

WATER PERMIT NO. 7286-3

Name of Applicant: **Brian Kozak**

Address: **30620 417 Ave, Tyndall SD 57066**

Phone: **605 589-3083**

Amount of Water Claimed: **1.44 cfs**

Total Acres: **196 acres**

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

Water to be used for: **irrigation**

County: **Bon Homme**

Type of Waste Disposal System:

Location: **6 miles southwest of Tyndall**

PRIORITY Date Received: **12-14-2011**

Application/License Fee: **\$ 1150**

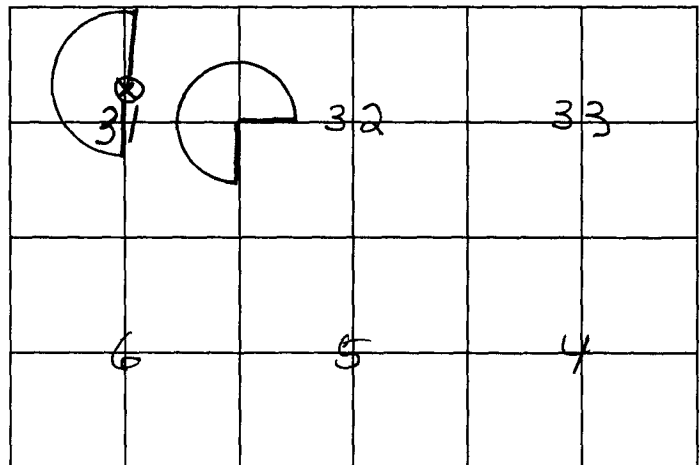
Corrected Application Received: **12-14-2011**

Period of Annual Use: **May 1 – September 1**

Remarks:

Diversion Point: **SW ¼ NE ¼ Sec 31-T94N-R60W**

Land to be Irrigated: **S ½ NW ¼, NE ¼ NW ¼, NE ¼ SW ¼, W ½ NE ¼ and SE ¼ NE ¼, NE ¼ SE ¼ Sec 31 and SW ¼ NW ¼ Sec 32; all in T94N-R60W**



Depth of Well: ¹⁸⁰**115 feet deep**

Well Driller: **Christensen Well & Irrigation**

Remarks:

Type of Map: **aerial**

Prepared by: **Jim Joachenmiser, NRCS**

Reviewed and the Number Assigned on: **12-14-11**

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>7286-3</u> (office use only) Hydrologic Unit <u>10170101</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Tyndall Tribune PO Box 520</u>
	<u>605-589-3242</u> <u>57066</u>

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DEC 14 2011

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 of Applicant Brian Kozak Phone 605-589-3083
(check one) Owner ☒ Tenant/lessee
Mailing Address 30620 417 ave Tyndall SD 57066
(Address) (City) (State) (Zip Code)
2. Amount of water claimed 1.44 CFS or 650 **GPM ***AF Total Acreage 196
(*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 well
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bon Homme
SW 1/4 NE 1/4 sec 31 T-94-N R-60-W
5. County or counties where water will be used BON HOMME
6. Annual period during which water is to be used May 1st to Sept 1st
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
see attached sheet			

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

One well will supply 2 pivot

STATE OF SOUTH DAKOTA)

County of Bon Homme) 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, Brian Kozak, 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 Brian KozakSubscribed and sworn to before me this 9th day of December 20 11Katherine A. Horvath
Notary Public signature

Amount of acres covered per 40

NE $\frac{1}{4}$	NW $\frac{1}{4}$	sec	31	30 acres	} T-94-N R-60W BON HOMME
SW $\frac{1}{4}$	NW $\frac{1}{4}$	sec	31	10 acres	
SE $\frac{1}{4}$	NW $\frac{1}{4}$	sec	31	40 acres	
NE $\frac{1}{4}$	SW $\frac{1}{4}$	sec	31	16 acres	
NW $\frac{1}{4}$	NE $\frac{1}{4}$	sec	31 31	3 acres	
SW $\frac{1}{4}$	NE $\frac{1}{4}$	sec	31 31	1 acres	
TOTAL #1				100 acres irrigated	

PIVOT #1

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SE $\frac{1}{4}$	NE $\frac{1}{4}$	sec	31	32 acres	} T-94-N R-60-W BON HOMME
NE $\frac{1}{4}$	SE $\frac{1}{4}$	sec	31	32 acres	
SW $\frac{1}{4}$	NW $\frac{1}{4}$	sec	32	32 acres	
TOTAL #2				96 acres irrigated	

PIVOT #2

total acres irrigated between 2 pivots
196 acres irrigated

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 26" Depth 115'
- b) Casing Type PVC Diameter 16" Thickness .616
- c) Screen Type OPEN HOLE Diameter 14" Thickness —
- d) Gravel Pack — Length of Gravel Pack —
- e) Depth to Top of Water Bearing Material 96'
- f) Depth to Water (ground surface to water level) 96'
- g) Distance to nearest existing domestic well:
On applicant's property 2000' On property owned by others 1 mile

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

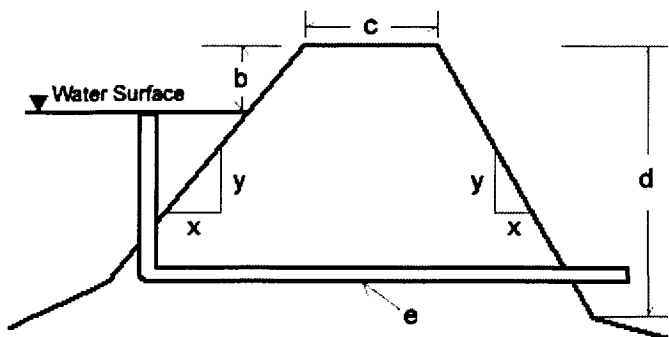
3. Dugout Information

- 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

SOUTH DAKOTA
WATER PERMIT NO. 7286-3

Date of first receipt of application December 14, 2011.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7286-3 to Brian Kozak, 30620 417 Ave, Tyndall SD 57066 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. 7286-3 appropriates 1.44 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (180 feet deep) located in SW ¼ NE ¼ Section 31 for irrigation of 196 acres located in the NE ¼ NW ¼, S ½ NW ¼, NE ¼ SW ¼, W ½ NE ¼, SE ¼ NE ¼, NE ¼ SE ¼ Section 31 and SW ¼ NW ¼ Section 32; all in T94N-R60W.
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: May 1 – September 1.
3. The date from which applicant may claim right is December 14, 2011.
4. The date of approval of Permit No. 7286-3 is January 23, 2012.
5. One-fifth of the construction is to be completed on or before July 23, 2014.
6. All construction is to be completed on or before January 23, 2017.
7. Water is to be put to beneficial use on or before January 23, 2021.
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. 7286-3 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 07 2012

date



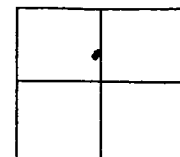
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PROGRAM

N 42° 55.111
W 97° 58.835

1650' south of
north fence

Christensen Well & Irrigation, Inc.

88005 Hwy. 57
Hartington, NE 68739
Office 402-254-6809



OWNER Brian Kozak

ADDRESS _____

STATE _____ DATE 9-20 20 11

TEST HOLE ☒ WELL ☐ FARM WELL ☐ IRRIGATION ☐

Quarter NW
Section 31
Township 94-N
Range 60-W
County BONHOMME

FT	FT	
0	50	top + brown clay
50	95	w/ few small ROCKS blue clay w/ streaks
95	115	sandy + gravel
115	180	med to coarse sand shale - dully easy

stopped dully @ 114' - started
with little water - set
50" casing to 117' - lost
water as soon as I
started from 114 to 115' - casing
pushed right down even
though I was chusing a
few ROCKS

STATIC WATER LEVEL	96'
PUMPING WATER LEVEL	75 GPM @ 96' 6"
SCREEN LENGTH	
SLOT SIZE	
TOTAL DEPTH	180

GPS:



Data use subject to license.

