.9 ac-ft, there is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer for this proposed appropriation.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that “the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer.”

The DENR-Water Rights Program monitors 17 observation wells completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2013a). The nearest observation wells to the proposed well site are wells YA-80T, YA-80A, and YA-80U, located 0.9 miles southeast, 1.4 miles south-

southeast, and 1.6 mile east-southeast, respectively. Figures 1, 2, and 3 show the hydrographs for observation wells YA-80T, YA-80A, and YA-80U, respectively. The water levels rise (recharge) during wet years and gradually decline during dry years. The hydrographs show that there is, in general, more water in storage now than in the past. The effects of pumping are not evident over the period of record. Thus, natural recharge to and discharge from the Lower James Missouri: Scotland aquifer greatly exceeds the temporal effects of pumping. Recognizing that natural discharge from the aquifer can be captured for pumping; there is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer.

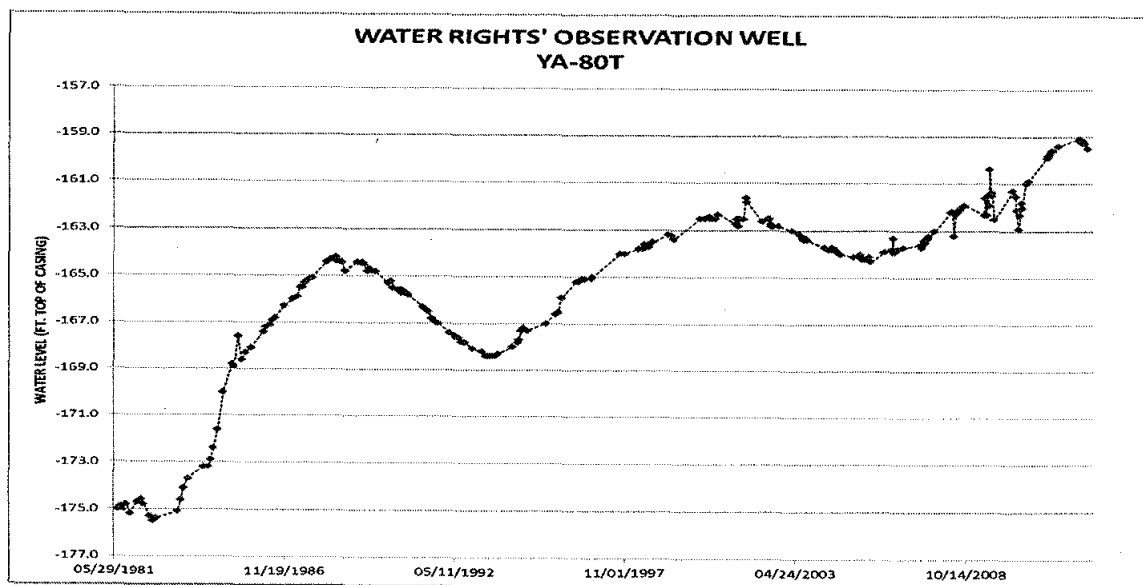


Figure 1- Hydrograph of observation well YA-80T (Water Rights, 2013a).

