

WATER PERMIT NO. 7359-3

Name of Applicant: James C Kokes

Address: 42273 SD Hwy 50, Tabor SD 57063 Phone: 605 660-3430

Amount of Water Claimed: 0.1 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial – cattle feedlot County: Bon Homme

Type of Waste Disposal System:

Location: 3 miles northwest of Tabor

PRIORITY Date Received: 5-23-2012 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: Jan 1- Dec 31

Remarks:

Diversion Point: NW ¼ NE ¼ Sec 18-T94N-R58W

Land to be Irrigated: NA

Depth of Well: 220 feet deep

Well Driller: Thein Well Co, Inc.

Remarks:

Type of Map: aerial

Prepared by: Mark Rohlbing, BH Co FSA

Reviewed and the Number Assigned on: 5-29-2012

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

			Ⓢ		
			18		

(type or print)

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MAY 23 2012

WATER RIGHTS
PROGRAM

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7359-3</u> (office use only) Hydrologic Unit <u>101 70101</u> Basin <u>Missouri River</u> <u>605-589-3272</u> Newspaper <u>Tyndall Tribune P.O. Box 520 57066</u> <u>Press & Dakotan 319 Walnut Yorkton 605-665-7811</u>
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Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

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

Type of Application: (check one)

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

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

1. Name of Applicant James C Kokes Phone 605-660-3430
(check one) ☐ Owner ☐ Tenant/lessee

Mailing Address 42273 SD NW 50 Tabor SD 57063
(Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.1 *CFS or 45 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Bon Homme
1 well in NE 1/4 section 18-T94N-R58W
NW 1/4

5. County or counties where water will be used Bon Homme

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

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

Need water supply to new feedlot 999 head
for drinking and sprinkler system 11 gal/min for drinking
plus 27 gal/min for sprinkles when need

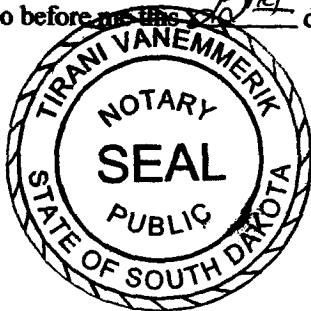
STATE OF SOUTH DAKOTA)
County of Bon Homme) SS

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, James Kokes, 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 James C Kokes

Subscribed and sworn to before me this 22nd day of MAY 2012



Tirani Vanemmerik ap 4/20/17
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7359-3**

Date of first receipt of application May 23, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7359-3 to James C Kokes, 42273 SD Hwy 50, Tabor SD 57063 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. 7359-3 appropriates 0.1 cubic feet of water per second from one well to be completed into the Codell Aquifer (220 feet deep) located in NW 1/4 NE 1/4 Section 18-T94N-R58W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 7359-3 is July 16, 2012.
5. The date from which applicant may claim right is May 23, 2012.
6. One-fifth of the construction is to be completed on or before January 16, 2015.
7. All construction is to be completed on or before July 16, 2017.
8. Water is to be put to beneficial use on or before July 16, 2021.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

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.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

AUG 30 2012
date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 9.88 Depth 220'
- b) Casing Type Plastic Diameter 6" Thickness .250
- c) Screen Type Slot .020 Diameter 6" Thickness .250
- d) Gravel Pack yes Length of Gravel Pack 178' to 220'
- e) Depth to Top of Water Bearing Material 180'
- f) Depth to Water (ground surface to water level) 42'
- g) Distance to nearest existing domestic well:

On applicant's property 320' On property owned by others 4000'

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

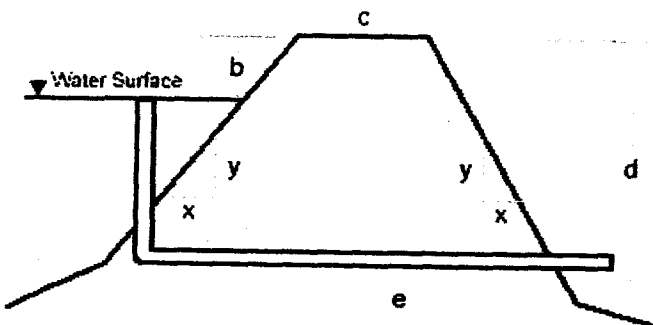
3. Dugout Information

- 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



United States Department of Agriculture
Farm Service Agency

PLSS: 18_94N_58W
Farm: 3871

Bon Homme County
1:7,933



January 12, 2012

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

Wetland Determination Identifiers
 ● Restricted Use
 ▽ Limited Restrictions
 □ Exempt from Conservation Compliance Provisions