© DeLorme. XMap® 7.

www.delorme.com

Jim Daachman
C.E.T.
NRCS -

TN

MN (4.5"E)

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DEC 14 2011

WATER RIGHTS
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Scale 1 : 19,200



1" = 1,600.0 ft

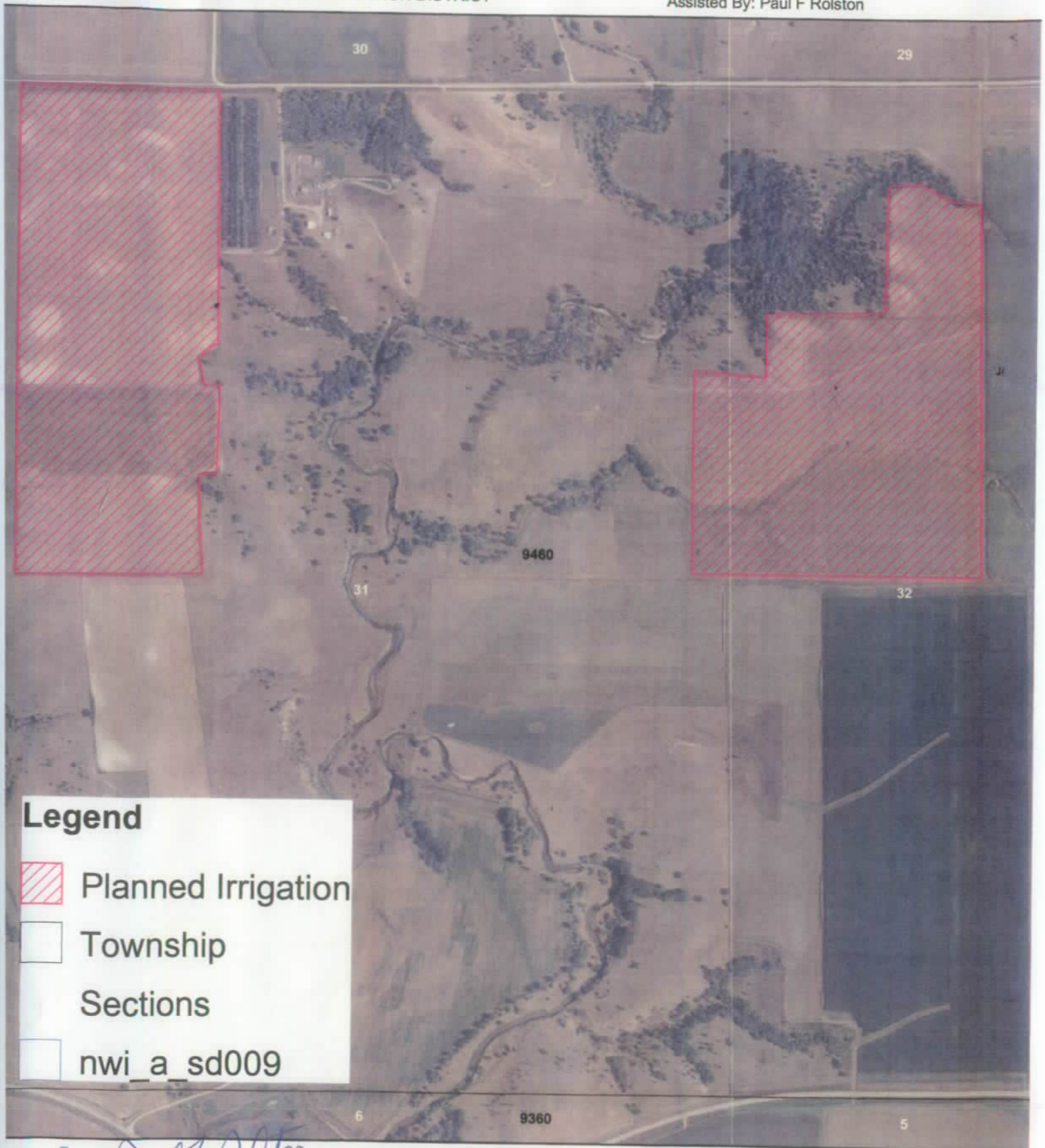
Data Zoom 13-4

RESOURCE MAP

Date: 2/6/2008

Customer(s): BRIAN KOZAK
District: BON HOMME COUNTY CONSERVATION DISTRICT

Field Office: TYNDALL SERVICE CENTER
Agency: USDA-NRCS
Assisted By: Paul F Rolston



Paul F. Rolston

390 0 390 780 1,170 1,560 Feet

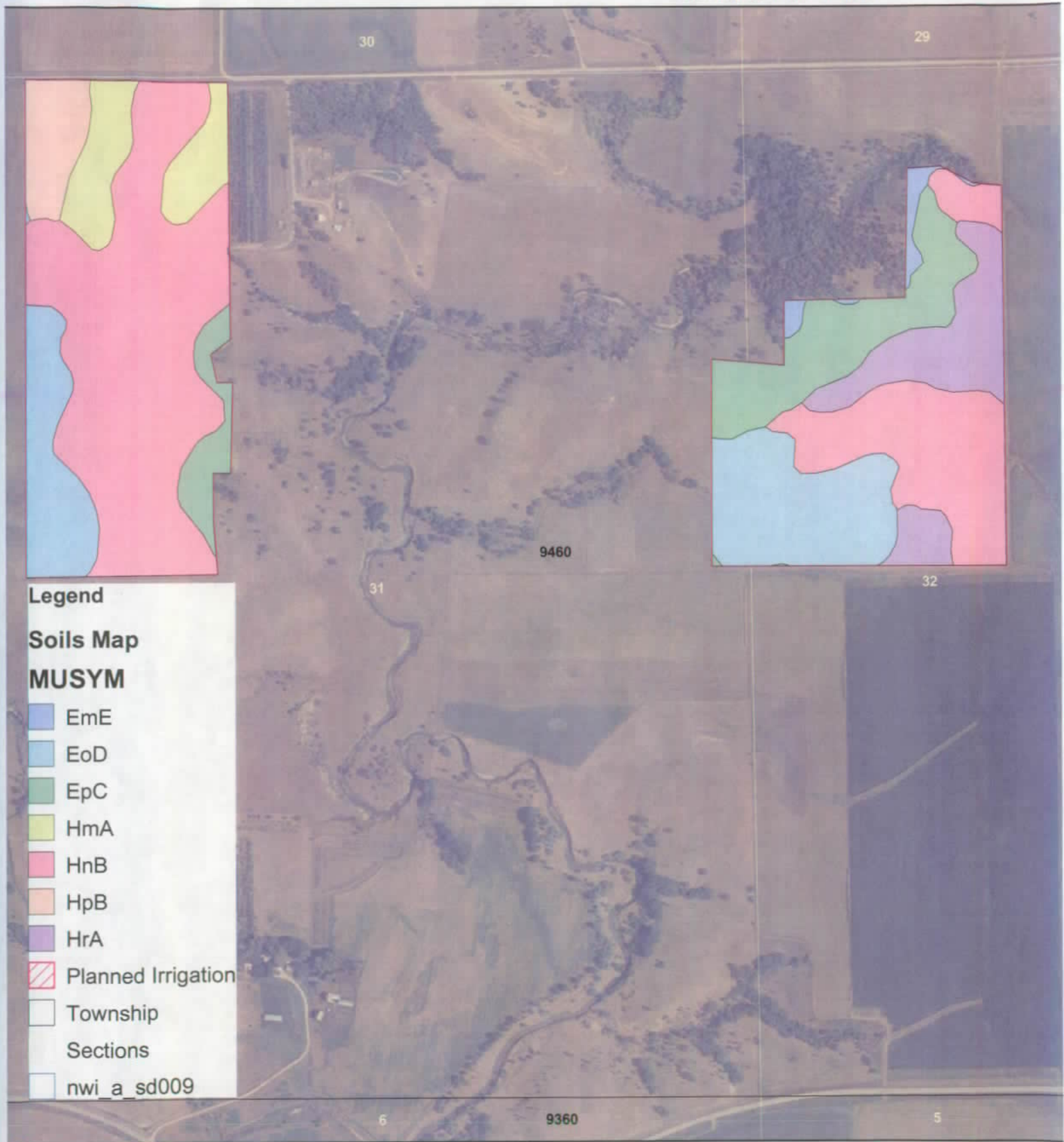


SOILS MAP

Date: 2/6/2008

Customer(s): BRIAN KOZAK
District: BON HOMME COUNTY CONSERVATION DISTRICT

Field Office: TYNDALL SERVICE CENTER
Agency: USDA-NRCS
Assisted By: Paul F Rolston



Legend

Soils Map

MUSYM

-  EmE
-  EoD
-  EpC
-  HmA
-  HnB
-  HpB
-  HrA
-  Planned Irrigation
-  Township
-  Sections
-  nwi_a_sd009



Paul F. Rolston

390 0 390 780 1,170 1,560 Feet



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 12/14, 20 11

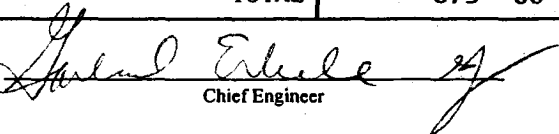
RECEIVED OF Brian Kozak 30620 417th Ave Tyndall SD 57061

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

Fee for Application for Permit No. <u>7286-3</u> to Appropriate Water, to construct and to put water to beneficial use	725	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>7286-3</u>	150	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	875 00

No. **05126**

By


Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date Feb 19, 20 08

RECEIVED OF Brian & Dale Kozak, 30620 417th ave, Tyndall SD 57066

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

Fee for Application for Permit No. <u>7286-3</u> to Appropriate Water, to construct and to put water to beneficial use	225	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>7286-3</u>	50	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	275.00

No.

