

WATER PERMIT NO. 7272-3

Name of Applicant: **John G Moes**

Address: **16319 445th Ave, Florence SD 57235** Phone: **605 881-8234**

Amount of Water Claimed: **0.10 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (two wells)**

Water to be used for: **commercial use** County: **Codington**

Type of Waste Disposal System:

Location: **3 miles south of Florence**

PRIORITY Date Received: **10-4-11** Application/License Fee: **\$300**

Corrected Application Received: Period of Annual Use: **January 1 – December 31**

Remarks: **livestock confinement facility**

Diversion Point: **NE ¼ NE ¼ Sec 21-T118N-R54W**

Land to be Irrigated:

Depth of Well: **46 and 75 feet deep**

Well Driller: **Lee Well Drilling**

Remarks:

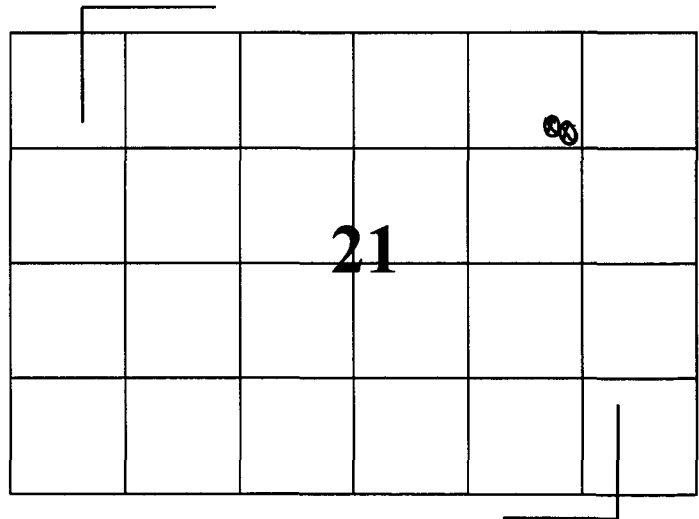
Type of Map: **plat**

Prepared by: **Brian Friedrichsen, PE**

Reviewed and the Number Assigned on: **10-4-11**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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OCT - 4 2011

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7272-3</u> (office use only) Hydrologic Unit <u>10170201</u>
	Basin <u>Sioux River</u>
	Newspaper <u>Public Opinion PO Box 10</u>
	<u>605-886-6901</u> <u>Watertown 57201</u>

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	

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. N/A

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

- Name of Applicant John G. Moes Phone 605 881-8234
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 16319 445TH Avenue Florence SD 57235
 (Address) (City) (State) (Zip Code)
- Amount of water claimed 0.10 *CFS or 45 **GPM ***AF
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Codington
2 Wells (one existing, one proposed, both in same source unit) in NE 1/4 of NE 1/4 of Section 21, T118N R54W
- County or counties where water will be used Codington
- Annual period during which water is to be used year Round Jan 1 - Dec 31
- 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)

Wells are to provide water for livestock at existing confined animal (beef cattle) feeding operation which is being expanded.

STATE OF SOUTH DAKOTA)

County of Codington)

SS

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

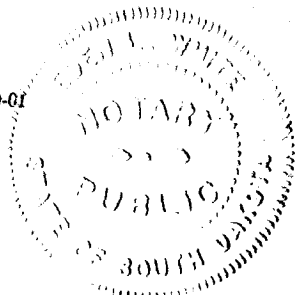
I, John Moes, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

John G. MoesSubscribed and sworn to before me this 27 day of September 20 11

Notary Public signature

2010-01



SOUTH DAKOTA
WATER PERMIT NO. 7272-3

Date of first receipt of application October 4, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7272-3 to John G. Moes, 16319 445th Ave, Florence SD 57235 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. 7272-3 appropriates 0.10 cubic feet of water per second from two wells completed into the Prairie Coteau Aquifer (46 and 75 feet deep) located in NE ¼ NE ¼ Section 21-T118N-R54W.
2. The water appropriated shall be used for the purpose of commercial use in a livestock confinement facility 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. 7272-3 is December 8, 2011.
5. The date from which applicant may claim right is October 4, 2011.
6. One-fifth of the construction is to be completed on or before June 8, 2014.
7. All construction is to be completed on or before December 8, 2016.
8. Water is to be put to beneficial use on or before December 8, 2020.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

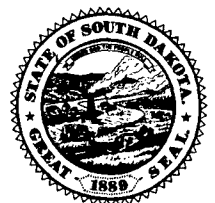
1. The wells approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 7272-3 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. Permit No. 7272-3 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. 7272-3 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