Common Land Units

Non Cropland

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Mark Bohlberg

2010 Ortho-Photography - Not to Scale

District Conservationist

5-8-12

SOUTH DAKOTA WATER WELL COMPLETION REPORT

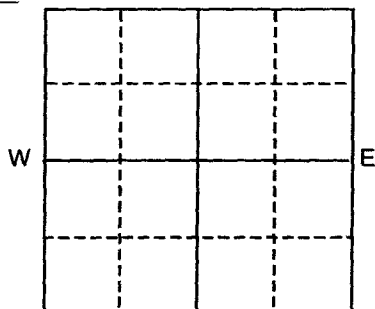
11- 02

Location NE ¼ NE ¼ Sec 18 Twp 94N Rg 58W

County Bon Homme

North

Please mark well location with an "X"



Well Completion Date

May 1, 2012

← 1 Mile →

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

50.0 ft. from septic (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>6.00</u> IN	<u>0.0</u> FT	<u>180.0</u> FT	<u>9.88</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentonite</u>	<u>12</u>	<u>Lb/gal</u>	<u>0.0</u> Ft	<u>178.0</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure
tremmie piped

SCREEN:

☒ Perforated pipe ☐ Manufactured

Diameter 6.00 Inches Length 40.0 Feet

Material PVC

Slot Size .020 Set From 180.0 Feet to 220.0 Feet

Other information

WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated

☐ No, Why Not?

Lab to which water quality sample sent for analysis

owner to obtain

Well Owner: Jim Kokes

Business Name:

Address: 42273 Hwy 50

City, State, Zip: Tabor SD 57063

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Yellow clay	1	34
Gray clay soft	34	70
Sandy gray clay	70	147
Gray clay	147	175
Sandy gray clay	175	198
Sand & gravel	198	214
Gray clay & sand	214	225

STATIC WATER LEVEL 42.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:

☐ Bailed

☐ Other

Pumping Level Below Land Surface

81.0 Ft. After 2.0 Hrs. pumped 60.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

GPS N 42 57.816

W 97 44.424

This well was drilled under license # 475 and this report is true and accurate.

Drilling firm: Thein Well Co., Inc.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 5/21/2012

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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/29, 20 12

RECEIVED OF Kokes Farms 42273 SD Hwy 50 Tabor SD 57063

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

Fee for Application for Permit No. <u>7359-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>7359-3</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	300 00

No. **05445**

By *Donald Erdle*
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7359-3, James C Kokes**

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. 7359-3, James C Kokes, 42273 SD Hwy 50, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 7359-3 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 qualification:

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.

See report on application for additional information.

Garland Erbele, Chief Engineer
June 20, 2012

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7359-3
JAMES C KOKES
JUNE 12, 2012

Water Permit Application No. 7359-3 proposes to appropriate 0.1 cubic feet of water per second from a well completed into the Codell aquifer. The existing well is 220 feet deep and located in the NE¼ NE ¼ Section 18, T94N-R58W. Water is to be used for commercial use in a cattle feedlot operation.

AQUIFIER: CODELL (CDLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The South Dakota Water Well Completion Report that was submitted as part of this application indicates that the well's intake is between 180-220 feet below grade. This screened interval corresponds with sections of the geologic log identified by the driller as sandy gray clay; sand and gravel; and gray clay & sand. Since bedrock in this area, (i.e. the Niobrara Formation), is expected to be approximately 135 feet below grade (Jorgensen, 1971), it is unlikely that gravel was actually encountered as reported. The interval in this well between 198-214 feet below grade (1,162-1,146 feet msl) correlates with the Codell Sandstone Member of the Carlile Shale which is estimated to be first encountered at an elevation of approximately 1,150 feet msl (Jorgensen, 1971). Further evidence that the water source for this well is likely the Codell aquifer is that the static water level reported on the completion report (42 feet below grade) agrees with the estimated potentiometric surface for the Codell aquifer (Jorgensen, 1971).