03352

By Harland Ebele
Chief Engineer (KS)

Soils Inventory Report

BRIAN KOZAK

Map Unit Symbol	Acres	Percent
EmE	1.4	1%
EoD	20.5	18%
EpC	14.9	13%
HmA	7.7	7%
HnB	51.8	47%
HpB	4.5	4%
HrA	10.2	9%
Total:	111	

Paul F. Rolston



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 20, 2008

Brian and Dale Kozak
30620 417th Ave
Tyndall SD 57066

Dear Sirs:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Bon Homme County. In order to complete the application the following is required.

- Enclosed are the aerial photo map and application. The application includes possible irrigation of 40 acres located in the SW ¼ NW ¼ Section 32. The area outlined on the map includes acreage located in the NW ¼ NW ¼ Section 32 and SE ¼ NE ¼ Section 31 and appears to be more than 40 acres. Please make the necessary changes on either the map or the application or both.
- Please mark the proposed location of the well with an "X".
- Regarding the amount of water claimed, State Statutes limit diversions to 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed approximately 1.65 cfs or 742 gpm to irrigate 116 acres. We understand that in order to accommodate certain irrigation methods, a greater diversion rate is required. Please justify in writing your request for a diversion rate greater than the statutory limit (please explain diversion rate requirement for the project).
- If available, please submit a well log or test hole log signed by a licensed South Dakota well driller.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 2008

Brian and Dale Kozak
30620 417th Ave
Tyndall SD 57066

Dear Sirs:

On February 19, 2008, you submitted an Application for Permit to Appropriate Water Within the State of South Dakota for irrigation. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received the required information.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 3, 2008

Brian and Dale Kozak
30620 417th Ave
Tyndall SD 57066

Dear Sirs:

Last February you submitted an *Application for Permit to Appropriate Water Within the State of South Dakota* for irrigation in Bon Homme County. You were notified what additional information was required to complete the application. A copy of that letter is enclosed. To date, we have not received a response.

We will proceed with the application once the additional information is submitted. If you no longer wish to pursue the project, the \$275 application filing fee can be refunded to you. Please let us know the status of your proposed project.

If you have any questions, please contact me.

Sincerely,

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

enclosures

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. _____ Hydrologic Unit _____
	Basin _____
	Newspaper _____

RECEIVED
FEB 19 2008
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.) _____

- Name of Applicant Brian Kozak and Dale Kozak Phone 605-589-3083
(check one) ☒ Owner ☐ Tenant/lessee cell 464-1119
Mailing Address 30620 417th Ave Tyndall State S.D. 57066
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed _____ *CFS or 800 **GPM _____ ***AF Total Acreage 116
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
1 well in NE 1/4 section 31-94-60 County Ben Homme
- County or counties where water will be used Ben Homme
- Annual period during which water is to be used April-Sept.
- 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
NE 1/4 of NW 1/4 31-94-60	38		
SE 1/4 of NW 1/4 31-94-60	38		
SW 1/4 of NW 1/4 32-94-60	40		

8. Give a description of the project. (Attach sheet if more space is needed)
Digging a well for irrigation purposes One pivot to irrigate the 76 acres
A possible 2nd pivot to irrigate the 40 acres by piping water from the one well if feasible.

STATE OF SOUTH DAKOTA) SS
County of Ben Homme

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, Brian Kozak, 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 Brian Kozak

Subscribed and sworn to before me this 14th day of February 20 08

[Signature]
Notary Public signature

Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 200'
- b) Casing Type PVC Diameter 16.000 Thickness .616
- c) Screen Type PVC Diameter 16.000 Thickness .616
- d) Gravel Pack Rock Length of Gravel Pack 100-200
- e) Depth to Top of Water Bearing Material 100'
- f) Depth to Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well:
- On applicants property 1/4 mile On property owned by others 1 1/2 miles

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 _____

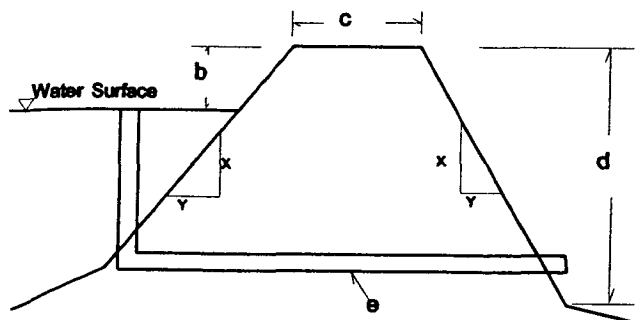
3. Dugout Information

- 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 _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Schlaak, Karen

From: Gronlund, Eric
Sent: Monday, December 12, 2011 8:12 AM
To: Schlaak, Karen
Subject: Kozak

Had applied for 116 acres in 2008. We sent back that they needed more info and a few reminder letters. The well driller supposedly got them a well and they are going to now irrigate a total of 196 acres. They had submitted \$275 under the old fee schedule. Told him he'd need to submit an additional \$875 with his amended application.

Old application is in the pending file.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7286-3, Brian Kozak**

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. 7286-3, Brian Kozak, 30620 417th Avenue, Tyndall SD 57066.

The Chief Engineer is recommending APPROVAL of Application No. 7286-3 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. 7286-3 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
December 28, 2011

NOTE: I encourage you to have a soil water compatibility analysis performed to insure the water is suitable for irrigation since the Niobrara Aquifer can present water quality issues. The Water Resources Institute at SDSU or other qualified soil scientist may be able to assist you in making a soil water compatibility determination and recommend if there are water management techniques to implement to optimize crop production and protect the soil structure.

REPORT ON WATER PERMIT NO. 7286-3

For Brian Kozak

December 21, 2011

Application No. 7286-3 proposes to appropriate 1.44 cfs (650 gpm) from one well approximately 180 feet deep located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 31 for irrigation of 196 acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 31 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 32; all in T94N R60W in Bon Homme County.

AQUIFER – NIOBRARA (NBRR)

The Niobrara “chalk rock” is a bedrock aquifer consisting of nearly horizontal layers of calcareous shale, chalk, and chalky limestone (Jorgensen, 1971). Ground water is obtained from fractures and solution openings in the chalk generally resulting from weathering when the Niobrara was at the land surface. The aquifer underlies 470 square miles of Bon Homme County and no estimate of water in storage is available (Hedges, 1982). The Niobrara extends into all the surrounding counties and into Nebraska to the south. Ground water movement is basically from northwest to southeast in the area of this application (Jorgensen, 1971). The aquifer is generally confined and under artesian conditions throughout the county however, it can be under water table conditions locally. At this site the aquifer is basically under water table conditions because of the water level in the overlying sands and probable hydraulic connection to the underlying Niobrara. A good description of the relationship between the glacial geology and the underlying Cretaceous bedrock is in the Bon Homme County Geology Study (Christensen, 1974).

A test well completed by Christensen Well and Irrigation indicates brown clay from the surface to 50 feet, blue clay with sand streaks from 50 to 95 feet, medium to coarse sand from 95 to 115 feet and “shale” from 115 to 180 feet all below land surface. The “shale” described by the driller is probably Niobrara and the sands are the Choteau Tyndall aquifer. The driller indicates he cased off the overlying sands and opened up the well into the Niobrara. The well had a static water level of 96 feet below land surface and was capable of 75 gpm with about 6 inches of drawdown in the pumping level. This would equate to a specific capacity of 150 gpm/ft of drawdown. This would be a very high specific capacity for this area and may be unrealistic but does make the site look promising.

The Water Rights Program does monitor four observation wells located within three miles of this application. Three of these wells are completed into the overlying sand layer called the Choteau Tyndall aquifer and one well completed into the Choteau west aquifer. These water levels are representative of the Choteau Tyndall but may not be representative of the Niobrara aquifer. The nearest Niobrara aquifer monitoring well is located about four miles east of this site. In general the water level record indicates that the aquifer is capable of sustaining additional development. Hydrographs for these five wells are included with this report (Water Rights, 2011).

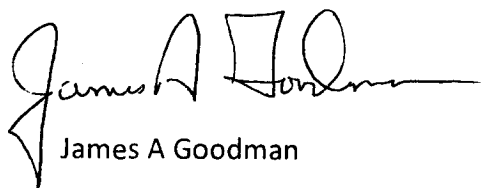
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is irrigation in the area of this application but mostly from the Choteau Tyndall aquifer. There is one Water Right No. 6577-3 (1.08 cfs, 81.5 acres) completed into the Niobrara aquifer with that well located about one and one-half miles northeast of this proposed well site. Other irrigation wells are from one to two miles to the east and southeast of the well location for this application but completed into the Choteau Tyndall aquifer. At this distance interference should not be a concern. The observation wells in this immediate area (BH-78E, BH-76D and BH-78B) illustrate what is happening with the Choteau Tyndall aquifer. Observation well BH-78D illustrates what is happening with the Choteau West aquifer and BH-82C illustrates the Niobrara aquifer.

There has recently been increased interest in using the Niobrara as a source for irrigation water. There are four new permit applications located further to the south and east of this application awaiting approval at this time. The main problems with the Niobrara as a water source are the unpredictability of well yields and general quality of the water.

