

WATER PERMIT NO. 7168-3

Name of Applicant: **Jon Deal**

Address: **36563 251st St, Kimball SD 57355**

Phone: **605 778-6399**

Amount of Water Claimed: **0.08 cfs**

Total Acres: **NA**

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

Water to be used for: **commercial – cattle feedlot**

County: **Brule**

Type of Waste Disposal System:

Location: **3 miles east of Kimball**

PRIORITY Date Received: **11-9-09**

Application/License Fee: **\$700**

Corrected Application Received: **11-17-09**

Period of Annual Use: **January 1 – December 31**

Remarks:

Diversion Point: **NE ¼ NW ¼ Sec 8-T103N-R67W**

Land to be Irrigated: **NA**

Depth of Well: **920 feet deep**

Well Driller: **Hutmacher Drilling Inc.**

Remarks:

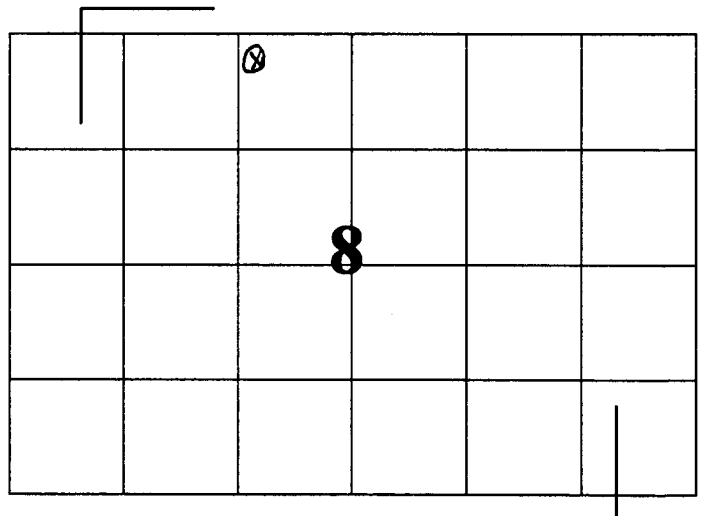
Type of Map: **topo**

Prepared by: **Gregory G Grabs, PE**

Reviewed and the Number Assigned on: **11-18-09**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585 V2
FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7168-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Central Dak Times PO Box 125</u> <u>605-234-0266</u> <u>Chamberlain 57325</u>

RECEIVED

NOV - 9 2009

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

- | | | | |
|---|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☒ Other <u>Livestock</u> | |

Type of Application:
(check one)

- ☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

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

1. Name of Applicant Jon Deal Phone (605) 778-6399
(check one) ☒ Owner ☐ Tenant/lessee
Mailing Address 36563 251st Street Kimball State SD 57355
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed 0.08 *CFS or 36.1 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply _____

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Brule

NE 1/4 NW 1/4, Section 8, T 103 N, R 67 W

5. County or counties where water will be used Brule

6. Annual period during which water is to be used Year round Jan 1 - Dec 31

7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Application for ~~proposed~~ well to serve a proposed 2,600 head beef feedlot

STATE OF SOUTH DAKOTA)
County of Brule) SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Jon Deal, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Jon Deal

Subscribed and sworn to before me this 27 day of February 20 09

Judy M. Konecny
Notary Public signature Comm Exp.

10-28-10

**SOUTH DAKOTA
WATER PERMIT NO. 7168-3**

Date of first receipt of application November 9, 2009.

Date of return to applicant for corrections, amendments or changes November 9, 2009.