The Codell Sandstone Member of the Carlile Shale is a poorly to well cemented, very fine to coarse grained sandstone that forms a regional bedrock aquifer underlying a large portion of southeastern South Dakota (see figure 1). The Codell underlies almost all of Bon Homme County and contains an estimated 1,262,000 acre feet of recoverable water in storage in the county alone (Hedges and others, 1982). Locally, the Codell aquifer is known as the "soft-water sandstone." The sandstone ranges in thickness from 0-100 feet and is commonly about 25 feet thick (Jorgensen, 1971). The Codell is generally overlain by impermeable shale and the aquifer is under confined conditions in this area. Groundwater movement in Bon Homme County is generally from north to south. An 8-hour aquifer test was conducted by the U.S. Geological Survey on the municipal well at the Avon, SD and identified an aquifer transmissivity of 400 gpd/ft and an approximately storage coefficient of 0.001 (Jorgensen, 1971).

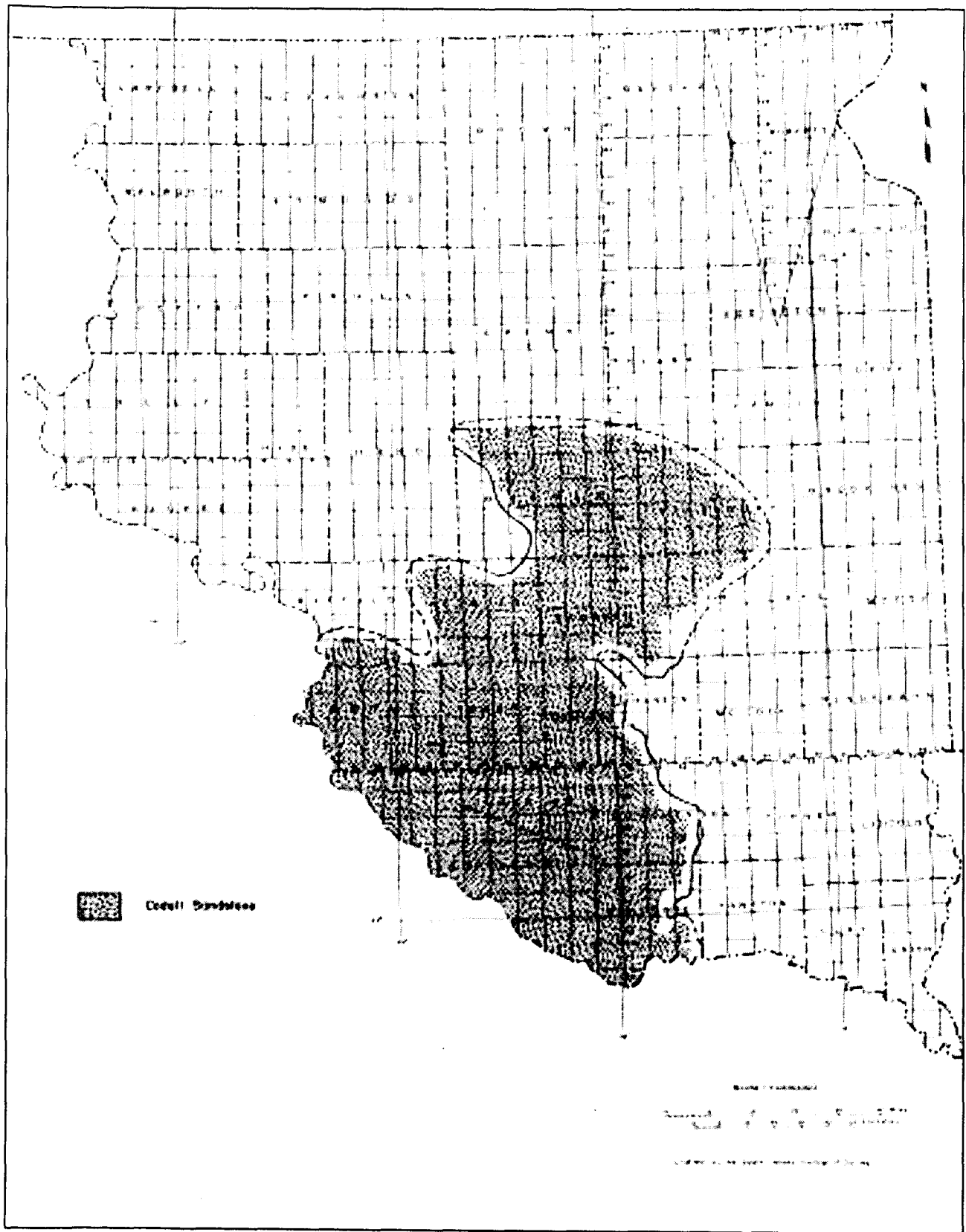


Figure 1. Map of Eastern South Dakota showing the minimum distribution of the Codell Sandstone member of the Carlile Shale (Modified from Hedges and others, 1982)

SDCL 46-2A-9

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

WATER AVAILABILITY:

This application proposes to appropriate a maximum of 72.4 acre-feet annually from the Codell aquifer. This maximum appropriation represents an unrealistic assumption of continuous diversion at 0.1 cfs and the actual water use if this application is approved will be much less. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source."

Recharge versus Discharge:

Recharge:

Recharge to the Codell aquifer in Bon Homme County is primarily from groundwater inflow from outside the county. The Codell aquifer may be hydraulically connected to the glacial outwash aquifers which are potential recharge sources in Bon Homme County (Jorgensen, 1971).

Discharge:

Discharge from the Codell is through well pumpage and subsurface outflow to the Missouri River. Subsurface outflow may occur to the connected outwash aquifers.

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

The analysis of the DENR-Water Rights Program observation well data provides the best information reasonably available to evaluate withdrawals from an aquifer as compared with recharge to an aquifer. Observation well data showing a steady, continual decline of the aquifer's water level or artesian pressure could indicate that withdrawals from an aquifer were exceeding recharge. In addition, water level fluctuations in an aquifer dominated by the influences of well withdrawals, or a change in the gradient of the potentiometric surface could indicate that well pumping is a significant component in the system relative to recharge and/or natural withdrawals.

The DENR-Water Rights Program monitors 21 observation wells completed into the Codell aquifer in South Dakota (Water Rights, 2012a). The nearest of these wells (HT-83E) is located approximately 15 miles north of the well that this application proposes to use. A hydrograph for the observation well, which is typical for the Codell aquifer, is shown in figure 2.

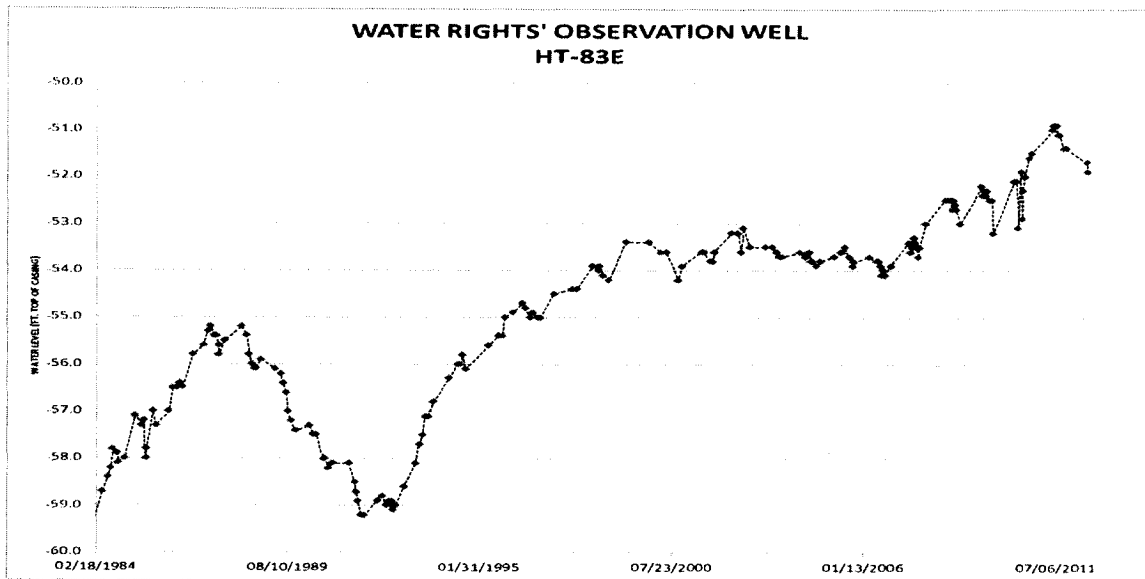


Figure 2. Hydrograph of an observation well completed into the Codell aquifer located approximately 15 miles north of the well that is to be used to supply this proposed appropriation.