CONCLUSIONS

1. Water is available from the Niobrara aquifer.
2. The aquifer appears to be under water table conditions at this site. Drawdown is not expected to be significant and interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Wells yields are not predictable. Some development will have to occur to determine the viability of the aquifer at a given site. At present there is little development from the Niobrara aquifer in Bon Homme County but there is interest. Some of the tests and what little production data available so far does look promising but each location is unique and has to be evaluated.
5. The water quality of the Niobrara should be matched with the soils. In general the Niobrara water is a high salinity with a relatively low sodium adsorption ratio and should be matched with soils with good drainage.



James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

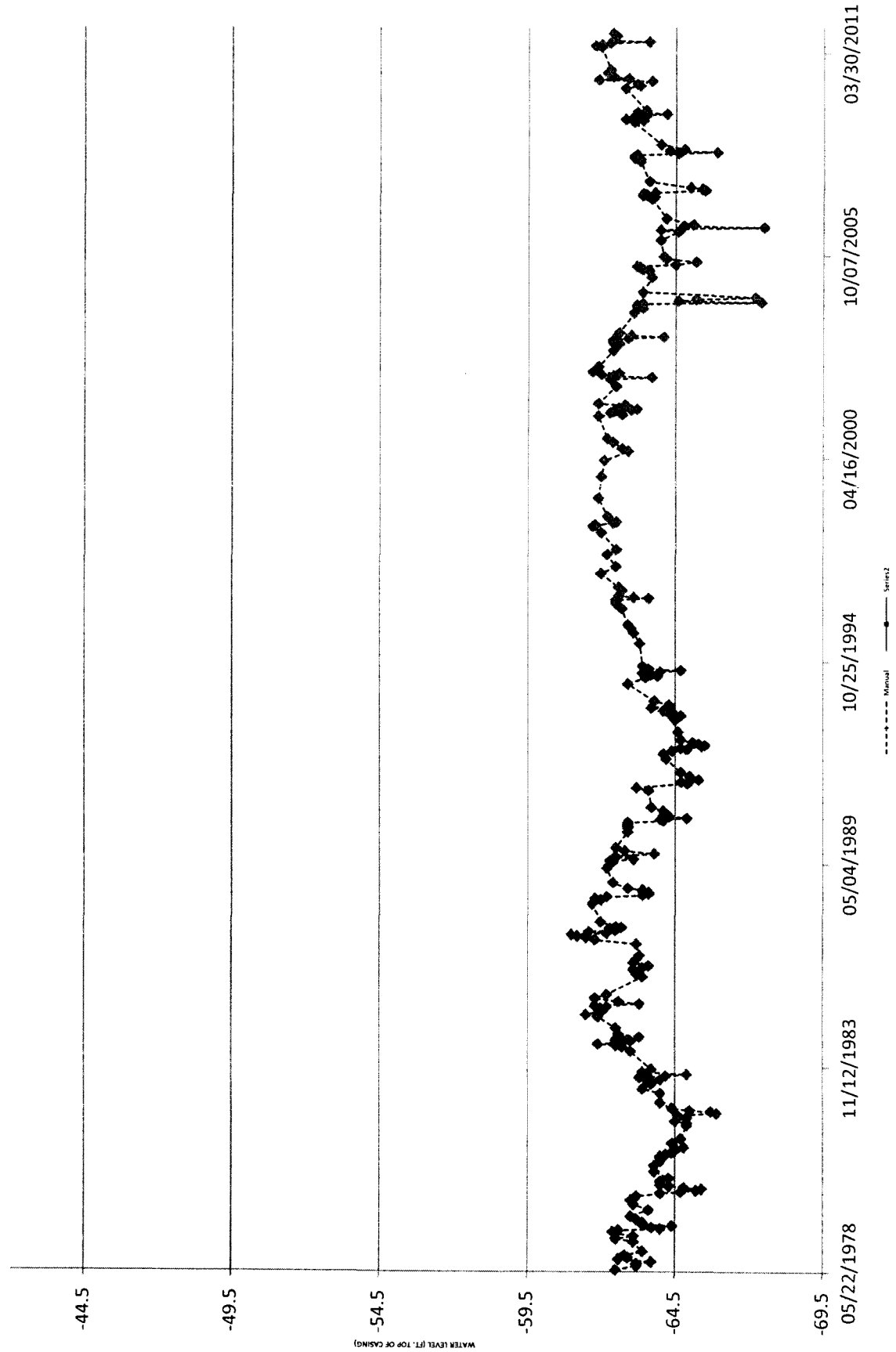
Christensen, C.M., 1974, Geology and Water Resources of Bon Homme County South Dakota, Bulletin 21, Part I: Geology, SD DENR, SDGS, Vermillion, SD, 57069.

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

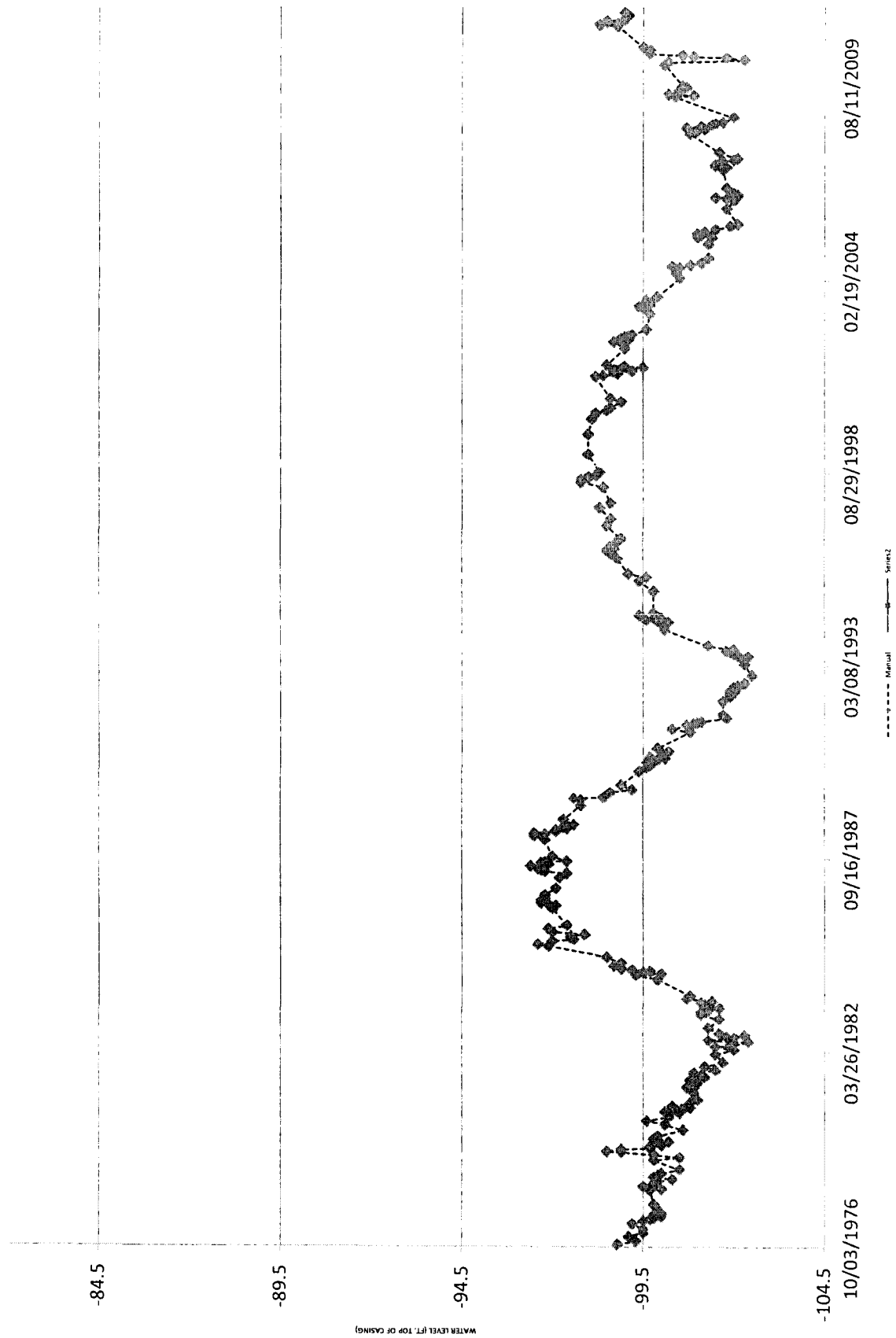
Jorgensen, D.G., 1971, Geology and Water Resources of Bon Homme County South Dakota, Bulletin 21, Part II; Water Resources, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 201, Unpublished Observation Well Data for Bon Homme County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

