

WATER PERMIT NO. 7538-3

Name of Applicant: Ron Kulish

Address: 29945 432 Ave, Lesterville SD 57040

Phone: 605 364-7617

Amount of Water Claimed: 1.78 cfs

Total Acres: 260

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation

County: Yankton

Type of Waste Disposal System:

Location: 1/2 mile east of Lesterville

PRIORITY

Date Received: 12-3-12

Application/License Fee: \$ 1250.00

Corrected Application Received: -

Period of Annual Use: April 1 - September 30

Remarks:

Diversion Point: SE 1/4 SW 1/4 Sec 15-T95N-
R57W

Land to be Irrigated: SW 1/4, S 1/2 SE 1/4, NW
1/4 SE 1/4, NE 1/4 Sec 15-T95N-R57W

Depth of Well: 360 feet deep

Well Driller: Christensen Well Drilling

Remarks:

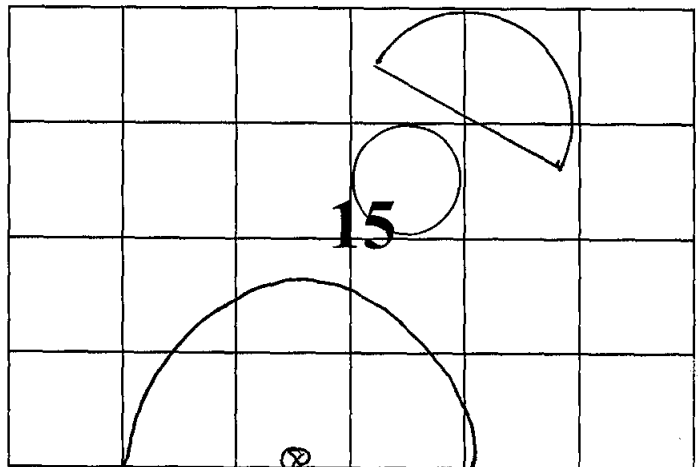
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 12-4-12

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>7538-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Press & Dakotan</u>
	<u>319 Walnut Yankton 57028 605-665-7811</u>

RECEIVED

DEC - 3 2012

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.)

1. Name to Appear on Irrigation Permit RON KULISH(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 29945 432 Ave Leicester SD 57040

(Address)

(City)

(State)

(Zip Code)

Home Phone 605-364-7617 Cell 661-6084 Email _____2. Amount of water claimed: 1.78*CFS or 800**GPM ***AF Total Acreage 260

(*Cubic Feet per Second)

(**Gallons per Minute)

(***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply irrigation well4. Location of point of diversion SE 1/4 SW 1/4 sec 15 T-95-N

(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

R-57-WCounty Yankton5. County or counties where water will be used Yankton6. Annual period during which water is to be used April 1 thru Sept 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
<u>SEE</u>	<u>SHEET</u>		

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

Pumping from one well to 3 different pivotsI, Ron Kulish, 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. 7538-3**

Date of first receipt of application December 3, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7538-3 to Ron Kulish, 29945 432nd Ave, Lesterville SD 57040 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. 7538-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Scotland Management Unit of the Lower James:Missouri Aquifer (360 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 260 acres located in the SW 1/4, S 1/2 SE 1/4, NW 1/4 SE 1/4, NE 1/4 Section 15; all in T95N-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: April 1 – September 30.
3. The date from which applicant may claim right is December 3, 2012.
4. The date of approval of Permit No. 7538-3 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. 7538-3 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

MAR 28 2013

date



Supplemental Information

(type or print)

1. Well Information

(check one or both as applicable)



Drilling new well(s)



Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Christensen Well + Septic
(if yes, please provide copies of logs)

b) If existing wells, how many 0 Provide copy of log(s), if available. Drilled by _____

c) Well Depth 360 Depth to Top of Water Bearing Material 288' Depth to Water from Surface 100'

d) Distance to nearest existing domestic well:

On applicant's property 3800

On property owned by others _____

2. Wastewater Disposal System Information

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

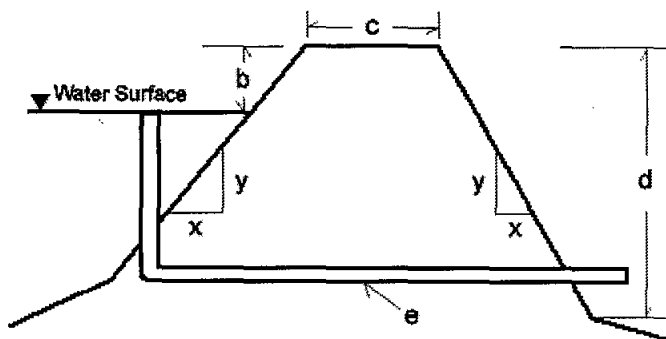
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Data use subject to license.