MAY 02 2012

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9 Depth 25 ft Proposed
- b) Casing Type PVC SDR-21 Diameter 5" Thickness SDR-21
- c) Screen Type Stainless Steel Diameter 5" Thickness Johnson Screen
- d) Gravel Pack Flint Rock Length of Gravel Pack 15'
- e) Depth to Top of Water Bearing Material 50'
- f) Depth to Water (ground surface to water level) 8'
- g) Distance to nearest existing domestic well:
- On applicant's property 500 ft On property owned by others 1/4 mile

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) N/A - ANIMAL WASTE MANAGEMENT SYSTEM
- 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) _____

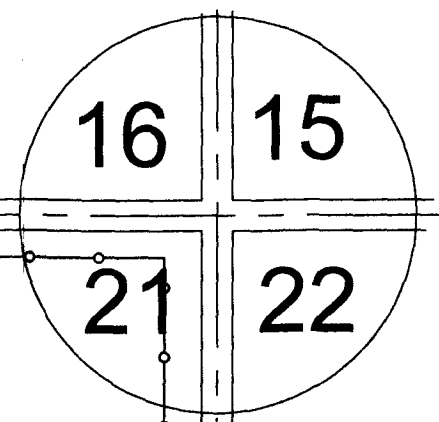
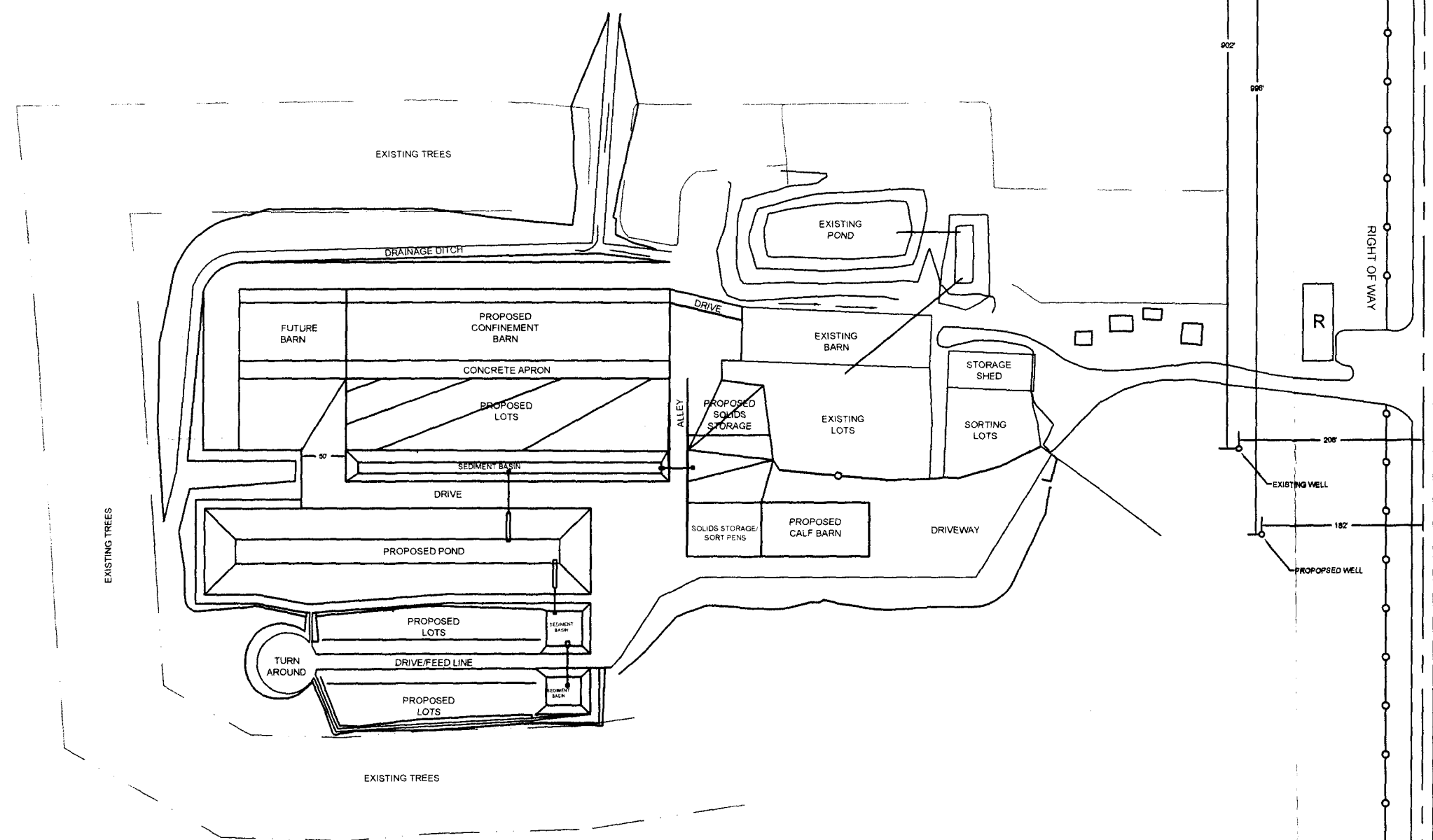
4. Water Storage Dams

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.