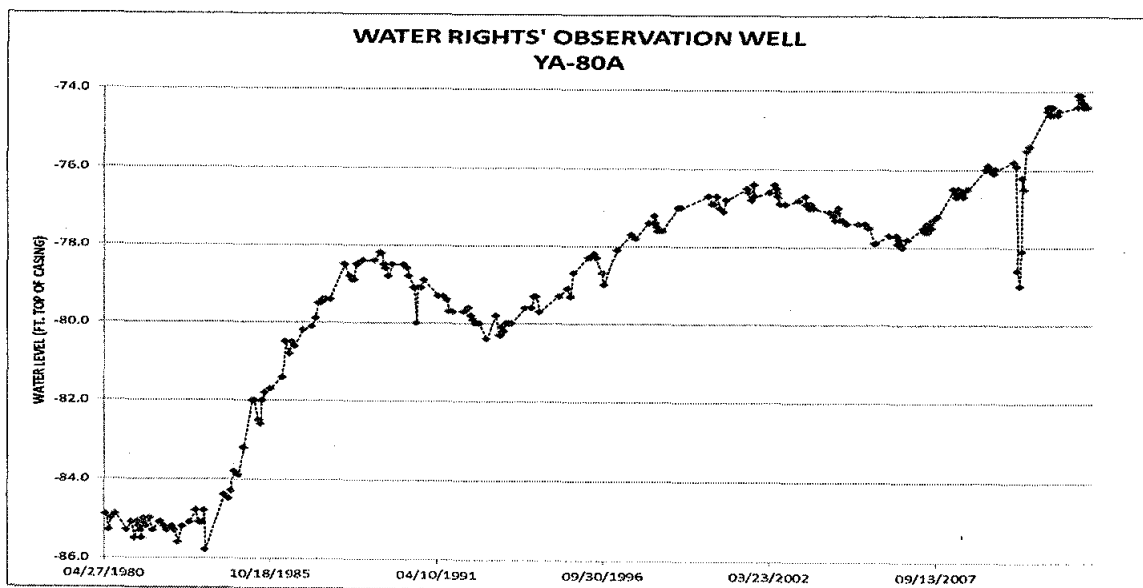


Figure 2- Hydrograph of observation well YA-80A (Water Rights, 2013a).

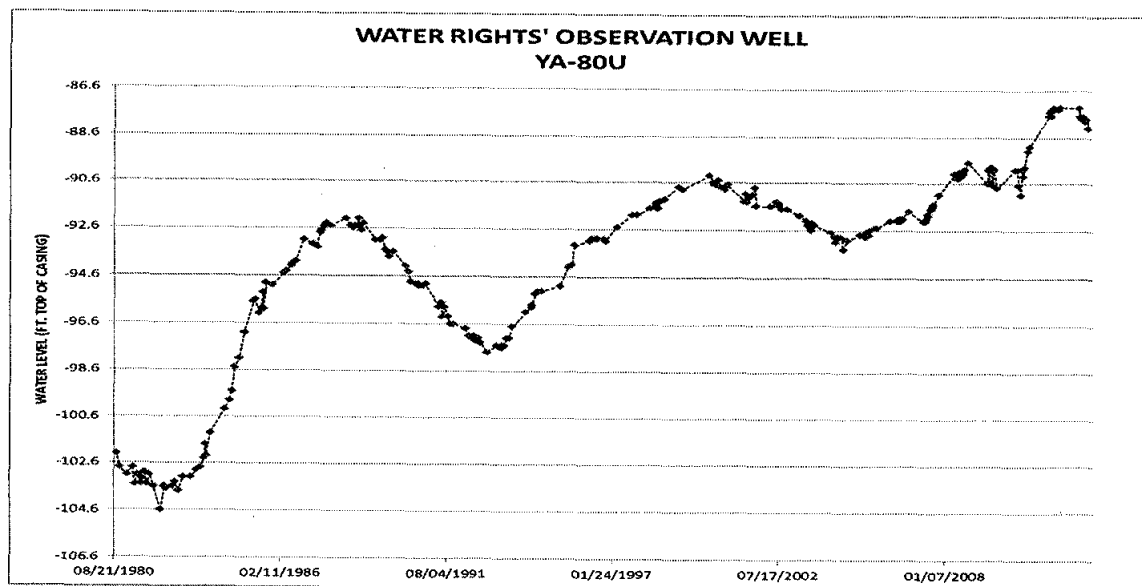


Figure 3- Hydrograph of observation well YA-80U (Water Rights, 2013a).