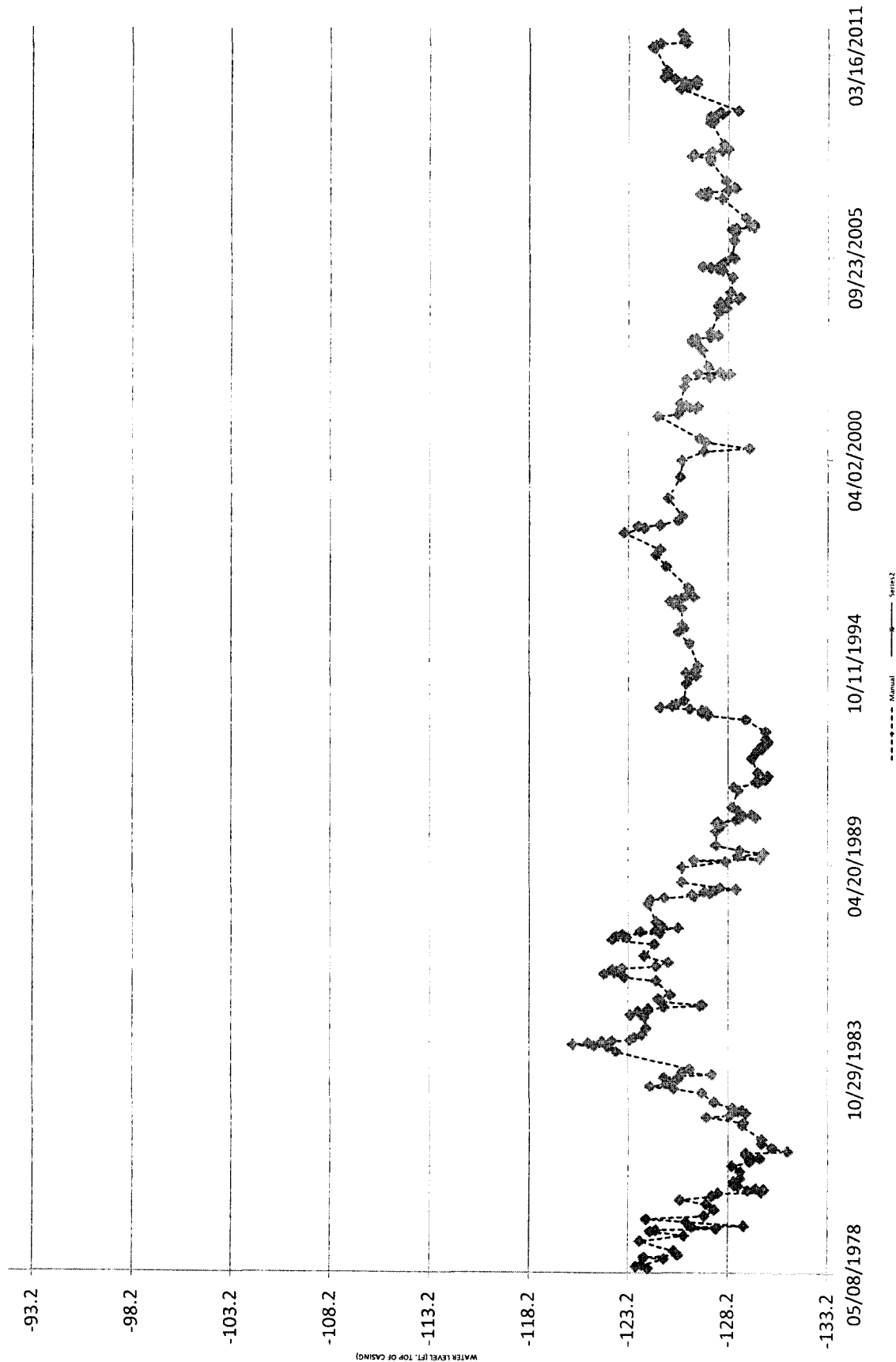
WATER RIGHTS' OBSERVATION WELL BH-78E



WATER RIGHTS' OBSERVATION WELL BH-76D

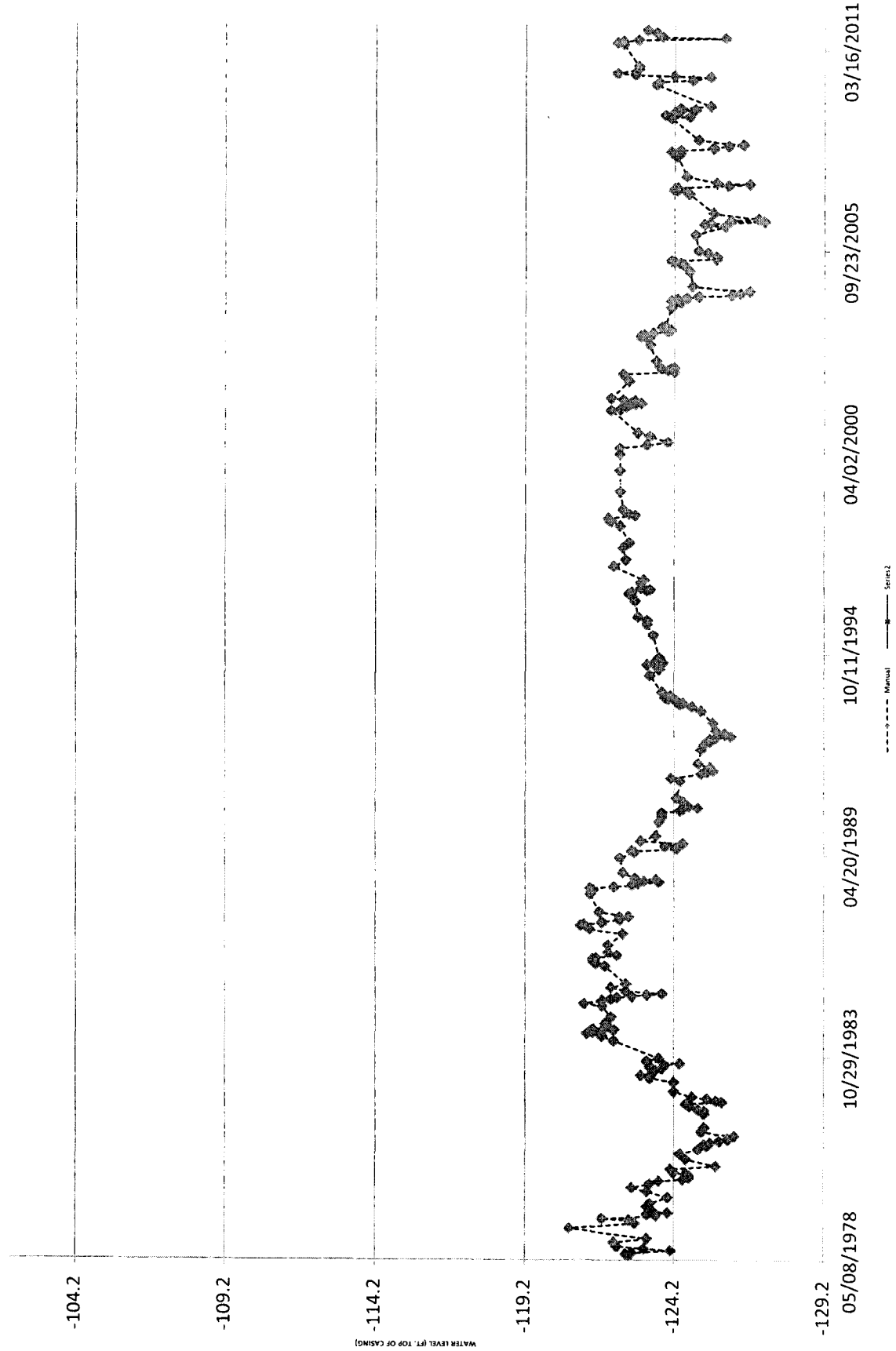


WATER RIGHTS' OBSERVATION WELL BH-78B

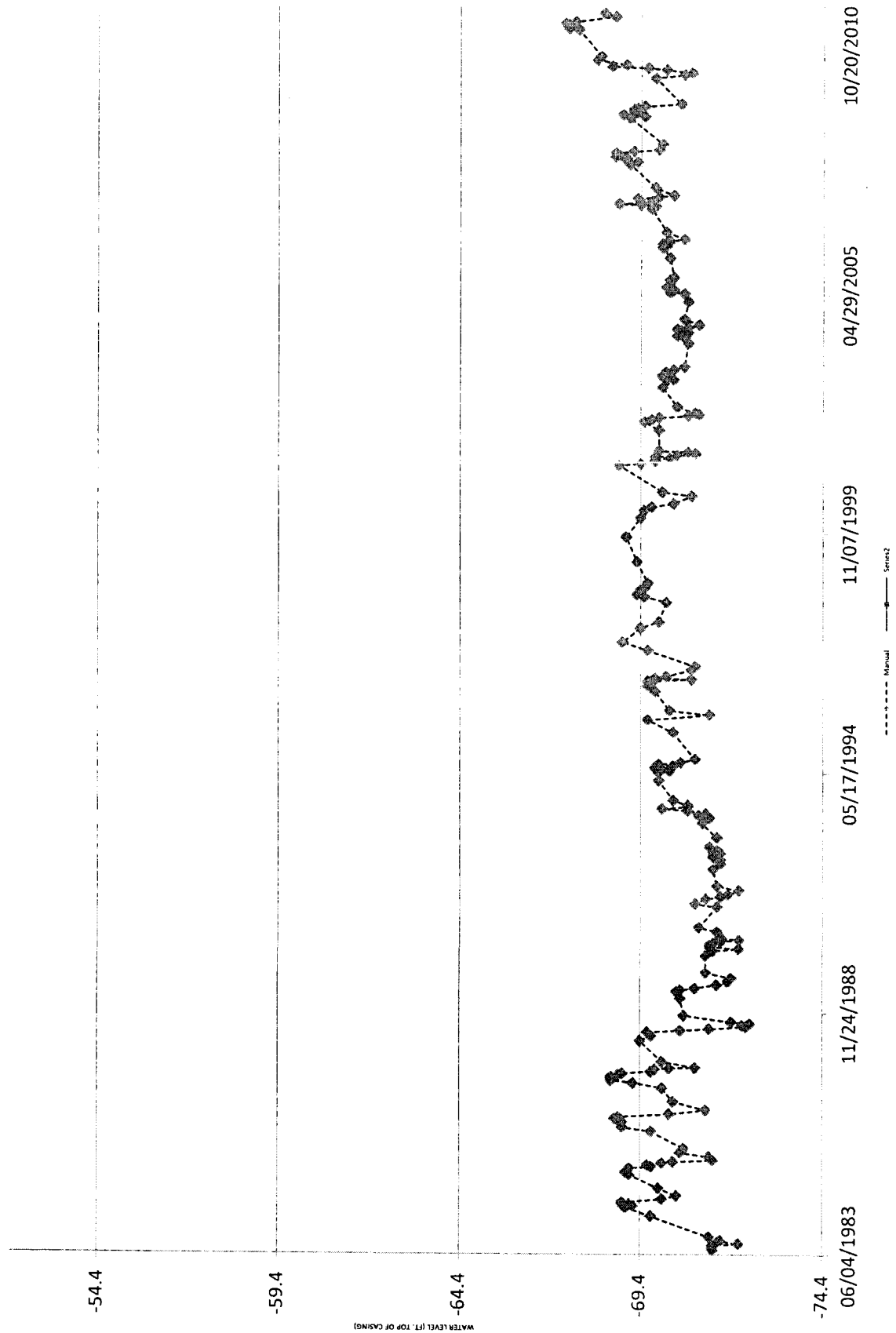


WATER RIGHTS' OBSERVATION WELL

BH-78D



WATER RIGHTS' OBSERVATION WELL BH-82C



Affidavit of Publication

RECEIVED

JAN 12 2012

WATER RIGHTS PROGRAM

State of South Dakota }
County of Bon Homme } SS

Rebecca Tyck.....Being first duly sworn says that the **Tyndall Tribune & Register** is a legal weekly newspaper for publication of legal and other official notices as required by Chapter 298 of the Session Laws of South Dakota, 1939; that it has bona fide paid circulation of more than two hundred copies weekly; that it is published in English language in the City of Tyndall, Bon Homme County, South Dakota, and has been admitted to the United States mail under second class mailing privilege for more than one year prior to the first publication of the notice herein mentioned, and that it is printed in an office maintained at the place of publication at Tyndall, South Dakota, and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

DEAR Kozak- Notice of Application

No. 7286-3

66@37.2 + 80% X 1

a printed copy of which is hereto attached, was printed and published in said newspaper for three successive weeks, upon the following dates:

<u>Jan. 4</u>	<u>20.12</u>	20.....
<u>Jan. 11</u>	<u>20.12</u>	20.....
.....	20.....	20.....
.....	20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$44.19....., inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tyck

Subscribed and sworn to before me this

11th day of Jan..... 20.12
Peggy Schelske
Notary Public
South Dakota

My commission expires: Oct 24, 2015

NOTICE OF APPLICATION

NO 7286-3 to Appropriate Water
Notice is given that Brian Kozak, 30620 417th Avenue, Tyndall, SD 57066 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (180 feet deep) located in SW1/4, NE1/4 Section 31 for irrigation of 196 acres located in the NE1/4 NW1/4, S1/2 NW1/4, NE1/4 SW1/4, W1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4 Section 31 and SW1/4 NW1/4 Section 32; all in T94N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7286-3 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 23, 2012.

The petition may be informal, but must include a statement describing this 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 approximate cost of \$44.19

(Jan. 4 & 11)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 2011

Tyndall Tribune & Register
PO Box 520
Tyndall SD 57066

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7286-3 to Appropriate Water to be published twice. Please publish the first notice on January 4, 2012 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 Brian Kozak, 30620 417th Ave., Tyndall SD 57066 (Ph # 605-589-3083).

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. 7286-3

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

Date _____

We are in receipt of your letter of December 28, 2011 enclosing Notice to Appropriate Water by Application No. 7286-3 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.

December 28, 2011

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

Water Permit Application No. 7286-3 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 Publisher of the Tyndall Tribune & Register printed at Tyndall SD (Ph: # 605-589-3242). 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 January 4, 2012 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. 7286-3 to Appropriate Water

Notice is given that Brian Kozak, 30620 417 Ave, Tyndall SD 57066 has filed an application for a water permit to appropriate 1.44 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (180 feet deep) located in SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 31 for irrigation of 196 acres located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32; all in T94N-R60W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7286-3 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 23, 2012.