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www.delorme.com

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WATER RIGHTS
PROGRAM



Scale 1 : 9,600



1" = 800.0 ft

Data Zoom 14-4



Sec 9
T095N
R57W

Sec 10
T095N
R57W

Sec 11
T095N
R57W

Sec 16
T095N
R57W

Sec 15
T095N
R57W

Sec 14
T095N
R57W

Sec 21
T095N
R57W

Sec 22
T095N
R57W

Sec 23
T095N
R57W

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DEC - 3 2012

Date: _____

WATER RIGHTS
PROGRAM

Customer: _____

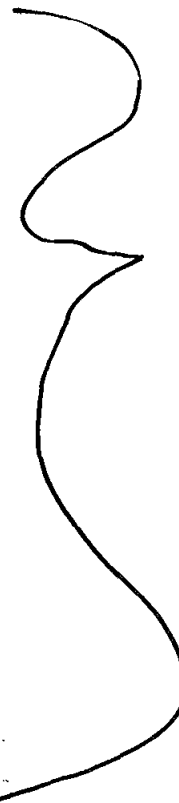
PHONE: _____ CELL: _____

Billing Address: _____

Location of Job: _____

Don Kalish

ACRES

SW $\frac{1}{4}$ SW $\frac{1}{4}$		Dec 15	35
SE $\frac{1}{4}$ SW $\frac{1}{4}$			39
SW $\frac{1}{4}$ SE $\frac{1}{4}$			38
SE $\frac{1}{4}$ SE $\frac{1}{4}$		T-95-N	3
NW $\frac{1}{4}$ SW $\frac{1}{4}$		R-57-W	9
NE $\frac{1}{4}$ SW $\frac{1}{4}$		gunston	23
NW $\frac{1}{4}$ SE $\frac{1}{4}$			13
NW $\frac{1}{4}$ NE $\frac{1}{4}$			27
NE $\frac{1}{4}$ NE $\frac{1}{4}$			32
SW $\frac{1}{4}$ NE $\frac{1}{4}$			31
SE $\frac{1}{4}$ NE $\frac{1}{4}$		10	
		<u>260</u>	

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/4, 20 12

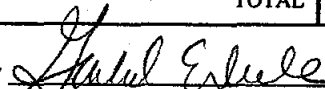
RECEIVED OF Kulish Farms 29945 432nd Ave Lesterville SD 57040

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

Fee for Application for Permit No. <u>7538-3</u> to Appropriate Water, to construct and to put water to beneficial use	1050	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>7538-3</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	1250 00

No. **05731**

By


Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 4, 2012

Ron Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Yankton County.

The application states you are proposing to utilize one well and when available pump surface water. In South Dakota, water rights are issued by water source. If you want to utilize the surface water source, that will require a separate application, map and filing fee.

Enclosed are application forms for that purpose. I have included an aerial photo map of Section 15-T95N-R57W. On the map, please outline the areas to be irrigated and mark the location of the surface water area and where the point of diversion will be. Also, is the slough area located entirely on your land? If the surface water backs up on a neighboring landowner, written permission or agreement will need to be obtained from the landowner.

We are going to process your recently submitted application with the water source being groundwater. If this is not your intent, let me know. If you wish to utilize the surface water source, please complete the enclosed application form.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures



**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. 7538-3, Ron Kulish**

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. 7538-3, Ron Kulish, 29945 432nd Avenue, Lesterville SD 57040.

The Chief Engineer is recommending APPROVAL of Application No. 7538-3 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. 7538-3 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
January 25, 2013

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7538-3
RON KULISH
JANUARY 17, 2013**

Water Permit Application No. 7538-3 proposes to appropriate up to 520 acre-feet per year (ac-ft/yr) at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Lower James Missouri: Scotland aquifer. The well is expected to be 360 feet deep and is to be located in the SE¼ SW¼ of Section 15, T95N-R57W. Water will be used to irrigate 260 acres located in the SW¼, S½ SE¼, NW¼ SE¼, NE¼ of Section 15, T95N-R57W in Yankton County.

AQUIFER: Scotland management unit of the Lower James Missouri aquifer (LJM: S)

GEOLOGY AND AQUIFER CHARACTERISTICS:

In the 1971 groundwater assessment of Bon Homme County, the outwash deposit that the proposed well is to be completed into was referred to as part of the Tyndall-Scotland aquifer (Jorgenson, 1971). Hedges and others (1982) further delineated the aquifers in the area and determined that this outwash was part of the Scotland management unit of the Lower James Missouri aquifer. Then, Bugliosi (1986) completed a groundwater assessment of Yankton County that included the Lower James Missouri aquifer, however, did not refer the aquifer's management units.