Date of receipt of corrected application November 18, 2009.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7168-3 to Jon Deal, 36563 251st Street, Kimball SD 57355 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. 7168-3 appropriates 0.08 cubic feet of water per second from one well to be completed into the Dakota Aquifer (920 feet deep) located in NE ¼ NW ¼ Section 8-T103N-R67W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7168-3 is January 25, 2010.
5. The date from which applicant may claim right is November 9, 2009.
6. One-fifth of the construction is to be completed on or before July 25, 2012.
7. All construction is to be completed on or before January 25, 2015.
8. Water is to be put to beneficial use on or before January 25, 2019.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

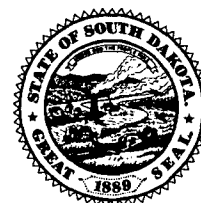
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Permit No. 7168-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Permit No. 7168-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

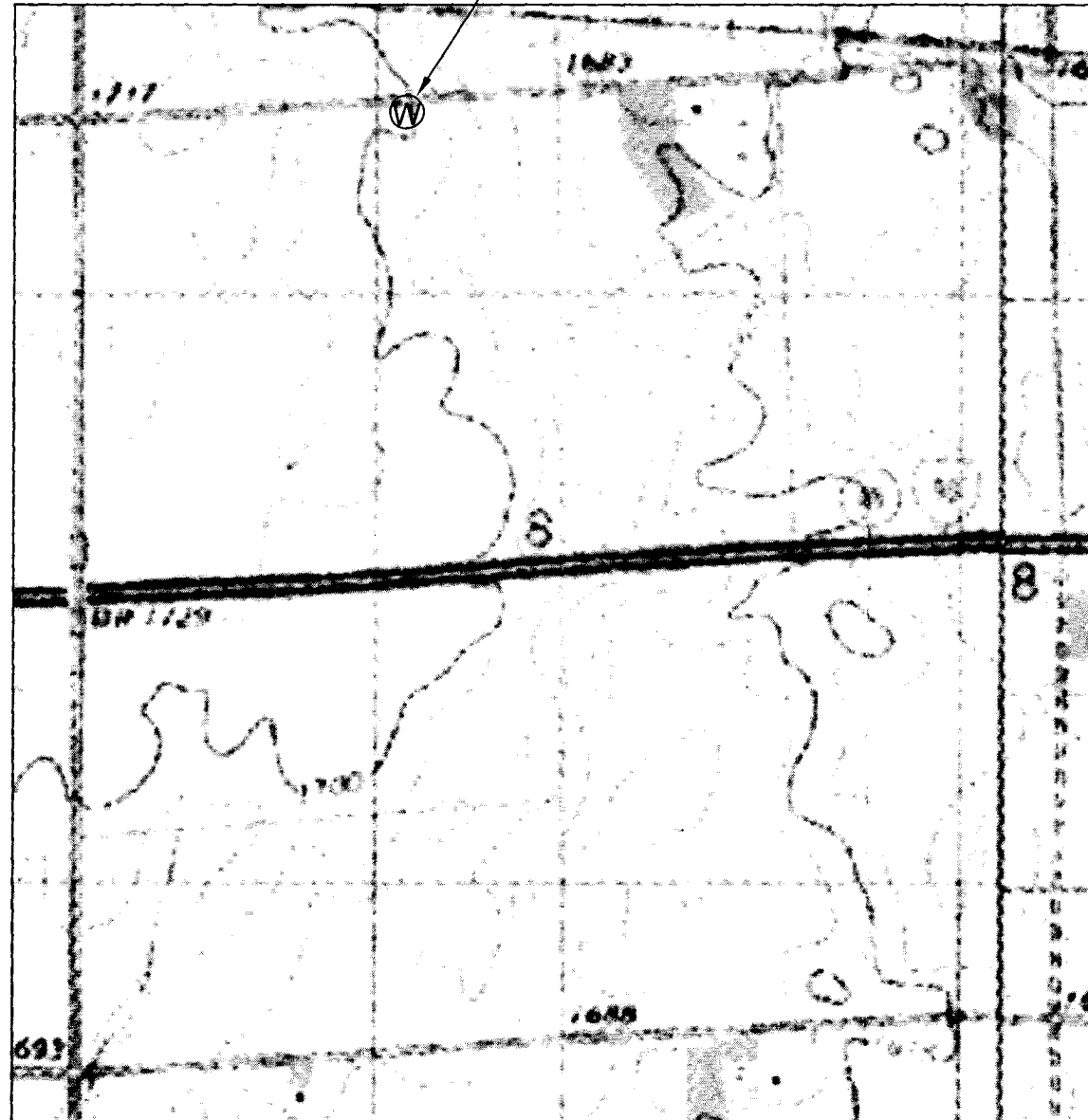
By: Garland Erbele

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

APR 09 2010
date



WELL LOCATED APPROXIMATELY
70' SOUTH & 1,820' EAST OF
THE NW SECTION CORNER OF
SECTION 8, T 103 N, R 67 W,
BRULE COUNTY, SOUTH DAKOTA



GENERAL NOTES

RECEIVED

NOV - 9 2009

WATER RIGHTS
PROGRAM

SCALE, FEET

0 500 1000 1500 2000



No.	Revision/Issue	Date

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356
www.dgaengineering.com

**JON DEAL
FEEDLOT EXPANSION**

N 1/2, SECTION 8, T 103 N, R 67 W
BRULE COUNTY, SOUTH DAKOTA

WELL LOCATION USGS MAP

DATE: NOV 2, 2009	SHEET: 1
SCALE: 1" = 1000'	
DRAWN BY: CAS	
CHECKED BY: GGG	

SD EForm - 1621 V1

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 Sec 8 Twp 103N Rg 67W

County

Brule

North

Please mark well
location with an "X"

W

E

Well Completion Date

8/17/2009

1 Mile

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

2,500.0 ft. from septic (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
17.0 LB/FT	5.00 IN	0.0 FT	420.0 FT	8.75 IN
80.0 LB/FT	3.00 IN	420.0 FT	880.0 FT	7.88 IN
LB/FT	3.00 IN	880.0 FT	920.0 FT	7.88 IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	76	9.2 Lb/gal	0.0 Ft	855.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
pressure thru tremie