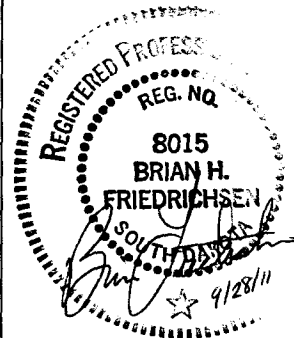
- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:



- 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



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		SITE PLAN		1 REV. DATE 9/28/11	WELL LOCATIONS DESCRIPTION DATE 6/6/2011	RR BY BF CHKD CHECKED: BF
JOHN MOES AWMS		DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED		DRAWN: TB		P.O. BOX 636 HURON, SD 57350 605-352-5610
JOB NO: 1028		SCALE: 1"=150'		DWG: 3		

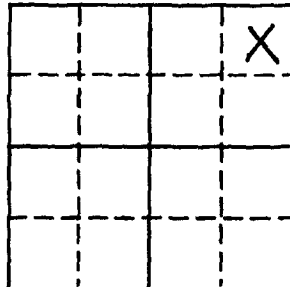
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 NE 1/4 Sec 21 Twp 118 Rg 52

County Codington

North



Please mark well location with an "X"

Well completion Date 6/28/11

1 Mile

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

? 200 ft from Sewer system (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Forward Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>5.88</u> LB/FT	<u>5</u> IN	<u>0</u> FT	<u>42</u> FT	<u>10</u> IN
<u>21</u> LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type Neat Cement No. of Sacks 15 Grout Weight 15 Lb/gal From 0 R To 32 FT
 Lb/gal R FT

Describe grouting procedure Pressure Grout w/ tremie

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 5" x 1/2" Inches Length 4 ft Feet

Material Stainless Steel

Slot Size 18 Set From 42 Feet to 46 Feet

Other information plug in bottom - #30 Filt
Rock Pack around well screen

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? Chloride Solution

☐ No, Why Not?

Lab sample sent to for water quality analysis

DHIA Sub Case

Please return White Copy to DENR Water Rights

Well Owner: John Moes

Business Name:

Address1: 16319 445th Ave.

Address2:

City, State, Zip: Florence SD 57235

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>topsoil</u>	<u>0</u>	<u>2</u>
<u>clay yellow</u>	<u>2</u>	<u>18</u>
<u>clay blue</u>	<u>18</u>	<u>42</u>
<u>Sand coarse Gray</u>	<u>42</u>	<u>46</u>
<u>clay & sand mix</u>	<u>46</u>	

STATIC WATER LEVEL

8 below FEET

If flowing: closed in pressure

PSI

GPM flow through inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

Can well be completely shut in?

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JUL 13 2011

WELL TEST DATA:

☒ Pumped Describe: Air Compressor

☐ Bailed

☐ Other

Pumping Level Below Land Surface

40 Ft. After 2 Hrs. pumped 30 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 15 GPM

REMARKS

well to be used for livestock only -
customer has Rural water in house

This well was drilled under license # 63

And this report is true and accurate.

Drilling firm: Lee Well Drilling Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 7/9/11

523 E. Capitol Ave., Pierre SD 57501



Stearns DHIA Laboratories

MN Lab ID# 027-145-378

825 12th St. So., P O Box 227,
Sauk Centre, MN 56378-0227
320.352.2028 Phone
800.369.2697 Toll Free
320.352.6163 Fax
Email:
stearnsdhialab@stearnsdhialab.com

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WATER RIGHTS
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Report of Analysis

Name: LEE WELL DRILLING
PO BOX 143
HOFFMAN, MN 56339

Report Date: 7/5/2011 2:09:51 PM
Date: 7/5/2011

Sample ID/Invoice #: 117987
Account #: 005195
Internal ID#: 2069
Sample Type: Water
Client Sample ID: JOHN MOES
FLORENCE S.D
Sample Date: 6/30/2011 10:30 AM
Sampler: LEE WELL
Receipt Date: 7/1/2011 8:45 AM
Receipt Temp: 21°C**

Analyte	Sample Prep Date/Time	Analysis Date/Time	Analyst	RL	MDH Recommended Limit	Sample Result	Units	Meet MDH and EPA Guidelines?	
								DOES	DOES NOT
Nitrate Nitrogen	1	7/01/2011 12:15	mmm	0.015	10	2.14	mg/L	X	
Coliform, Total	2	7/01/2011 10:35	llp	1	<1	<1	CFU/100mL	X	