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 _____.

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

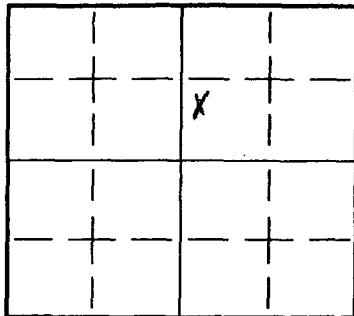
Location SW 1/4 NE 1/4 Sec 31 Twp 74N Rg 60W
 County Bon Homme
 North

Please mark well location with an "X"

W

E

Well-Completion Date

11-22-11

1 Mile

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1200 ft. from septic (identify source).

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary / Straight Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT DIAMETER FROM TO HOLE DIAMETER
160 LB/FT 16 IN 0 FT 117 FT 28 IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN
 _____ LB/FT _____ IN _____ FT _____ FT _____ IN

GROUTING DATA

Grout Type Cement No. of Sacks 12 Grout Weight _____ lb./gal From 0 ft To 117 ft
 _____ lb./gal _____ ft _____ ft

Describe grouting procedure

pumped down w/ pressure grouterSCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 14 IN Length _____ FEETMaterial OPEN HOLESlot Size _____ Set From 117 Feet to 180 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

Laboratory sent to for water quality analysis

_____, NO, Why Not? _____

Well Owner: Brian Koyak 72863

Business Name: _____

Address: 30620 417 Ave
Lyndell, SD 57016

WELL LOG:

DEPTH

FORMATION

FROM

TO

<u>top soil + brown clay</u>	<u>0</u>	<u>50</u>
<u>blue clay w/ streaks red</u>	<u>50</u>	<u>95</u>
<u>ROCKS med to coarse sand</u>	<u>95</u>	<u>115</u>
<u>grey chalk</u>	<u>115</u>	<u>180</u>

STATIC WATER LEVEL 96' Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☒ PumpedDescribe: turbine pump w/ engine☐ Bailed☐ Other

Pumping Level Below Land Surface

99 ft. After 2 Hrs. pumped 1000 GPM99 ft. After 4 Hrs. pumped 1000 GPMIf pump installed, pump rate 650 GPM

REMARKS

RECEIVED

JAN 23 2012

WATER RIGHTS PROGRAM

This well was drilled under license # 444

And this report is true and accurate.

Drilling firm Christensen Well & Pumping

Signature of License Representative

Colly W Christensen

Signature of Well Owner or Equitable Property Holder:

Date:

1-17-12



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 07 2012

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

Enclosed is Water Permit No. 7286-3 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



7286-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2013

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 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) 7286-3 qualification:

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

The hearing will be held at **8:30 am, March 7, 2013** 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) 7286-3 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 4, 2013**, 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

January 30, 2013

7286-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2012 irrigation questionnaire.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit No. 7286-3. 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 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



7286-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 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) 7286-3 & 7543-3 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 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



USPS Tracking®



Customer Service ›
Have questions? We're here to help.



Get Easy Tracking Updates ›
Sign up for My USPS.

Tracking Number: 7012164000022248629

Product & Tracking Information

Available Actions

Postal Product:

Features:
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
January 19, 2016 , 12:50 pm	Delivered	TYNDALL, SD 57066

Your item was delivered at 12:50 pm on January 19, 2016 in TYNDALL, SD 57066.