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 3.00 Inches Length 40.0 FeetMaterial Stainless SteelSlot Size .025 Set From 880.0 Feet to 920.0 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? Chlorine☐ No, Why Not?Lab sample sent to for
water quality analysis

state

Well Owner: Jon Deal

Business Name:

Address: 36563 251st St.City, State, Zip: Kimball SD 57355

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Clay	0	227
Pierre	227	365
Niobrara	365	531
Carlile	531	646
Greenhorn	646	690
Graneros	690	865
Dakota	865	920

STATIC WATER LEVEL

150 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:

☐ PumpedDescribe: developed by air☐ Bailed☐ Other

Pumping Level Below Land Surface

Ft. After

Hrs. pumped

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

RECEIVED

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WATER RIGHTS
PROGRAM

This well was drilled under license #

213

And this report is true and accurate.

Drilling firm: Hutmacher Drilling, Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/9, 2009

RECEIVED OF Jon Deal 36563 251st St Kimball SD 57355

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

Fee for Application for Permit No. <u>7168-3</u> to Appropriate Water, to construct and to put water to beneficial use	300	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 _____		
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	300 00

No. 04242

By Shirley E. Erbe eg
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/18, 20 09

RECEIVED OF Jon Deal 36563 251st St Kimball SD 57355

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

Fee for Application for Permit No. <u>7168-3</u> to Appropriate Water, to construct and to put water to beneficial use	200	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>7168-3</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	400 00

No. 04244

By Herbert Erbe
Chief Engineer



**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
www.dgaengineering.com

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NOV - 9 2009
WATER RIGHTS
PROGRAM

SD Dept. of Natural Resources
Water Rights Program
523 East Capital
Pierre, SD 57501-3181
Attention Eric Gronlund

November 2, 2009

Dear Eric:

I have enclosed one copy of the *Application For Permit To Appropriate Water Within The State Of South Dakota*. The application is for Jon Deal located in Brule County, SD.