Good

**The receipt temperature was outside the requirements (less than 6°C) by MN Statute 4740.2087 Subpart 2.A.

Key	Method
1	SM 4500-NO3- F-00 (calc)
2	SM 9222 B (M-Endo)-97

Comments:

RL = Reporting Limit

Report Approved by

Angela Scherping

Angela Scherping, Environmental Chemist

Note: The results listed within the report relate only to the sample received on the dates indicated. We do not accept any liability for use of these results. This report must not be reproduced, except in full, without the written approval from Stearns DHIA Laboratories.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/4, 2011

RECEIVED OF John G Moes 16319 445th Ave Florence SD 57235

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

Fee for Application for Permit No. <u>7272-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>7272-3</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	300 00

No. **05036**

By Charles O. Ehlers
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7272-3, John G. Moes**

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. 7272-3, John G. Moes, 16319 445th Avenue, Florence SD 57235.

The Chief Engineer is recommending APPROVAL of Application No. 7272-3 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, 4) it is in the public interest, with the following qualifications:

1. The wells approved 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 new well authorized by Permit No. 7272-3 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. Permit No. 7272-3 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. 7272-3 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
November 10, 2011

REPORT ON WATER PERMIT APPLICATION NO. 7272-3

John G. Moes

October 28, 2011

Application No. 7272-3 proposes to appropriate 0.10 cfs (45 gpm) from two wells approximately 46 and 75 feet deep located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 21, T118N R54W in Codington County. The water is for commercial use in a livestock confinement facility.

AQUIFER – PRAIRIE COTEAU (PCO)

The Prairie Coteau is a buried outwash (sand and gravel) that is under confined conditions in this area. The Prairie Coteau aquifer underlies 760 square miles and contains an estimated 1.5 million acre-feet of water in storage in Codington and Grant Counties (Hansen, 1990). The aquifer extends into Clark County to the west, Hamlin County to the south and into Day County to the north. Ground water movement in this area appears to be from northeast to southwest (Hansen, 1990). The direction of ground water movement is probably affected by area lakes and sloughs and locally may be controlled by those surface water bodies especially during times of wet hydrologic conditions.

A well log submitted with the application indicates coarse sand from 42 to 46 feet below land surface with a static water level of 8 feet below land surface. The driller indicates a test pumping rate of 30 gpm. The well as built is in accordance with SD Well Construction Standards. No information is available for the 75 feet deep "existing" well at this site.

The Water Rights Program does monitor three observation wells completed into the Prairie Coteau aquifer and located about seven to eight miles northwest of this application. Hydrographs for these three wells are included with this report for information purposes to represent the aquifer in general and not specific to this application (Water Rights, 2011). Pumping at the rate requested by this application will in no way affect these observation wells.

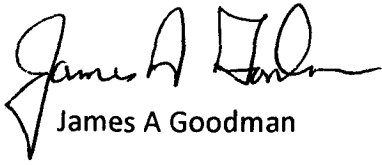
REVIEW OF EXISTING WATER PERMITS/RIGHTS

The nearest existing water permits/rights are over three miles away. This application is relatively small and no impacts due to pumping are expected.

CONCLUSIONS

1. Water is available from the Prairie Coteau aquifer.
2. The aquifer is under artesian conditions at this site.
3. Interference is not a concern. The pumping rate is small and there are no other nearby water permit/rights.

4. The "new" well is completed in accordance with SD Well Construction Standards. No information is available to determine the construction of the existing well.
5. The applicant is in the process of getting permitted for this expansion of his animal feeding operation.