January 19, 2016 , 5:54 am	Departed USPS Facility	SIOUX FALLS, SD 57104
January 17, 2016 , 11:23 pm	Arrived at USPS Origin Facility	SIOUX FALLS, SD 57104
January 16, 2016 , 11:30 pm	Departed USPS Facility	HURON, SD 57399
January 15, 2016 , 9:32 pm	Arrived at USPS Origin Facility	HURON, SD 57399
January 15, 2016 , 6:05 pm	Departed Post Office	PIERRE, SD 57501
January 15, 2016 , 1:06 pm	Acceptance	PIERRE, SD 57501

Track Another Package

Tracking (or receipt) number

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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

1-19-16

Postmark
Here

BRIAN KOZAK
30620 417th AVE
TYNDALL SD 57066



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 3, 2016

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMITS

TO: Brian Kozak, 30620 417th Ave., Tyndall SD 57066

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program *Jeanne Goodman*

SUBJECT: One Year Suspension of Water Permit Nos. 7286-3 and 7543-3

On March 3, 2016, the Water Management Board ordered:

Effective April 4, 2016, Water Permit Nos. 7286-3 and 7543-3 be suspended for the 2016 irrigation season for failure to submit the 2015 irrigation questionnaires.

If the 2015 irrigation questionnaires are received prior to April 4, 2016, the suspension will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2016 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2016 unless the 2015 irrigation questionnaires are submitted by April 4th.

After April 4th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2015 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2016, in Pierre, SD. The letter should include your reasons for not completing your 2015 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 16, 2016

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

On March 3rd, the Water Management Board ordered Water Permit Nos. 7286-3 and 7543-3 to be suspended if the 2015 irrigation questionnaires were not received prior to April 4, 2016. The questionnaire information for your water permits has been received.

Since the irrigation questionnaires are on file, no violation has occurred and no suspension will take place. You may irrigate during the 2016 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program



7286-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 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) 7286-3 & 7543-3 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 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



7286-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 1, 2017

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Permit Nos. 7286-3 & 7543-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



7286-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 26, 2018

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 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) 7286-3 & 7543-3 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 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



7286-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 28, 2018

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2017 irrigation questionnaires.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 7286-3 and 7543-3. 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 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



7286-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 25, 2019

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2018 Irrigation Questionnaire(s)

Our records indicate your 2018 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 30, 2018. The Water Management Board has directed that owners of water permits who have not submitted the 2018 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Wednesday, March 6, 2019 at 10:30 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) 7286-3 & 7543-3 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 6, 2019** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

7286-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 19, 2019

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2018 irrigation questionnaires.

You may disregard the January 25, 2019, "Notice" concerning reporting requirements for Water Permit Nos. 7286-3 and 7543-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7286-3**

I have this day, January 24, 2019, made a thorough examination of the water use system constructed by Brian Kozak, 30620 417th Avenue, Tyndall, SD 57066, holder of Permit No. 7286-3, bearing the priority of December 14, 2011 authorizing the diversion of 1.44 cu. ft. per second of the waters of groundwater (Niobrara Aquifer) for irrigation purposes, in Bon Homme County.

Inspection contact: Brian Kozak

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Christensen Well & Irrigaion, Inc.
- 2) No. of Wells 1
- 3) Depth(s) 180 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 16 inches
- 2) Length 117 feet
- 3) Type PVC

Screen:

- 1) Open Hole
- 2) Static water level 96 feet

Pump:

- 1) Make Layne/Verti-Line
- 2) Model 10RH
- 3) Capacity 650 GPM

Motor:

- 1) Make Emerson
- 2) Model No. BF54A
- 3) Horsepower rating 50 hp

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

- 1) Type PVC
- 2) Size 8 inches
- 3) Length approximately 2,910 feet

C. Works used to apply water to beneficial use:

Center Pivots:

West Pivot

- 1) Make T&L
- 2) Overall length 1,624 feet
- 3) Number of towers 10
- 4) End gun Yes
- 5) Capacity 650 GPM

East Pivot

- 1) Make T&L
- 2) Overall length 1,250 feet
- 3) Number of towers 8
- 4) End gun Yes
- 5) Capacity 650 GPM

Chemigation Equipment: Feeds both pivots.

- 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 hose
- 6) Interlock type electrical
- 7) Injection pump positive displacement
- 8) Injection check valve Yes
- 9) Injection line check valve or
positive displacement pump Yes

D. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Yes
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Yes
- 3) Exceptions to compliance are: None

E. Condition and Location:

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

The well is 2,770 feet east and 1,700 feet south of the northwest corner of Section 31-T94N-R60W (Latitude 42.918586, Longitude -97.980617 – SW 1/4 of the NE 1/4).

2. The works are capable of diverting and conveying to the place of use 1.44 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:

Section 31-T94N-R60W

NW1/4NW1/4 3 acres
NE1/4NW1/4 35 acres
SW1/4NW1/4 8 acres
SE1/4NW1/4 40 acres

NE1/4SW1/4 16 acres

NW1/4NE1/4 1 acre
SW1/4NE1/4 1 acre
SE1/4NE1/4 33 acres

NE1/4SE1/4 17 acres

Section 32-T94N-R60W

SW1/4NW1/4 31 acres

comprising a total of 185 acres of land and the license should be issued for 1.44 cfs.

3. All structures, wells and lands on map Yes

F. Comments or other permit(s) associated with the project: The west pivot irrigates three acres in the NW1/4 of the NW1/4 of Section 31, which were not indicated on the permit document. This land is owned by Mr. Kozak. Also, the pump is rated for 700 gpm (1.56 cfs), but Mr. Kozak believes he is using 650 gpm (1.44 cfs) as noted on his irrigation questionnaires.

Keith DeJong

Keith DeJong
 Water Rights Inspector
 DENR, Water Rights Program

Date report completed: January 29, 2019

Licensing of Acreage Outside of Permitted Area

NAME: Brian Kozak

ADDRESS: 30620 417th Avenue, Tyndall SD 57066

DATE: April 4, 2019 COUNTY: Bon Homme TELEPHONE:

AUTHORITY

Pursuant to SDCL 46-5-30.5, acreage developed for irrigation outside of the area described on the permit may be licensed provided the following conditions are met:

NO INCREASE IN PERMITTED ACREAGE OR WATER APPROPRIATED:

The licensing investigation of Permit No. 7286-3 found three acres developed outside of the area described on the water permit. The acreage developed for irrigation is 185 acres as compared to 196 acres authorized by the permit.

UNPERMITTED ACREAGE:

- **Contiguous to Permitted Acreage**

Yes, the permit authorizes irrigation of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 31 and SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 32; all in T94N-R60W. The licensing investigation found three acres being irrigated in the adjoining NW $\frac{1}{4}$ NW $\frac{1}{4}$ of the section.

- **Owned by Same Property Owner**

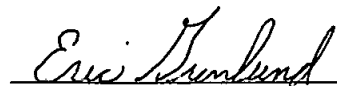
The NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31-T94N-R60W as well as all the other acres authorized by the water permit is owned in the name of Dale Kozak Trust et al according to the 2016 plat book.

- **Developed Prior to Expiration of Construction Period**

Yes

RECOMMENDED ACTION

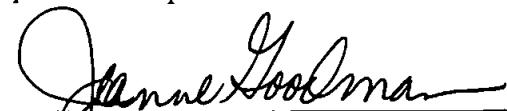
Based on the above criteria, it is recommended that the 3 acre area be included in the water license.