This Application is for N ½, Section 8, T 103 N, R 67 W, Brule County, SD.

Please review and process the enclosed documents accordingly.

Sincerely,

Greg Grabs, PE
Vice-President

Enclosures

cc: Jon Deal

North Dakota Office
P.O. Box 522
Mandan, ND 58554-0522
(701) 663-1116
Fax (701) 667-1356

Nebraska Office
4727 N. 26th St. Suite A
Lincoln, NE 68521-4706
(402) 742-4976
Fax (402) 742-4977



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 9, 2009

Jon Deal
36563 251st St
Kimball SD 57355

Dear Mr. Deal:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in a cattle feedlot. In order to complete the application the following is required.

- We have received your check for \$300.00. Please be advised that the Legislature passed a bill this past year raising the filing fees on applications, licenses and ownership changes. The fee increases became effective July 1, 2009. The application/license filing fee for this application is \$700.00. Please submit an additional \$400.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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



**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. 7168-3, Jon Deal**

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. 7168-3, Jon Deal, 36563 251st Street, Kimball SD 57355.

The Chief Engineer is recommending APPROVAL of Application No. 7168-3 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.
3. Permit No. 7168-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 7168-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
December 23, 2009

**Report on Water Permit Application No. 7168-3
for Jon Deal
December 10, 2009**

Application No. 7168-3 proposes to appropriate 36 gallons per minute (0.08 cfs) from one well approximately 920 feet deep located in the NW ¼ NE ¼ of Section 8, T103N R67W in Brule County. The water is to be for commercial use in an existing cattle feedlot in Section 8 in T103N R67W. The completed well appears to have been constructed in accordance with South Dakota Well Construction Standards. The annual period during which water will be used is January 1 through December 31.

AQUIFER: Dakota Aquifer

This report will address the availability of unappropriated water from the Dakota aquifer.

WATER AVAILABILITY

Aquifer Characteristics:

The Dakota aquifer is a bedrock aquifer consisting of sandstones and shales and is approximately 250 feet thick in this area (Schoon, 1971). The aquifer underlies 837 square miles and contains an estimated 7.36 million acre feet of water in storage in Brule County (Hedges, 1982). The aquifer is under confined conditions at this site and will not flow as indicated by the well completion report.

The well completion report for this well indicates sand and clay from 0 to 227 feet below land surface, Pierre shale from 227 to 365 feet below land surface, Niobrara Marl from 365 to 591 feet below land surface, Carlisle shale from 531 to 646 feet below land surface, Greenhorn Limestone from 646 to 690 feet below land surface, Graneros shale from 690 to 865 feet below land surface, and Dakota sandstone from 865 to 920 feet below land surface. The static water level was 150 feet below land surface.

Observation Well Data:

The nearest Water Rights Program Dakota Formation observation well, BL-83A, is located near Chamberlain approximately 21 miles southwest of this site. Water levels for this well have declined 13 to 14 feet since well completion in 1983. Reports indicate that water levels have been declining in the Dakota Formation since the first wells were drilled. The primary reason for the decline is the large number of uncontrolled wells and improperly built or abandoned wells allowed to flow to waste. The hydrograph for this well is provided with this report.