James A Goodman

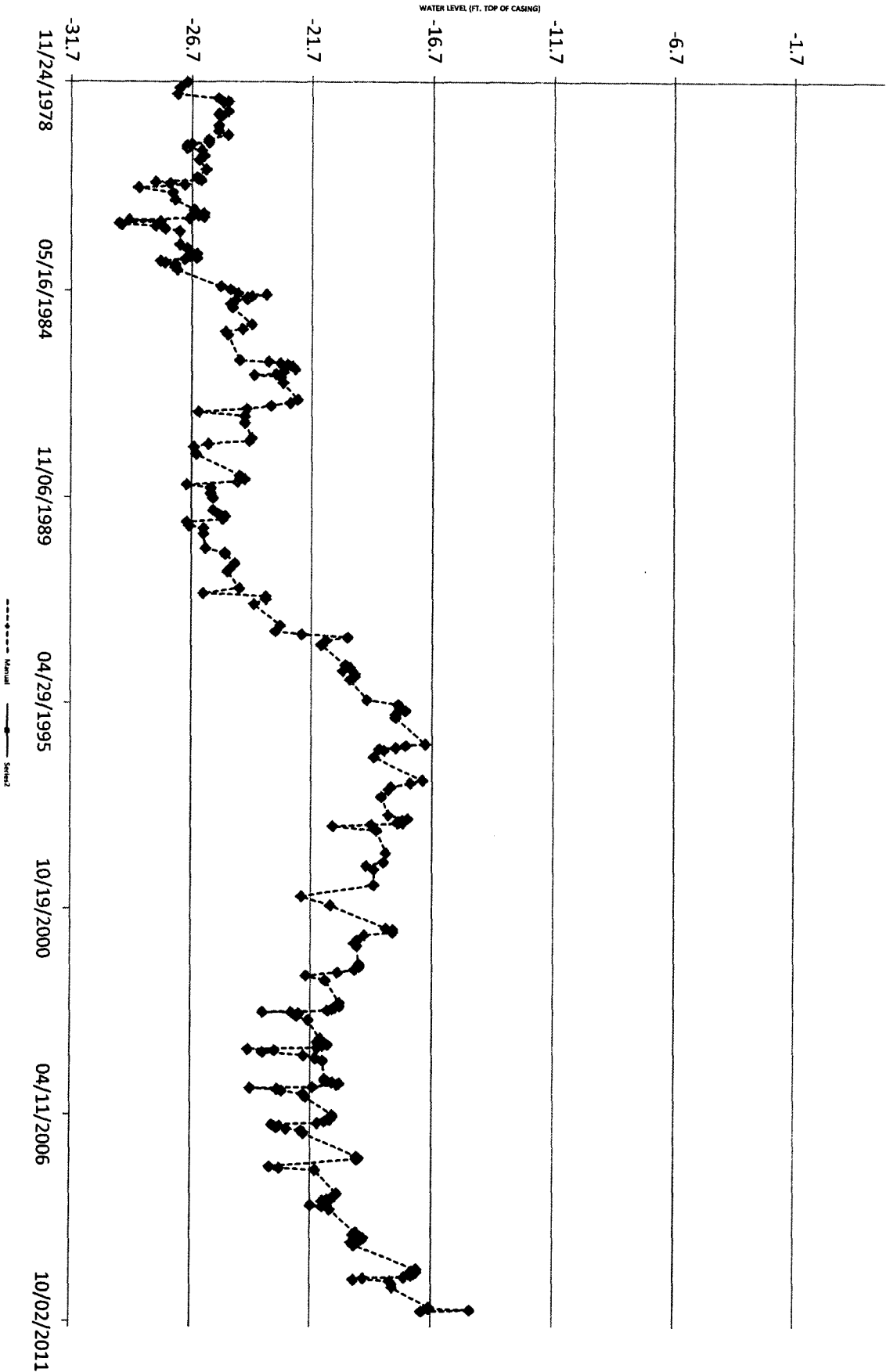
Natural Resources Engineer

BIBLIOGRAPHY

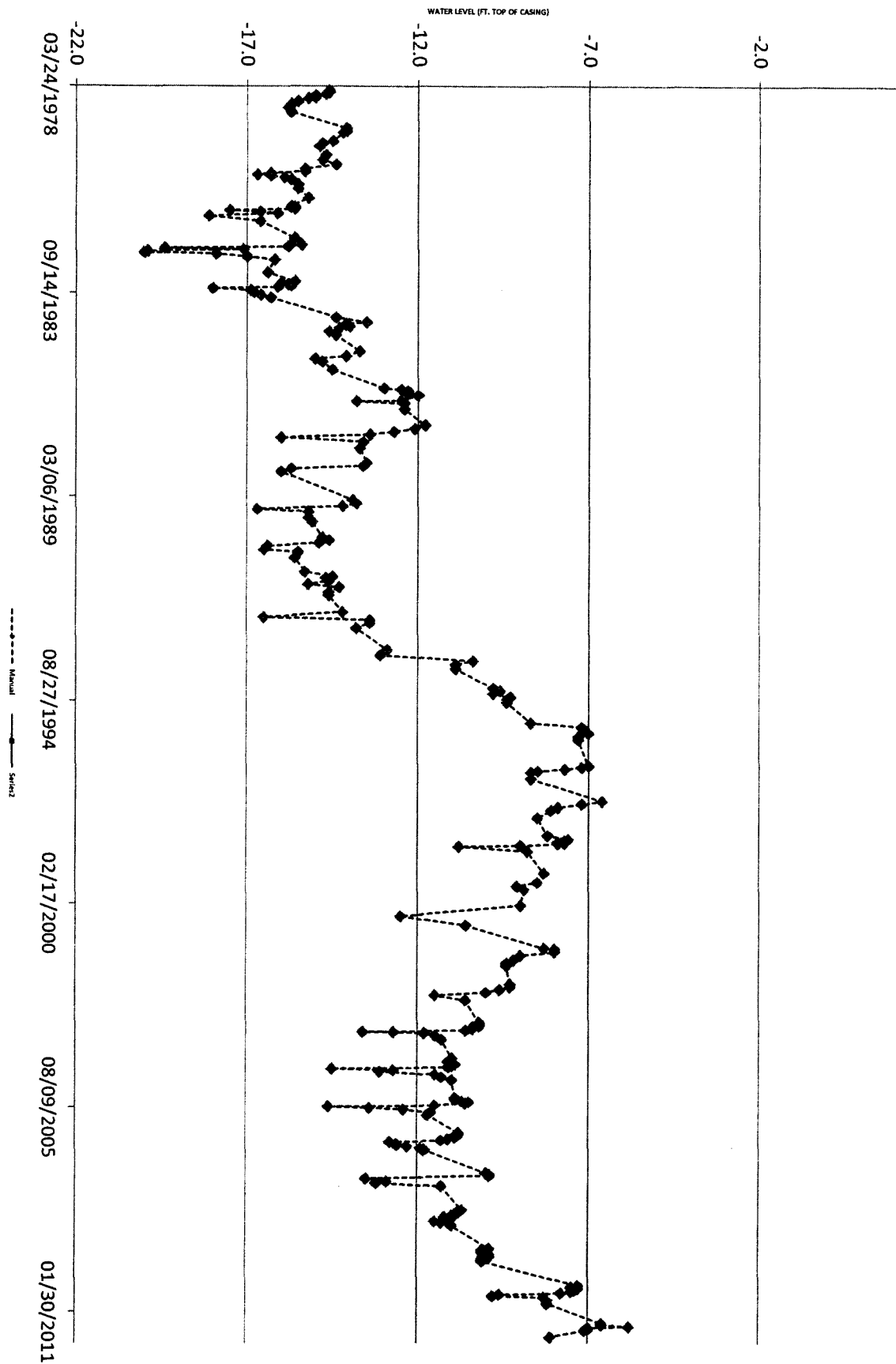
Hansen, D.S., 1990, Water Resources of Codington and Grant Counties, South Dakota, USGS Water Resources Investigations Report 89-4147, USGS, Huron, SD, 57350.

Water Rights, 2011, Unpublished Observation Well Data for Codington County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