Eric Gronlund, Engineering Manager 1
Water Rights Program

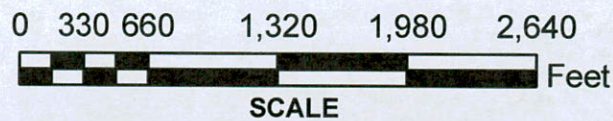
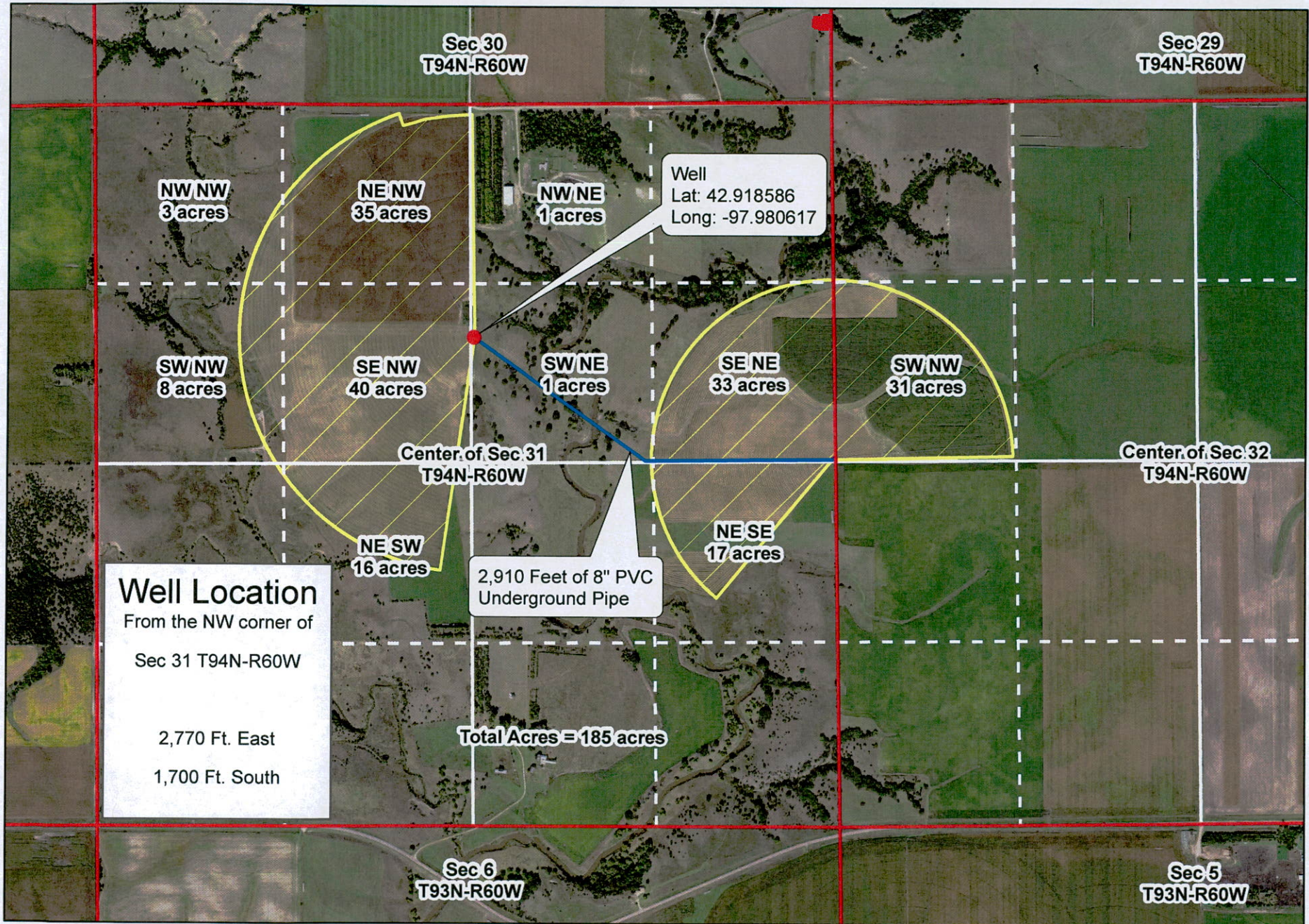
The Chief Engineer makes a finding pursuant to SDCL 46-5-30.5 that:

This acreage change does not impair existing water rights and the overall project, as developed, is consistent with the original application. Licensing of the unpermitted acreage may occur without application or publication pursuant to SDCL 46-2A-4.



Jeanne Goodman, Chief Engineer
Water Rights Program

Water Permit No. 7286-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
January 29, 2019



7286-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

MAY 22 2019

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

Enclosed are Water License Nos. 7286-3 and 7543-3. They are the final water right documents completing your process of obtaining Water Rights. Included with each 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 wells authorized by each water right, 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.

In regard to the equipment used for applying chemicals and/or fertilizer through your irrigation systems, the staff engineer who conducted the investigation noted the absence of a hose that ensured any discharge was at least 20 feet from the irrigation well. Enclosed is a copy of Water Management Board rules dealing with chemigation. "Appendix A" shows the minimum requirements for the equipment. The ability to discharge at least 20 feet from the well is required to prevent contamination of the water source. If after reading through the rules you have questions concerning placement of the equipment, please contact Ron Duvall with our program (his card is attached).

As long as you use the water beneficially, as stated in the Water Licenses, 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. 7286-3**

(1) Brian Kozak, 30620 417th Ave., Tyndall SD 57066 made Application No. 7286-3, December 14, 2011 for a water permit to divert 1.44 cubic feet of water per second from ground water, one well (Niobrara Aquifer), Bon Homme County, South Dakota for irrigation purposes. Permit No. 7286-3, with a priority date of December 14, 2011 was approved January 23, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 23, 2017 and for the application to beneficial use of water on or before January 23, 2021.

An investigation conducted for licensing purposes found three acres developed for irrigation outside of the area described on the water permit. The total number of acres irrigated is 185 as compared to 196 acres originally authorized. Pursuant to SDCL 46-5-30.5, the Chief Engineer made a finding that existing water rights will not be impaired and the overall project, as developed, is consistent with the original application.

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

- 2,770'E and 1,700'S of the NW corner of Section 31-T94N-R60W (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
Latitude 42.918586, Longitude -97.980617

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 31, T94N, R50W				Section 32, T94N, R60W	
NW $\frac{1}{4}$ NW $\frac{1}{4}$	3 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	16 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	31 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	1 acre		
SW $\frac{1}{4}$ NW $\frac{1}{4}$	8 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	1 acre		
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres		Total of 185 acres
		NE $\frac{1}{4}$ SE $\frac{1}{4}$	17 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brian Kozak, 30620 417th Ave., Tyndall SD 57066 the holder and/or owner of Water Right No. 7286-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from ground water, one well (Niobrara Aquifer) with a priority date of December 14, 2011 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. 7286-3 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.

continued

- The well authorized by Permit No. 7286-3 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, 2011 by Christensen Well & Irrigation. A copy of the well completion report is on file with the Water Rights Program.*
- This Permit is approved subject to the irrigation water use questionnaire being submitted each year.



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

MAY 22 2019

date





7286-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 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) 7286-3 & 7543-3 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 **February 26, 2020** 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://denr.sd.gov/iq> using this password: FCVFI**

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.



7286-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 10, 2020

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right Nos. 7286-3 & 7543-3. 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, reading 'Genny McMath'.

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



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2021

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2020 Irrigation Questionnaire(s)

Our records indicate your 2020 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 23, 2020. The Water Management Board has directed that owners of water permits who have not submitted the 2020 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Wednesday, March 3, 2021 at 10:00 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) 7286-3 & 7543-3 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 3, 2021** 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://denr.sd.gov/iq> using this password: EMWDXC**

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.

7286-3



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

February 2, 2021

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2020 irrigation questionnaires.

You may disregard the January 22, 2021, "Notice" concerning reporting requirements for Water Right Nos. 7286-3 & 7543-3. 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 blue ink, appearing to read "Genny McMath".

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

7286-3



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: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

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) 7286-3 & 7543-3. 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) 7286-3 & 7543-3 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) 7286-3 & 7543-3 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: OVAYAX**

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.

7286-3

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BRIAN KOZAK
30620 417th AVE
TYNDALL SD 57066

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7286-3
**DEPARTMENT of AGRICULTURE
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523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 3, 2022

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER RIGHTS

TO: Brian Kozak, 30620 417th Ave., Tyndall SD 57066

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right Nos. 7286-3 & 7543-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right Nos. 7286-3 & 7543-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaire is received prior to April 4, 2022, the suspensions will not take effect.

Suspension of a water permit or right means water may not be pumped during the 2022 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2022 unless the 2021 irrigation questionnaires are submitted by April 4, 2022.

After April 4th, you may petition the Water Management Board to rescind the suspensions. You will need to submit the 2021 irrigation questionnaires and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 4-5, 2022, in Pierre, SD. The letter should include your reasons for not completing the 2021 irrigation questionnaires. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220



Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)

) SS

COUNTY OF HUGHES)

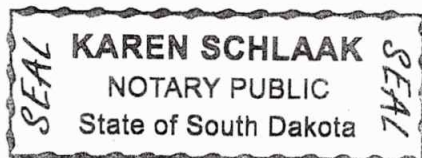
Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025





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

January 20, 2023

NOTICE

TO: BRIAN KOZAK, 30620 417th AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 7286-3 & 7543-3 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 8, 2023** 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: XPTZCR**

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

March 1, 2023

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right Nos. 7286-3 & 7543-3. 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

7286-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 10, 2022

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

On March 2, 2022, the Water Management Board ordered Water Right Nos. 7286-3 & 7543-3 be suspended if the 2021 irrigation questionnaires were not received prior to April 4, 2022. The questionnaire information for your water rights has been received.

Since the irrigation questionnaires are on file, no violations have occurred, and no suspensions will take place. You may irrigate during the 2022 irrigation season.

If you have any questions, please contact us.

Sincerely,

Ron Duvall
Water Rights Permitting Administrator
Water Rights Program
(605) 773-3352



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

January 14, 2025

NOTICE

TO: BRIAN KOZAK, 30620 417TH AVE, TYNDALL, SD 57066

FROM: Ron Duvall, Engineer III
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaire(s)

Our records indicate your 2024 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 7286-3 & 7543-3. The request for the Questionnaire was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 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) 7286-3 & 7543-3 qualification:

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

The hearing will be held on **Wednesday, March 5, 2025, 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) 7286-3 & 7543-3 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 5, 2025**, 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 Amanda Dewell at (605) 773-3352 or email at amanda.dewell@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TECALH**

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

March 3, 2025

7286-3
7543-3

Brian Kozak
30620 417th Ave
Tyndall SD 57066

Dear Mr. Kozak:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 7286-3 & 7543-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us