EXISTING WATER RIGHTS:

There are two irrigation wells, authorized under Water Rights Nos. 4968-3 and 5715-3, approximately 2.1 miles southeast, and four domestic wells within two miles of the proposed well site, on file with the DENR-Water Rights Program, (Water Rights, 2013b and 2013c). There are no wells on file with the DENR- Water Rights Program within one mile of the proposed well site. Table 2 shows the water rights/permits appropriating water from the Lower James Missouri: Scotland aquifer. Based on the lack of drawdown as shown by the hydrograph for observation well YA-80A, which is approximately 0.75 miles from two irrigation wells, and the distance from other wells to the proposed well location, interference should not be an issue if this application is approved.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
3514-3	Larry Rupiper	LC	IRR	1.39	97
4179-3	Larry Rupiper	LC	IRR	0.91	64
4968-3	Donald J. Kulish	LC	IRR	1.16	81
5715-3	Donald J. Kulish	LC	IRR	1.15	81
6389-3	Robert L. Dejong	LC	IRR	2.56	199
6758-3	Maxwell Colony	PE	IRR	4.89	980
6982-3	James Barger	PE	IRR	1.78	136
6983-3	James Barger	PE	IRR	1.78	130
7015-3	Robert Walloch	PE	IRR	1.59	111
7072-3	Fred Kubal	LC	LCO	0.11	N/A
7220-3	Larry Rupiper	PE	IRR	0.22	44
7436-3	Larry Skorepa	PE	IRR	2	185

LC = Water Right, PE = Water Permit, IRR = Irrigation, LCO= Livestock
Confinement Operation, N/A= Not Applicable

Table 2- Water Rights/Permits appropriating water from the Lower James Missouri: Scotland (Water Rights, 2013b).

SDCL 46-5-6

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or "the equivalent thereof." The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application 7524-3 proposes to divert 2.0 cfs for the irrigation of 120 acres, or the equivalent of 1.17 cfs per 70 acres. The applicant stated on the application that the pivot was designed to make a $\frac{3}{4}$ rotation. That justification is reasonable.

CONCLUSIONS:

1. Water Permit Application No. 7524-3 proposes to appropriate up to 240 ac-ft annually at a maximum diversion rate of 2.0 cfs from one well completed into the Lower James Missouri: Scotland aquifer for the irrigation of 120 acres.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer to supply these proposed diversions.
3. There is a reasonable probability that the diversion rate requested by this application can be made without adversely impacting existing water rights/permits and domestic users.
4. The applicant requested a diversion rate in excess of the statutory limit of one cfs per 70 acres. The applicant stated that the pivot was designed to make a $\frac{3}{4}$ rotation. The request is reasonable.



Adam Mathiowetz

SD DENR-Water Rights Program

Approved by:



Ken Buhler

SD DENR-Water Rights Program

REFERENCES:

- Bugliosi, E.F. 1986. Water Resources of Yankton County, South Dakota. U.S. Geological Survey Water-Resources Investigations Report 84-4241.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Jorgensen, D.G. 1971. Geology and Water Resources of Bon Homme County, South Dakota, Part II: Water Resources. Bulletin 21. SD DENR-Geological Survey.
- Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer and County": SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Well Completion Reports. SD DENR-Water Rights Program. Joe Foss Bldg., Pierre, SD.

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

2+1

NOTICE OF APPLICATION
NO. 7524-3 to Appropriate Water

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, SD 57501

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF, YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON, SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7524-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 1st DAY OF February 2013
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$26.48 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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 PERSON WHOMSOEVER.

PUBLISHED ON: 2/1/2013

FILED ON: 2/4/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS 4th DAY OF February

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

Notice is given that Wayne A. Heckenlaible, 29574 434th Ave, Utica SD 57067 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James Missouri:Scotland Aquifer (120 feet deep) located in SE 1/4 NW 1/4 Section 36 for irrigation of 120 acres located in the N.1/2 SW 1/4, SE 1/4 NW 1/4 Section 36; all in T96N-R57W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7524-3 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 February 11, 2013.