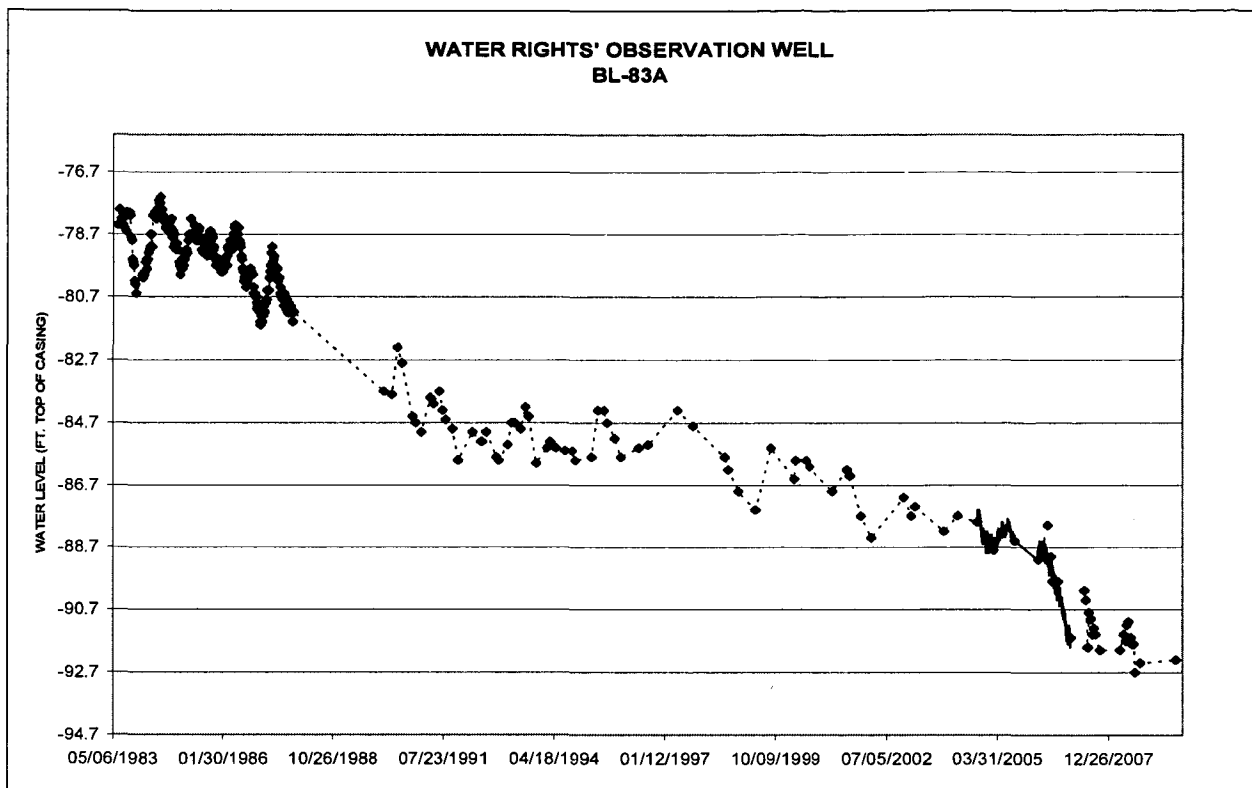


Figure 1. Hydrograph for Water Rights Observation Well BL-83A, completed into the Dakota Aquifer within twenty two miles of 71678-3

In general, the hydrograph shows a declining water level since the well was completed.

Review of Existing Water Permits/Rights/Water Use:

There are two permits, which are also in the Dakota Formation, located approximately three and a half miles west of this application location. Interference is not a concern since these are relatively low yield wells and pumping at this rate and distance should not create significant drawdown. The nearest permit, located two and a third miles southeast of this application location, is a surface water permit.

Conclusions:

1. Water is available from Dakota Formation aquifer. The aquifer is under confined conditions at this location. Drawdown may result from pumping. Interference is not expected to be a problem.
2. If the well covered by this Permit depletes the domestic supplies or interferes with prior water rights, restrictions or other arrangements may be required to protect these water supplies.
3. This well must be constructed in accordance with SD Well Construction Standards.
4. Plans and specifications for this facility have been submitted to and approved by the Department and the facility is permitted with the Surface Water Quality Program.

5. Dakota Formation head pressure has been declining primarily due to the large number of uncontrolled flowing wells and improperly built or abandoned wells which allow water to flow to waste.