The Lower James Missouri: Scotland is a buried outwash consisting of sand and gravel that can be under water table or artesian conditions depending on location (Bugliosi, 1986). The aquifer lies in northwestern Yankton County and extends into northeast and central Bon Homme County and only slightly into south central Hutchinson County. In total the Lower James Missouri: Scotland aquifer is estimated to underlie 72,800 acres and contain 1,110,650 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer blends into the Lower James Missouri aquifer in northeast Yankton County and is overlain by the Lesterville aquifer in west central Yankton County (Bugliosi, 1986). Groundwater movement in the aquifer is from west to east, toward the James River (Bugliosi, 1986).

In Yankton County, the Lower James Missouri: Scotland aquifer has an average thickness of 150 feet, but can range from 60 to 410 feet thick. In the area of the proposed well site, there is approximately 100 feet of saturated thickness (Bugliosi, 1986). The test hole log submitted with this application identifies aquifer material (gravel) from 288 to 360 feet below ground surface. The October, 2012 static water level was 121 feet below ground surface. The aquifer appears to be under artesian conditions at the test hole location.

SDCL 46-2A-9

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

the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate 520 ac-ft/yr from the Lower James Missouri: Scotland aquifer. If this application is approved, the actual water use will likely be less than the appropriation. The probability of unappropriated water 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 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."

HYDROLOGIC BUDGET:

Recharge:

Recharge to the Lower James Missouri: Scotland aquifer occurs due to infiltration of precipitation, seepage from streams, and inflow from the aquifer in surrounding counties (Bugliosi, 1986). An average annual recharge rate for confined portions of the Lower James Missouri: Scotland has not been quantified. Hedges and others (1985) concluded that for management and development programs, the recharge rate to confined aquifers can be estimated to be between 0.15 and 0.60 in/yr.

Discharge:

Discharge from the Lower James Missouri: Scotland aquifer occurs due to evapotranspiration in areas where the aquifer is near land surface and well withdrawals. Currently there are 12 water rights/permits appropriating water from the Lower James Missouri: Scotland aquifer, plus one pending water permit application. These are shown in Table 1. One water right/permit is authorized for domestic/livestock confinement operation use and the remainder are authorized for irrigation use. The pending water permit application also proposes irrigation use (Water Rights, 2013b).

Table 1: Water rights/permits appropriating from the Lower James Missouri: Scotland aquifer (Water Rights, 2013b)

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	Don Kulish	LC	IRR	1.15	81
6389-3	Robert L DeJong	LC	IRR	2.56	199
7072-3	Fred Kubal	LC	DOM/LCO	0.11	
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
7220-3	Larry Rupiper	PE	IRR	0.22	44
7436-3	Larry Skorepa	PE*	IRR	2.00	185
LC = Water Right, PE = Water Permit PE* = Water Permit pending authorization IRR = Irrigation, DOM = Domestic, LCO = Livestock Confinement Operation					

Water Permit No. 6980-3 Marquardt Farms appropriates up to 543 ac-ft/yr from two wells authorized to withdraw from the overlying Lesterville aquifer diverting water at a maximum rate of 2.22 cfs to irrigate 271.5 acres. However, according to a well completion report submitted after permitting, the actual depth of one well is 116 feet deeper than proposed on the application. From the information provided from nearby wells and general characteristics of the aquifers, this well is actually completed into the deeper Lower James Missouri: Scotland aquifer (Bugliosi, 1986; "Lithologic Logs Database;" Water Rights, 2012a; Water Rights, 2012b; Water Rights, 2012c). Therefore, this water permit is also incorporated into this hydrologic budget, including the irrigation use, of the Lower James Missouri: Scotland aquifer in this report.

The irrigation use water right/permit development of this aquifer has notably increased in the last five years. In 2011 there were 4,870 ac-ft/yr of water appropriated from the aquifer; this is also the maximum over the period of record, 1979 to 2011. The annual withdrawal due to irrigation use fluctuates greatly, which is probably due more to yearly growing season climatic conditions rather than the development of the aquifer. Over the period of record, the average pumpage reported equals 258 ac-ft/yr. The maximum and minimum pumpage reported was 531 and 26 ac-ft/yr, respectively (Water Rights, 1979-2011).

Irrigation pumpage has been reported up to the year 2011. Since then for this aquifer, one water permit was approved for appropriating up to 370 ac-ft/yr, one water permit application proposing appropriating up to 194.4 ac-ft/yr is pending authorization, and this water permit application proposes to appropriate up to 520 ac-ft/yr (Water Rights, 2012b). The full use of these approved or proposed appropriations is assumed for this hydrologic budget.

Non-irrigation use water rights/permits for this aquifer authorize 0.11 cfs, equating to 80 ac-ft/yr. The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits can be conservatively estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. Therefore, the total annual withdrawal from the aquifer by non-irrigation use is expected to be 48 ac-ft/yr (Water Rights, 2013b).

There are several well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2013c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer. Consider also that many of these domestic wells are no longer in use due to users connecting to rural water systems.