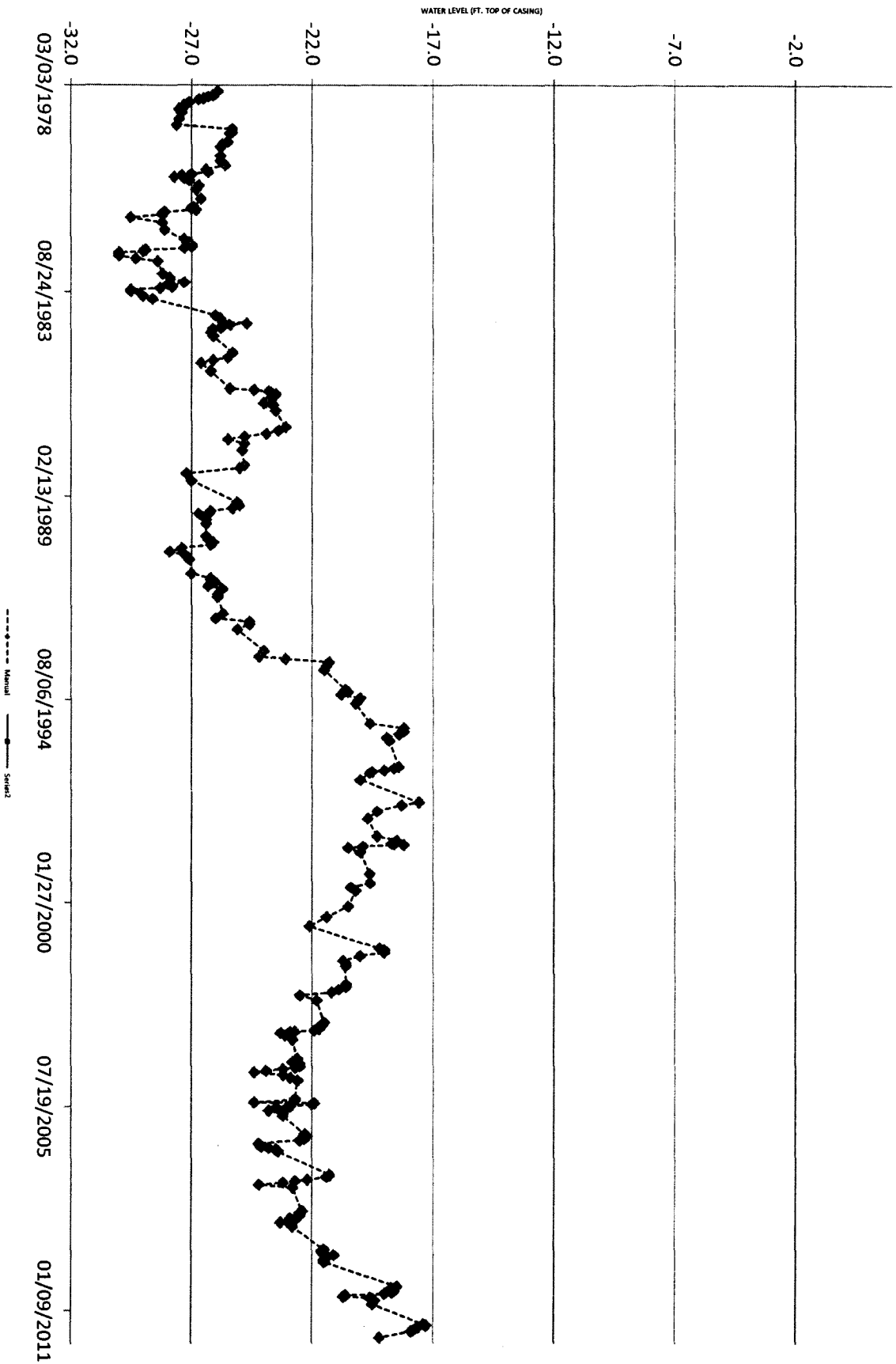
WATER RIGHTS' OBSERVATION WELL CD-78B



WATER RIGHTS' OBSERVATION WELL CD-77D



WATER RIGHTS' OBSERVATION WELL CD-77E



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NOV 30 2011

Form 8

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of CODINGTON) SS

I, MONICA K. SAATHOFF

certify that the attached printed Notice was
taken

from the WATERTOWN PUBLIC OPINION

printed and published in WATERTOWN

County of CODINGTON and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

NOVEMBER 21st, 2011

NOVEMBER 28th, 2011

Cost of Printing \$106.68

Monica K. Saathoff
(Signature)

BOOKKEEPER

(Title)

NOVEMBER 28th, 2011

(Date Signed)

NOTICE OF APPLICATION

NOTICE OF APPLICATION NO. 7272-3 to Appropriate Water

Notice is given that John G. Moes, 16319 445th Ave, Florence SD 57235 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from two wells completed into the Prairie Coteau Aquifer (46 and 75 feet deep) located in NE ¼ NE ¼ Section 21-T118N-R54W for commercial use in livestock confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7272-3 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 December 8, 2011.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reason's 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 \$101.75. (November 21 & 28, 2011)

All legal notices in the Public Opinion and other South Dakota newspapers can be found at
www.sdpublicnotices.com



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 14, 2011

Public Opinion
PO Box 10
Watertown SD 57201

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7272-3 to Appropriate Water to be published twice. Please publish the first notice on November 21, 2011 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 John G Moes, 16319 445th Ave., Florence SD 57235. (Ph # 605-881-8234).

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. 7272-3

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

Date _____

We are in receipt of your letter of November 14, 2011 enclosing Notice to Appropriate Water by Application No. 7272-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

November 14, 2011

John G Moes
16319 445th Ave
Florence SD 57235

Dear Mr. Moes:

Water Permit Application No. 7272-3 for commercial 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 Public Opinion printed at Watertown SD (Ph # 605-886-6901). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
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 November 21, 2011 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. 7272-3 to Appropriate Water

Notice is given that John G Moes, 16319 445th Ave, Florence SD 57235 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from two wells completed into the Prairie Coteau Aquifer (46 and 75 feet deep) located in NE ¼ NE ¼ Section 21-T118N-R54W for commercial use in a livestock confinement facility.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7272-3 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 December 8, 2011.

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

MAY 02 2012

John G Moes
16319 445th Ave
Florence SD 57235

Dear Mr. Moes:

Enclosed is Water Permit No. 7272-3 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

7272-3
RECEIVED

MAY 30 2012

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 5-27-12TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: John G Moes
(name)16319-445th Ave
(address)Florence, SD 57235
(city, state, zip)1-605-881-8239
(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.

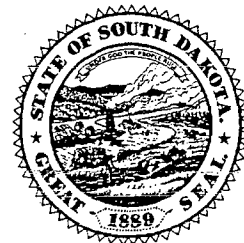
Water Permit No. 7272-3 states that the water use system is to be constructed by 11-15-11, and water is to be put to beneficial use by 12-15-11.
(date) (date)

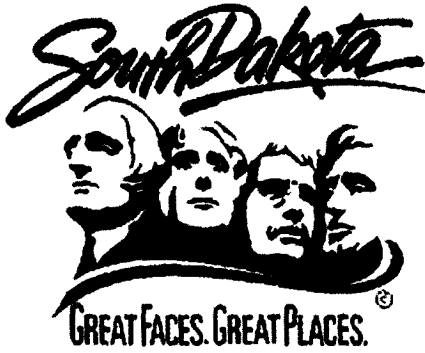
The water use system was completed on 3-25-12.
(date)