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. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.48.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7524-3 to Appropriate Water. Please publish the notice once on February 1, 2013. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Wayne A Heckenlaible, 29574 434th Ave., Utica SD 57067 (Ph # 605-364-7000).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

January 23, 2013

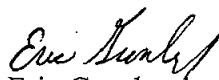
Wayne A Heckenlaible
29574 434th Ave
Utica SD 57067

Dear Mr. Heckenlaible:

Water Permit Application No. 7524-3 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 Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 the Notice on February 1, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7524-3 to Appropriate Water

Notice is given that Wayne A. Heckenlaible, 29574 434th Ave, Utica SD 57067 has filed an application for a water permit to appropriate 2.0 cubic feet of water per second from one well to be completed into the Lower James Missouri:Scotland Aquifer (120 feet deep) located in SE 1/4 NW 1/4 Section 36 for irrigation of 120 acres located in the N 1/2 SW 1/4, SE 1/4 NW 1/4 Section 36; all in T96N-R57W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7524-3 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 February 11, 2013.

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.

Published once at the total approximate cost of_____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 28 2013

Wayne A Heckenlaible
29574 434th Ave
Utica SD 57067

Dear Mr. Heckenlaible:

Enclosed is Water Permit No. 7524-3 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

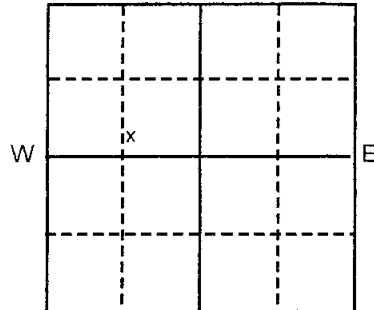
enclosures

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 NW 1/4 Sec 36 Twp 96 Rg 57WCounty Yankton

North

Please mark well
location with an "X"

Well Completion Date

May 10, 2013

 Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.):
2,500.0 ft. from Feed Lot (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	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	220.0 FT	17.50 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	30	9.5 Lb/gal	0.0 Ft	200.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremie Method

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 InchesLength 40.0 FeetMaterial PVCSlot Size .050 Set From 220.0 Feet to 260.0 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?
☒ No, Why Not? Not Required

 Lab to which water
 quality sample sent for analysis
Well Owner: Wayne Heckenlaible

Business Name:

Address: 29574 434th AveCity, State, Zip: Utica SD 57067

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top Soil	0	1
Brown Clay	1	27
Sandy Gravel	27	59
Glacial Till	59	66
Brown Silty Clay	66	96
Sandy Gravel w/ Glacial Till Layers	96	188
Fine Sand	188	205
Pebbly Gravel	205	260

STATIC WATER LEVEL 104.0 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

125.0 Ft. After 3.0 Hrs. pumped 800.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JUN 12 2013

WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this report is true and accurate.Drilling firm: Hammond-Wetmore Drilling, LLC

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 6/2/13



7524-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: WAYNE HECKENLAIBLE, 29574 434TH AVE, UTICA, SD 57067
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7524-3 & 7850-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7524-3 & 7850-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7524-3 & 7850-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7524-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 27, 2015

7524-3
7850-3

Wayne Heckenlaible
29574 434th Ave
Utica SD 57067

Dear Mr. Heckenlaible:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit Nos. 7524-3 and 7850-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

RECEIVED

FEB 16 2016

WATER RIGHTS
PROGRAM

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 7524 - 3Date: February 10, 2016I/We request that Water Right/Permit No. 7524 - 3 formerly owned by:Wayne A. Heckenlaible be transferred to:New Owner Name: Jim KulishAddress: 29945 432 AvenueCity, State, Zip Lesterville SD 57040 Telephone No. 605-660-3546

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

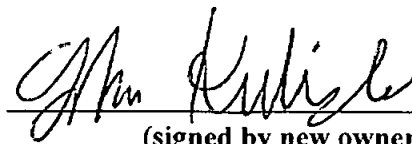
N 1/2 of SE 1/4 of Section 36-T96N R57 W

☒ I understand that the validity of Water Right/Permit No. 7524 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, Jim Kulish, the new owner, certify that the above information is true and correct.


(signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/16, 20 16

RECEIVED OF Kulish Farms 29945 432nd Ave Lesterville SD 57040

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>7524-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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	50 00

No. **07758**

By

Jean Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 16, 2016

7524-3

Jim Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

Thank you for visiting with me in regard to the "Transfer of Ownership" form you filed for Water Permit No. 7524-3. The form you originally submitted did not accurately describe the land authorized for irrigation.

Enclosed is a copy of the water permit and maps showing the land authorized for irrigation. Please review the materials to ensure the permit covers the land you purchased. It is my understanding you purchased all of the land described in the permit.

I have included a new transfer form for you to sign. Please review the form for accuracy, sign and return it in the envelope provided. You have already paid the filing fee. No additional fees are necessary.

If you have any questions, please let me know.

Sincerely,

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

enclosures

RECEIVED

FEB 23 2016

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 7524-3

Date: 2-17-2016

I/We request that Water Permit No. 7524-3

formerly owned by: Wayne A Heckenlaible

be transferred to: (name & address) Jim Kulish, 29945 432nd Ave, Lesterville SD 57040

Telephone No. 605 660-3546

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

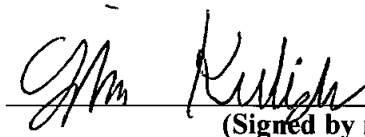
N ½ SW ¼ and SE ¼ NW ¼ Section 36, T96N, R57W

I/We understand that the validity of Water Permit No. 7524-3 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 Jim Kulish, the new owner, certify that the above information is true and correct.


(Signed by new owner)

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

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 23, 2016

7524-3

Jim Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

The updated transfer form has been received and the ownership change completed.

Water Permit No. 7524-3 formerly held by Wayne A Heckenlaible is now listed in your name. Enclosed for your records is Receipt No. 07758 in the amount of \$50 which you paid for filing the ownership changes.

If you have any questions, please let me know.

Sincerely,

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

enclosure

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7524-3**

I have this day, September 22, 2020, made a thorough examination of the water use system owned by Jim Kulish, 29945 432nd Ave., Lesterville, SD 57040, holder of Permit No. 7524-3, bearing the priority of November 16, 2012 authorizing the diversion of 2.0 cu. ft. per second of the waters of groundwater (Lower James Missouri: Scotland Aquifer) for the irrigation of 120 acres located in Yankton County.

Inspection contacts: Jim and Ron Kulish

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Hammond Wetmore Drilling, LLC
- 2) No. of Wells: 1
- 3) Depth(s): 260 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 220 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 12 inches
- 2) Length: 40 feet
- 3) Type: PVC
- 4) Static water level: 104 feet

Pump:

- 1) Make: Grundfos
- 2) Model: 800S750-3
- 3) Capacity: 800 GPM

Motor:

- 1) Make: Grundfos
- 2) Model No.: Unknown
- 3) Horsepower rating: 75 hp

Electrical Generator:

- 1) Make: Allis-Chalmers
- 2) Model No.: 3500

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

- 1) Type: Steel 2) Size: 8 inches 3) Length: 30 feet

C. Works used to apply water to beneficial use:

Center Pivot:

- 1) Make Valley
- 2) Overall length 1,328 feet
- 3) Number of towers 7
- 4) End gun Yes
- 5) Capacity 800 GPM

Chemigation Equipment:

- 1) Does chemigate: Yes
- 2) Main line check valve: Yes
- 3) Inspection port/air relief: Yes
- 4) Low pressure drain: Yes
- 5) Discharge is 20' from source: Needs a hose
- 6) Interlock type: Electrical
- 7) Injection pump: Positive displacement
- 8) Injection check valve: Yes
- 9) Injection line check valve or positive displacement pump: Yes

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: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:

The well is 1,330 feet east and 2,620 feet south of the northwest corner of Section 36-T96N-R57W
(Latitude 43.089560, Longitude -97.532970 – SE1/4 of the NW1/4).

2. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows: All in Section 36-T96N-R57W

SE1/4NW1/4 34 acres

NW1/4SW1/4 34 acres

NE1/4SW1/4 35 acres

comprising a total of 103 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: None.

Keith DeJong

Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 14, 2020

Sec 26
T96N-R57W

Sec 25
T96N-R57W

Sec 30
T96N-R56W

Sec 31
T96N-R56W

Sec 2
T95N-R57W

Sec 1
T95N-R57W

Sec 6
T95N-R56W

Well Coordinates
Lat: 43.089560
Long: -97.532970

30 Feet of 8" Steel
Above Ground Piping

Center of Sec 35
T96N-R57W

Center of Sec 36
T96N-R57W

Well Location
From the NW corner of
Sec 36 T96N-R57W

1,330 Ft. East
2,620 Ft. South

SE NW
34 acres

NW SW
34 acres

NE SW
35 acres

Total = 103 acres



Keith DeJong
Keith DeJong, PE
Staff Engineer
October 14, 2020



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 20 2020

7524-3

Jim Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

Enclosed is Water License No. 7524-3. 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 in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

At the time the irrigation project was inspected for licensing, the staff engineer made note of the equipment used to apply chemicals or fertilizer through your center pivot systems. In order to bring the equipment into compliance, a hose will need to be installed to the low pressure drains to allow discharge to be routed at least 20 feet away from the wells. A copy of the chemigation rules are enclosed.

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: license, map, chemigation rules

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7524-3

(1) Wayne A Heckenlaible, Utica SD 57067 made Application No. 7524-3, November 16, 2012 for a water permit to divert 2.00 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7524-3, with a priority date of November 16, 2012 was approved February 11, 2013 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 11, 2018 and for the application to beneficial use of water on or before February 11, 2022.

On February 23, 2016, Water Permit No. 7524-3 was transferred to Jim Kulish, Lesterville SD

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is as follows:

- 1,330'E and 2,620'S of the NW corner of Section 36, T96N, R57W (SE ¼ NW ¼)
Latitude 43.089560, Longitude -97.532970

(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:

T96N, R57W Section 36	SE ¼ NW ¼	34 acres
	NW ¼ SW ¼	34 acres
	NE ¼ SW ¼	35 acres
	Total	103 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jim Kulish, 29945 432nd Ave., Lesterville SD 57040 the holder and/or owner of Water Right No. 7524-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Lower James Missouri Scotland Aquifer) with a priority date of November 16, 2012 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. 7524-3 and subject to the following qualifications:

- The well 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.

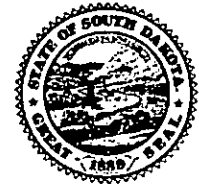
continued

- The well authorized by Permit No. 7524-3 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. *The well was drilled in May, 2013 by Hammond-Wetmore Drilling LLC. A copy of the well completion report is on file with the Water Rights Program.*
- Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Water Right No. 7524-3 authorizes a maximum diversion rate of *1.78 cfs* for the irrigation of *103 acres* with an annual volume not to exceed 2 acre feet of water per acre per year. *The diversion rate and acreage were reduced from the permitted amounts to reflect the system as it was developed.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.

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

OCT 20 2020

date





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

January 20, 2022

NOTICE

TO: JIM KULISH, 29945 432ND AVE, LESTERVILLE, SD 57040
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7524-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 7524-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 7524-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: MLMFEW**

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

7524-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 25, 2022

7524-3
7538-3

Jim & Ron Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Sirs:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 7524-3 and 7538-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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