Water Balance:

The average annual withdrawal from the aquifer is estimated to be less than 1,400 ac-ft/yr. To balance the hydrologic budget, recharge must equal withdrawal. And so, recharge to this aquifer must equal 0.23 in/yr. This required recharge rate is within the suggested recharge rate range provided by Hedges and others (1985). Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer for the proposed appropriation of 520 ac-ft/yr.

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 SD DENR-Water Rights Program monitors 17 observation wells completed into the Lower James Missouri: Scotland aquifer (Water Rights, 2013a). The nearest observation wells, YA-80B, YA-80C, and YA-77A, are located approximately two miles northeast, two and a half miles east, and two miles southeast of the proposed well site, respectively. Well YA-80C is under water table conditions and the other two are under artesian conditions. The hydrographs of these observation wells are shown in Figures 1, 2, and 3 (Water Rights, 2013a).

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. The hydrographs also show the effects of nearby pumping on the aquifer. The potentiometric surface of several well observation wells completed into the Lower James Missouri: Scotland aquifer record that more water is in this aquifer than ever before over the period of record. At the current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, these hydrographs indicate that unappropriated water is available from the Lower James Missouri: Scotland aquifer to support the proposed appropriation of 520 ac-ft/yr.

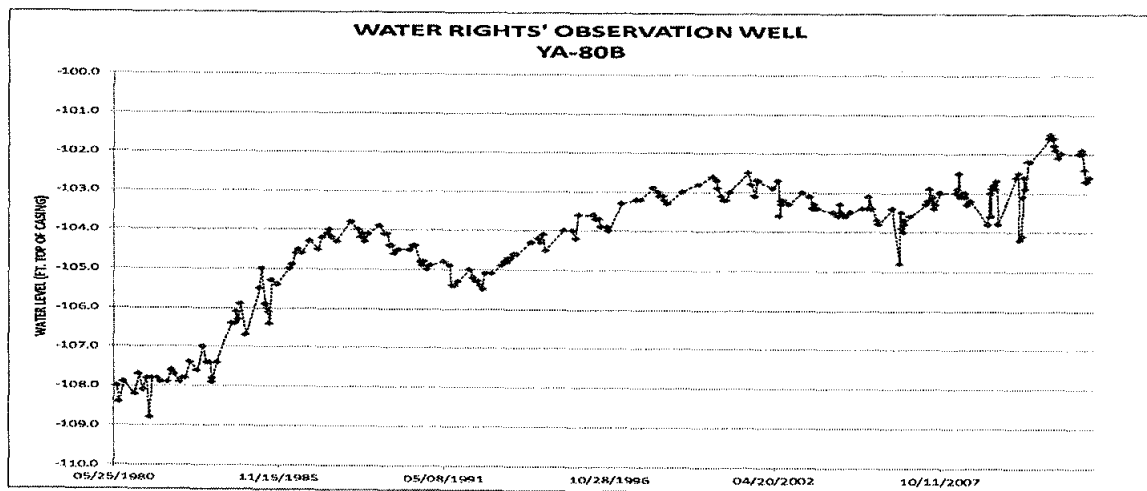


Figure 1: Hydrograph for observation well YA-80B (Water Rights, 2013a)

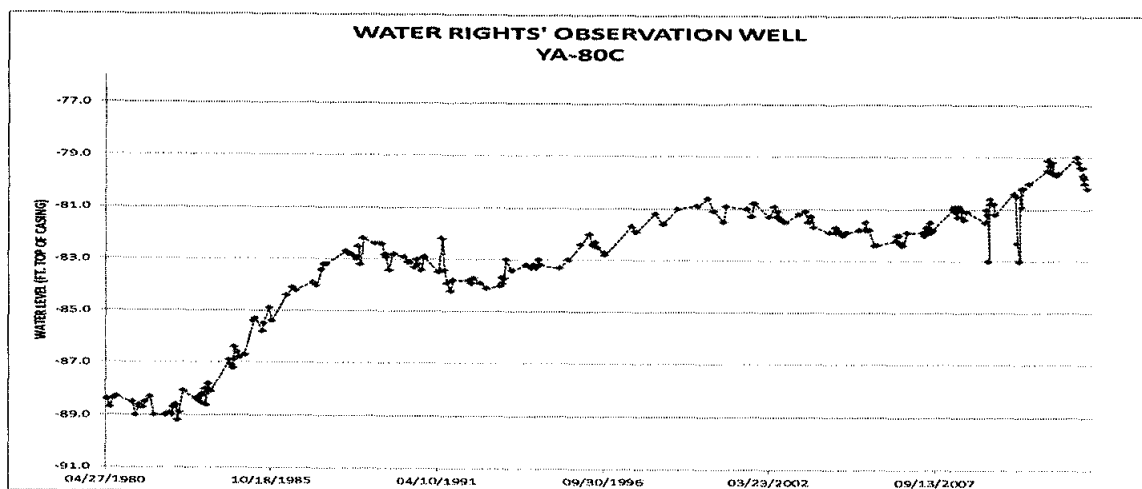


Figure 2: Hydrograph for observation well YA-80C (Water Rights, 2013a)