Applying the water to beneficial use was completed on 3-25-12.
(date)

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

John G Moes
(signature)





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

June 4, 2012

7272-3

John G Moes
16319 445th Ave
Florence SD 57235

Dear Mr. Moes:

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

Permit No. 7272-3
Big Sioux - Water District

Contact Person & Address: **John G. Moes, 44762 170th Ave, Watertown SD 57201**

Report of Examination of Works

On, **February 29, 2016**, I made a thorough examination of the water use system constructed by **John G Moes** holder of Permit No. **7272-3**, bearing the priority of **October 4, 2011** authorizing the diversion of **0.10** cu. ft. per second of the waters of **ground water (Prairie Coteau)** for **commercial use** purposes, in **Codington** County.

The system is in the following condition **good**. The points of diversion are located **from the NE corner of Sec 21 T118N-R54W: North Well – 840 ft south and 205 ft west** with latitude of **45.01839** and a longitude of **-97.31107** and the **South Well – 945 ft south and 185 ft west** with latitude of **45.01811** and a longitude of **-97.3100** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **0.09** cu. ft. per second of water which is to be used for **commercial**. Water has been put to beneficial use to the maximum extent and the license should be issued for **0.09** 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) Exceptions to compliance are: **none**

Report On the Specifics of the System

Diversion Point Information:

Well Information: Well – 1 north well

- 1) Well Drilling Firm: **unknown** 2) No. of Wells **1** 3) Depth(s) **75** feet 4) Well log is available **no**

Casing:

- 1) Diameter **NA** inches 2) Length **NA** feet 3) Type **NA**

Screen:

- 1) Type **NA** 2) Length **NA** feet 3) Static water level **NA** feet

Pump:

- 1) Make **NA** 2) Model **Submersible** 3) Size **NA** 4) Capacity **20** GPM

Motor:

- 1) Make **NA** 2) Model No. **submersible** 3) Horsepower rating **NA** hp

Well Information: Well – 2 south well

- 1) Well Drilling Firm: **Lee Well Drilling** 2) No. of Wells **1** 3) Depth(s) **46** feet 4) Well log is available **yes**

Casing:

- 1) Diameter 5 inches 2) Length 42 feet 3) Type pvc

Screen:

- 1) Type stainless steel 2) Length 4 feet 3) Static water level 8 feet

Pump:

- 1) Make unknown 2) Model submersible 3) Size 4 4) Capacity 20 GPM

Motor:

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

Comments : none



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

3-7-16

Date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAR 22 2016

7272-3

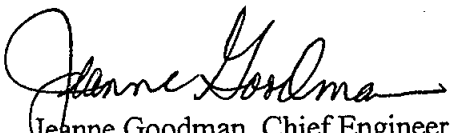
John G Moes
44762 170th Ave
Watertown SD 57201

Dear Mr. Moes:

Enclosed is Water License No. 7272-3. This is the final water right document completing your process of obtaining a Water Right. Also, included with your license is a map prepared by the staff engineer who conducted the investigation.

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,


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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7272-3

(1) John G Moes, 44762 170th Ave, Watertown SD 57201 made Application No. 7272-3, October 4, 2011 for a water permit to divert 0.10 cubic feet of water per second from two wells – Prairie Coteau Aquifer, Codington County, South Dakota for commercial use purposes. Permit No. 7272-3, with a priority date of October 4, 2011 was approved December 8, 2011 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before December 8, 2016 and for the application to beneficial use of water on or before December 8, 2020.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on May 30, 2012. The *Notice* stated the diversion system was completed on March 25, 2012 and the water placed to beneficial use on March 25, 2012.

(2) The water supply system has been completed and water applied to beneficial use in accordance with South Dakota State Law. Pursuant to South Dakota Codified Law 46-5-30.1, the holder and/or owner of Water Right No. 7272-3 is issued a license, bearing a priority date of October 4, 2011 to appropriate 0.09 cubic feet of water per second from two wells – Prairie Coteau Aquifer for commercial use in a livestock confinement facility.

The diversion points are located: North well – 840 feet south and 205 feet west of the NE corner of Section 21 and South well – 945 feet south and 185 feet west of the NE corner of Section 21; all T118N-R54W (NE 1/4 NE 1/4).

(3) This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Permit No. 7272-3 including the following qualifications:

- The wells approved will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The new well authorized by Permit No. 7272-3 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. *The south well was drilled by Lee Well Drilling Inc. in June, 2011. A copy of the log is on file with the Water Rights Program.*
- Permit No. 7272-3 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. 7272-3 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

MAR 22 2016

date