Hayes Haas
Natural Resources Engineer

Bibliography:

Hedges, L.S. et al, 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, for the U.S. Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD 57069

Schoon, R.A., 1971, Geology and Hydrology of the Dakota Formation in South Dakota, Report of Investigations No. 104, SD DWR, SDGS, Vermillion, SD, 57069

Water Rights, 2009, Unpublished Observation Well Records for Brule County, SD DENR, Division of Water Rights, Pierre, SD, 57501

AFFIDAVIT OF PUBLICATION

State of South Dakota

ss

County of Brule

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Application

No. 7168-3 To Appropriate
Water

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for

two successive week(s) to wit:

Jan. 6, 2010; Jan. 13, 2010;

_____, 20____; _____, 20____;

_____, 20____; _____, 20____;

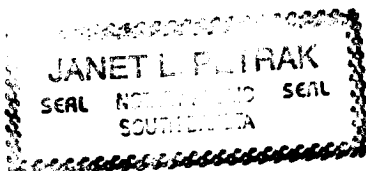
That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are:

\$36.83

Signed: Debi Ruiz

Subscribed and sworn to before me this 14th day of January, 2010.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota



My commission expires June 5, 2010.

RECEIVED

JAN 15 2010

WATER RIGHTS
PROGRAM

OK

NOTICE OF APPLICATION NO. 7168-3 TO APPROPRIATE WATER

Notice is given that Jon Deal, 36563 251st Stret, Kimball, SD 57355, has filed an application for a water permit to appropriate 0.08 cubic feet of water per second from one well to be completed into the Dakota Aquifer (920 feet deep) located in NE 1/4 NW 1/4 Section 8-T103N-R67W for commercial use in a cattle feedlot operation.

Pursuant of SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application 7168-3 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 recommendations. 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 East 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 Jan. 25, 2010.

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 two weeks, January 6, 2010 and
January 13, 2010, at a total approximate cost of
\$36.83.)

(January 6/January 13)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 28, 2009

Central Dakota Times
PO Box 125
Chamberlain SD 57325

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7168-3 to Appropriate Water to be published twice. Please publish the first notice on January 6, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published, before you make the first publication. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jon Deal, 36563 251st St., Kimball SD 57355 (Ph # 605-778-6399).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7168-3

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

Date _____

We are in receipt of your letter of December 28, 2010 enclosing Notice to Appropriate Water by Application No.7168-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

December 28, 2009

Jon Deal
36563 251st St
Kimball SD 57355

Dear Mr. Deal:

Water Permit Application No. 7168-3 for livestock watering use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Central Dakota Times printed at Chamberlain SD (Ph # 605-234-0266). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish first Notice on January 6, 2010 with the second publication 7 days later. 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. 7168-3 to Appropriate Water

Notice is given that Jon Deal, 36563 251st St, Kimball SD 57355 has filed an application for a water permit to appropriate 0.08 cubic feet of water per second from one well to be completed into the Dakota Aquifer (920 feet deep) located in NE ¼ NW ¼ Section 8-T103N-R67W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7168-3 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 January 25, 2010.

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 twice 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

APR 09 2010

Jon Deal
36563 251st St
Kimball SD 57355

Dear Mr. Deal:

Enclosed is Water Permit No. 7168-3 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,

A handwritten signature in cursive script, reading "Garland Erbele".

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

enclosures

JUL - 8 2010

WATER RIGHTS
PROGRAM**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date 6-1-10

TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Jon Deal
(name)36563 - 251st St
(address)Kimball SD 57355
(city, state, zip)605-680-1177
(phone)

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

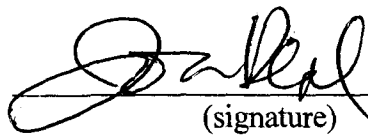
Water Permit No. 7168-3 states that the water use system is to be constructed by

10-1-09, and water is to be put to beneficial use by 10-1-09.
(date) (date)

The water use system was completed on 9-1-09.
(date)