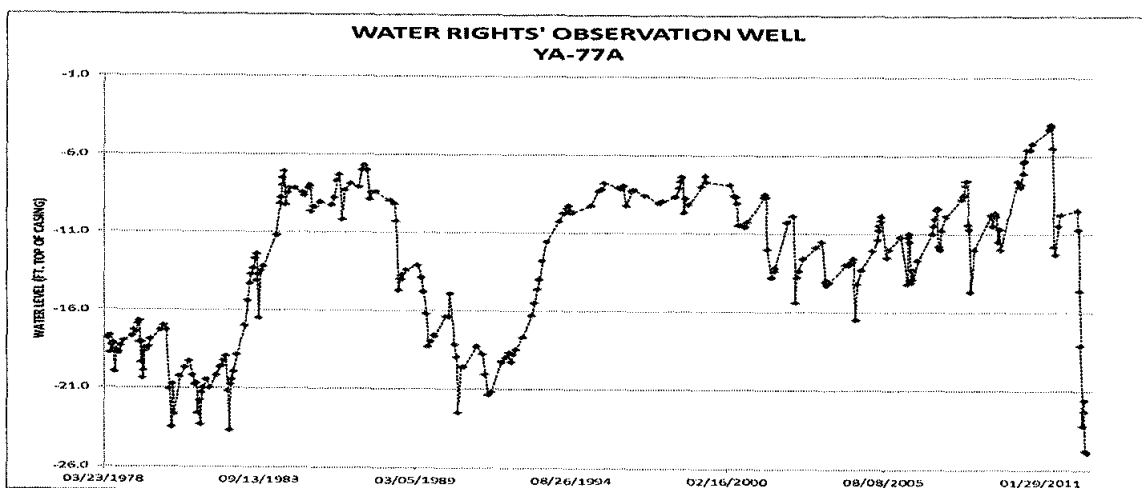


Figure 3: Hydrograph for observation well YA-77A (Water Rights, 2013a)

EXISTING WATER RIGHTS:

Ten domestic wells are on record with the SD DENR-Water Rights Program that appear to be completed into the Lower James Missouri: Scotland within two miles of the proposed well site (Water Rights, 2013c). Water Permit No. 7015-3 is the only water right/permit appropriating from the Lower James Missouri: Scotland aquifer within two miles of the proposed well site, located approximately one and a half miles east (Water Rights, 2013b). As previously discussed, Water Permit No. 6980-3 is authorized to withdraw from the Lesterville aquifer from two wells. However, the one well is actually completed into the Lower James Missouri: Scotland aquifer, and so, must also be considered. The completed well located approximately two miles from the proposed well site. A well completion report has not been submitted for the second well; this second well is expected to be located approximately one and three quarter miles from the well proposed by this application (Water Rights, 2013b). The Lower James Missouri: Scotland aquifer appears to be under artesian conditions at the proposed well site; therefore, some drawdown due to pumping is likely.

As previously discussed, the hydrographs for observation wells completed into the Lower James Missouri: Scotland aquifer document pumping; however, these effects are minimal relative to climatic conditions. Observation well YA-77A, whose hydrograph is shown in Figure 3, is located within approximately 1,700 feet of one water right. The current lowering in head pressure in this observation well can be attributed to the overall dry conditions of this year and the nearby water right's probable above average pumpage. Over the period of record, water levels in this well fluctuated at maximum 22 feet (Water Rights, 2013a). This amount of fluctuation is probably the worst case scenario for the aquifer in this area.

From the test hole log submitted with this application there is approximately 167 feet of head pressure in the aquifer at this location. From the well test completed for this test hole, the specific capacity of this well was approximately 6.1 gallons per minute per foot. Assuming a storativity of 0.001, the transmissivity of the aquifer in this area equals approximately 12,230 gallons per day per foot ("Transmissivity from Specific Capacity"). Assuming the proposed well diverts water at the proposed rate of 1.78 cfs for 185 days, the estimated drawdown equals approximately 16 feet at a distance of a one and half miles from the proposed well site ("Theis Equation Calculator"). This estimate of distance-drawdown is based on the maximum pumpage proposed on the application, creating the most conservative estimate. Actual diversion rate and pumpage will likely be less than that proposed, and therefore, drawdown will likely be less.

Therefore, there is a reasonable probability that any well interference from the proposed appropriation will not cause a significant impact to nearby existing users. Consider also that SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. And so, a nearby adequate well defined by ARSD 74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical, is not expected to be adversely or unlawfully impaired by the proposed appropriation.

CONCLUSIONS:

1. The application proposes to appropriate 520 ac-ft/yr for irrigation; however, the actual water used will likely be much less.
2. There is a reasonable probability that unappropriated water is available from the Lower James Missouri: Scotland aquifer to supply the proposed appropriation.
3. There is a reasonable probability that this proposed well will not adversely or unlawfully impair existing users.
4. Water Permit No. 6980-3 is actually completed into the Lower James Missouri: Scotland aquifer, not the Lesterville aquifer as permitted. So, this water permit is also incorporated into the hydrologic budget of the Lower James Missouri: Scotland aquifer in this report.



Joseph R Stonesifer
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. Water Resources Investigations Report 84-4241. U.S. Geological Survey, Huron, South Dakota.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 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., Allen, J., and Holly, D.E. 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, South Dakota.
- Jorgensen, D.G. 1971. Geology and Water Resources of Bon Homme County, South Dakota, Part II: Water Resources. Bulletin 21. SD DENR-Geological Survey, Vermillion, South Dakota.
- "Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 22 January 2013
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< <http://www.icalcul8.com/theis.php> >
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- Water Rights. 1979-2011. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

FEB - 7 2013

WATER RIGHTS
PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

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. 7538-3

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 \$26.15 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 Ron Kulish, 29945 432nd Ave, Lesterville SD 57040 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Scotland Management Unit of the Lower James:Missouri Aquifer (360 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 260 acres located in the SW 1/4, S 1/2 SE 1/4, NW 1/4 SE 1/4, NE 1/4 Section 15; all in T95N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7538-3 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 \$26.15.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2013

Press & Dakotan.
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7538-3 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 Ron Kulish, 29945 432nd Ave., Lesterville SD 57040 (Ph # 605-364-7617).

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
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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 25, 2013

Ron Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

Water Permit Application No. 7538-3 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. 7538-3 to Appropriate Water

Notice is given that Ron Kulish, 29945 432nd Ave, Lesterville SD 57040 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Scotland Management Unit of the Lower James:Missouri Aquifer (360 feet deep) located in the SE 1/4 SW 1/4 Section 15 for irrigation of 260 acres located in the SW 1/4, S 1/2 SE 1/4, NW 1/4 SE 1/4, NE 1/4 Section 15; all in T95N-R57W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7538-3 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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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 28 2013

Ron Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

Enclosed is Water Permit No. 7538-3 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

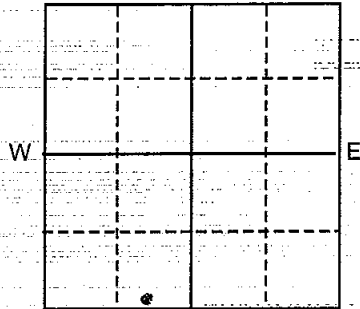
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SW 1/4 Sec 15 Twp 95N Rg 57WCounty Jackson

North

Please mark well location with an "X"



Well Completion Date

11-2-12

1 Mile

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

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1160</u> LB/FT	<u>16</u> IN	<u>0</u> FT	<u>280</u> FT	<u>28</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Cement</u>	_____	Lb/gal <u>0</u>	_____ Ft	<u>140</u> Ft
_____	_____	Lb/gal _____	_____ Ft	_____ Ft

Describe grouting procedure

Pumped down w/ pressure grouter

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 80 FeetMaterial PVCSlot Size .085 Set From 280 Feet to 360 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? chlorine
☐ No, Why Not? _____

Lab to which water quality sample sent for analysis _____

Well Owner: Pon Kulish

Business Name: _____

Address: 29945 432 AveCity, State, Zip: Westerville, SD 57040

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top + brown clay</u>	<u>0</u>	<u>14</u>
<u>light sand</u>	<u>14</u>	<u>16</u>
<u>brown clay</u>	<u>16</u>	<u>20</u>
<u>layers sand/gravel/clay</u>	<u>20</u>	<u>30</u>
<u>blue clay w/ shales</u>	<u>30</u>	<u>288</u>
<u>fine gravel</u>	<u>288</u>	<u>340</u>
<u>lined gravel - SOME ROCKS</u>	<u>340</u>	<u>360</u>

STATIC WATER LEVEL

121 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: w/ turbid pump + engine
☐ Bailed
☐ Other

Pumping Level Below Land Surface

260 Ft. After 50 Hrs. pumped 850 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 800 GPM

REMARKS

RECEIVED

JAN - 8 2013

WATER RIGHTS PROGRAM

This well was drilled under license # 444 and this report is true and accurate.Drilling firm: Christensen Well & IrrigationSignature of License Representative: Cody W. Christensen

Signature of Well Owner or Equitable Property Holder: _____

Date: 12-31-12



**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 24, 2014

NOTICE

TO: RON KULISH, 29945 432ND AVE, LESTERVILLE, SD 57040

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7538-3. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 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) 7538-3 qualification:

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

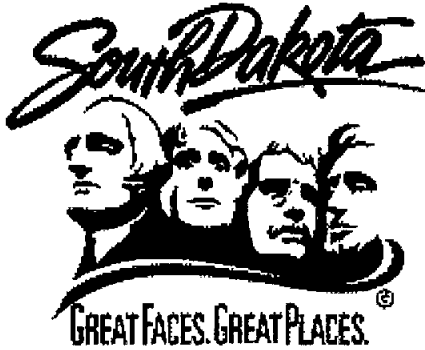
The hearing will be held at **9:00 am, March 6, 2014** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According 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) 7538-3 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 on/or before **March 3, 2014**, 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 3, 2014

7538-3

Ron Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

I am writing to acknowledge receipt of your 2013 irrigation questionnaire.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit No. 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,

A handwritten signature in cursive script that reads "Genny McMath".