Applying the water to beneficial use was completed on 10-1-09.
(date)

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


(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 9, 2010

7168-3

Jon Deal
36563 251st St
Kimball SD 57355

Dear Mr. Deal:

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

Permit No. 7168-3
Missouri River - Water District

Contact Person & Address: **Jon Deal**

Report Of Examination Of Works

On, **March 12, 2015**, I made a thorough examination of the water use system constructed by **Jon Deal** holder of Permit No. **7168-3**, bearing the priority of **November 9, 2009** authorizing the diversion of **0.08** cu. ft. per second of the waters of **groundwater Dakota Aquifer** for **commercial** purposes, in **Brule** County.

The system is in the following condition **good**. The point of diversion is located all in **Sec 8 T103N R67W 1770 feet from the NW corner and 20 feet S of the north section line** with latitude of **43.74466** and a longitude of **-98.88824** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **0.08** cu. ft. per second of water which is to be used for **commercial purposes in a feedlot**. Water has been put to beneficial use to the maximum extent as follows:

The feedlot is located in **the NW ¼ of Sec 8 T103N-67W** and the license should be issued for **0.08** cfs.

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**.
- 4) Exceptions to compliance are: **yes**

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Hutmacher Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **920** feet
- 4) Well log is available **yes**

Casing:

- 1) Diameter **8 - 9** inches
- 2) Length **880** feet
- 3) Type **pvc**

Screen:

- 1) Type **stainless steel**
- 2) Length **40** feet
- 3) Static water level **150** feet

Pump:

- 1) Make **unknown**
- 2) Model **unknown**
- 3) Size **6**
- 4) Capacity **36** GPM

Motor:

1) Make unknown 2) Model No. unknown 3) Horsepower rating unknown hp

DISTRIBUTION LINES OR CANALS:

1) Type black polyplastic 2) Size 1 inches

Comments : none

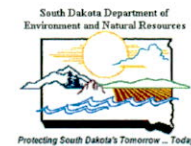
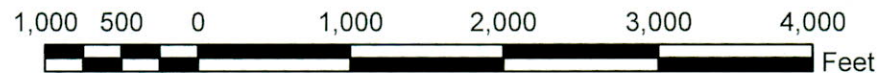
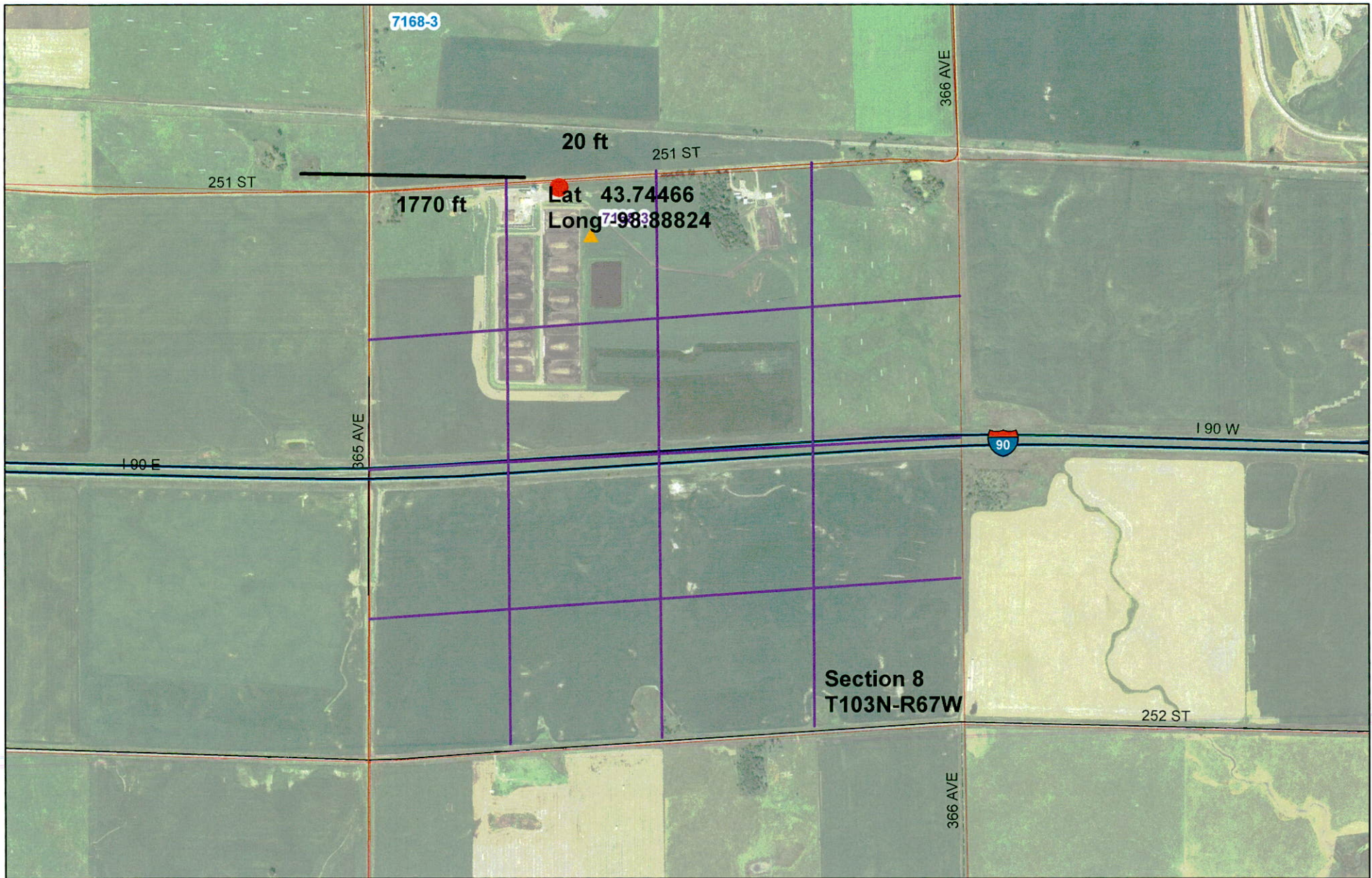


Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program

3-13-15

Date

No 7168-3




Mark D Rath
Natural Resources Engineer
3-13-15



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 24 2015

7168-3

Jon Deal
36563 251st St
Kimball SD 57355

Dear Mr. Deal:

Enclosed is Water License No. 7168-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7168-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7168-3

(1) Jon Deal, 36563 251st St., Kimball SD 57355 made Application No. 7168-3, November 9, 2009 for a water permit to divert 0.08 cubic feet of water per second from ground water (one well, Dakota Formation), Brule County, South Dakota for commercial purposes in a cattle feedlot operation. Permit No. 7168-3, with a priority date of November 9, 2009 was approved January 25, 2010 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 25, 2015 and for the application to beneficial use of said water on or before January 25, 2019.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.08 cubic feet of water per second for beneficial use. The location of the diversion point is:

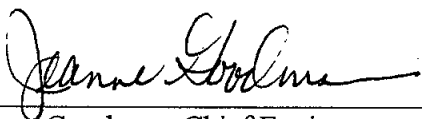
- 1,770 feet E of the NW corner and 20 feet S of the north section line of Section 8, T103N, R67W (NE ¼ NW ¼)

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use in a cattle feedlot operation located in the NW ¼ Section 8, T103N, R67W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Jon Deal, 36563 251st St., Kimball SD 57355 the holder and/or owner of Water Right No. 7168-3 is issued a license to appropriate water, the right to use 0.08 cubic feet of water per second from ground water (one well, Dakota Formation) with a priority date of November 9, 2009 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7168-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- Permit No. 7168-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
- Permit No. 7168-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



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

APR 24 2015
date