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7538-3**

I have this day, September 22, 2020, made a thorough examination of the water use system constructed by Ron Kulish, 29945 432nd Ave., Lesterville, SD 57040, holder of Permit No. 7538-3, bearing the priority of December 3, 2012 authorizing the diversion of 1.78 cu. ft. per second of the waters of groundwater (Lower James Missouri: Scotland Aquifer) for the irrigation of 260 acres located in Yankton County.

Inspection contact: Ron Kulish

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigation
- 2) No. of Wells: 1
- 3) Depth(s): 360 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 16 inches
- 2) Length: 280 feet
- 3) Type: PVC

Screen:

- 1) Diameter: 16 inches
- 2) Length: 80 feet
- 3) Type: PVC
- 4) Static water level: 121 feet

Pump:

- 1) Make: Goulds
- 2) Model: 1CHC
- 3) Capacity: 800 GPM

Gear Drive:

- 1) Make: Amarillo Right Angle Gear Drive
- 2) Model No.: S125A
- 3) Horsepower rating: 125 hp

Engine:

- 1) Make: PSI Industrial
- 2) Model No.: 8.1L GM

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

- | | | | |
|----------------------------|--------------------|--------------------------|------------------------------|
| 1) To the southwest pivot: | Type: <u>Steel</u> | 2) Size: <u>8</u> inches | 3) Length: <u>30</u> feet |
| 2) To the middle pivot: | Type: <u>PVC</u> | 2) Size: <u>8</u> inches | 3) Length: <u>3,810</u> feet |

C. Works used to apply water to beneficial use:

South Center Pivot:

- 1) Make: T&L
- 2) Overall length: 2,042 feet
- 3) Number of towers: 12
- 4) End gun: Yes
- 5) Capacity: 800 GPM

North Center Pivot

- 1) Make: Zimmatic
- 2) Overall length: 668 feet
- 3) Number of towers: 4
- 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: Mechanical
- 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 2,050 feet east and 70 feet north of the southwest corner of Section 15-T95N-R57W
(Latitude 43.039310, Longitude -97.568890 – SE1/4 of the SW1/4).

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 15-T95N-R57W

<u>NW/4NE1/4</u>	<u>6 acres</u>
<u>SE1/4NW1/4</u>	<u>2 acres</u>
<u>SW1/4NE1/4</u>	<u>32 acres</u>
<u>SE1/4NE1/4</u>	<u>1 acre</u>
<u>NW1/4SW1/4</u>	<u>10 acres</u>
<u>NE1/4SW1/4</u>	<u>25 acres</u>
<u>NW1/4SE1/4</u>	<u>12 acres</u>
<u>SW1/4SW1/4</u>	<u>35 acres</u>
<u>SE1/4SW1/4</u>	<u>38 acres</u>
<u>SW1/4SE1/4</u>	<u>38 acres</u>
<u>SE1/4SE1/4</u>	<u>3 acres</u>

comprising a total of 202 acres of land and the license should be issued for 1.78 cfs.

3. All structures, wells and lands on map Yes

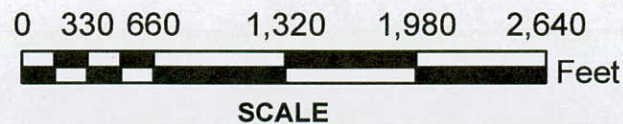
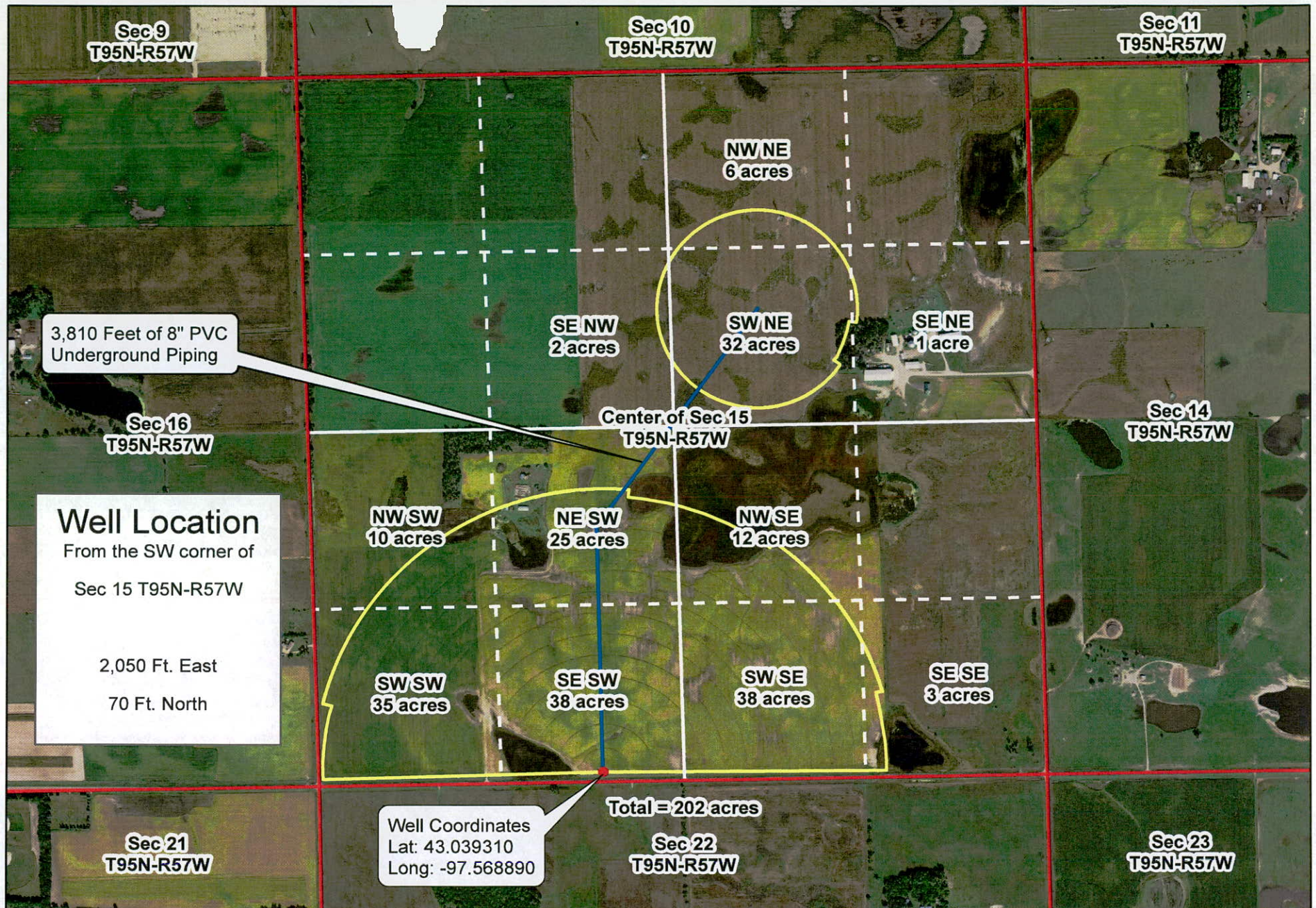
F. Comments or other permit(s) associated with the project: The northeast pivot proposed in the water permit was not constructed.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: October 14, 2020

Water Right No. 7538-3



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

7538-3

Ron Kulish
29945 432nd Ave
Lesterville SD 57040

Dear Mr. Kulish:

Enclosed is Water License No. 7538-3. 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. 7538-3**

(1) Ron Kulish, 29945 432nd Ave., Lesterville SD 57040 made Application No. 7538-3, December 3, 2012 for a water permit to divert 1.78 cubic feet of water per second from ground water, one well (Scotland Management Unit of the Lower James Missouri Aquifer), Yankton County, South Dakota for irrigation purposes. Permit No. 7538-3, with a priority date of December 3, 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.

(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 well is located as follows:

- 2,050' E and 70' N of the SW corner of Section 15, T95N, R57W (SE ¼ SW ¼)
Latitude 43.039310, Longitude -97.568890

(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:

T95N, R57W Section 15	NW ¼ NE ¼	6 acres	NW ¼ SW ¼	10 acres	NW ¼ SE ¼	12 acres
	SW ¼ NE ¼	32 acres	NE ¼ SW ¼	25 acres	SW ¼ SE ¼	38 acres
	SE ¼ NE ¼	1 acre	SW ¼ SW ¼	35 acres	SE ¼ SE ¼	3 acres
	SE ¼ NW ¼	2 acres	SE ¼ SW ¼	38 acres		
Total 202 acres						

(4) Pursuant to South Dakota Water Law 46-5-30.1 Ron Kulish, 29945 432nd Ave., Lesterville SD 57040 the holder and/or owner of Water Right No. 7538-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Scotland Management Unit of the Lower James Missouri Aquifer) with a priority date of December 3, 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. 7538-3 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.
- The well authorized by Permit No. 7538-3 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 November, 2012 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.*

continued

- 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: RON 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) 7538-3. 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) 7538-3 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) 7538-3 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: LBTHGB**

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.



**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