The observation well data shows that at the current level of development, climatic conditions greatly mask any temporal effects of well withdrawals. Therefore, the observation well data documents that recharge to and natural discharge from the Codell aquifer significantly exceeds pumping. The hydrographs document that there is unappropriated water available from the aquifer to support this appropriation.

EXISTING WATER RIGHTS:

There are not any water rights/permits appropriating water from the Codell aquifer within 15 miles of the well that Application No. 7359-3 proposes to use (Water Rights, 2012b). The nearest appropriative right from the Codell aquifer is Water Right No. 5330-3, City of Avon. The city has been supplied by B-Y Rural Water since 1982 (Friedeman) and the well is currently maintained as a standby well. The Codell was used fairly extensively for domestic use in Bon Homme County prior to rural water system service and there are a number of reports on file with the DENR-Water Right Program for domestic wells completed into the Codell aquifer in the county (Water Rights, 2012c). The nearest domestic well on file with the DENR-Water Rights Program is located over two miles from this well site. Since this application proposes a relatively small pumping rate, drawdown is not expected to be significant. Considering the distances and the way that SDCL 46-6-6.1 and ARSD 74:02:04 consider artesian head pressure as a means of delivery, this appropriation will not adversely impair existing users.

CONCLUSIONS:

1. This application proposes to appropriate up to less than 72.4 acre-feet annually from the Codell aquifer at a maximum diversion rate of 0.10 cfs.
2. There is a reasonable probability that unappropriated water is available from the Codell aquifer to supply this proposed diversion.
3. There is a reasonable probability that the diversion requested by this application can be made without adversely effecting existing water rights.



Ken Buhler
SD-DENR Water Rights Program

REFERENCES:

Friedeman, Barbara. Environmental Scientist, SD DENR-Drinking Water Program. Personal correspondence. 13 June 2012

Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A. and Schoon, R.A., 1982, Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, SD Department of Water and Natural Resources Office of Geological Survey

Jorgensen, D.G., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Part II: Water Resources: S.D. Geological Survey Bulletin 21, 61 p.

Water Rights, 2012a, Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012b, Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2012c, Well Completion Report Files, SD DENR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

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JUL - 9 2012

Affidavit of Publication

WATER RIGHTS
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State of South Dakota }
County of Bon Homme } SS

Rebecca Tydz 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

Notice of Application
64-372

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

July 4.....2012.....20.....
.....20.....20.....
.....20.....20.....
.....20.....20.....

That the full amount of the fee charged for the publication of said notice, \$23.81, 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 Tydz Subscribed and sworn to before me this

4th day of July, 2012.

Peggy Schelske
Notary Public, South Dakota

My commission expires: Oct 24, 2015

NOTICE OF APPLICATION

NO. 7359-3 to Appropriate Water

Notice is given that James C. Kokes, 42273 SD Hwy. 50, Tabor, SD 57063 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well to be completed into the Codell Aquifer (220 feet deep) located in NW1/4 NE1/4 Section 18-T94N-R58W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7359-3 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 July 16, 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 once at an approximate cost of \$23.81

(July 4)

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AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Department of Environment and Natural Resources
PMB 2020 - Joe Foss Building
523 East Capitol
Pierre, SD 57501-3182

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF YANKTON
MEDIA INC, A CORPORATION, THE PRINTER AND THE PUBLISHER OF THE
YANKTON DAILY PRESS AND DAKOTAN, A LEGAL DAILY NEWSPAPER
PUBLISHED AND CIRCULATED IN THE CITY OF YANKTON SAID COUNTY
AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF THE SAID
COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE ANNEXED
Notice of Application No. 7359-3 to Appropriate Water

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE
NEWSPAPER ON THE 3rd DAY OF July 2012
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID **NOTICE** TO WIT \$26.66 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS
BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF
HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 7/3/2012

FILED ON: 7/3/2012

SUBSCRIBED AND SWORN TO BEFORE ME THIS

3rd

DAY OF

July

2012

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015

7+3

**NOTICE OF
APPLICATION NO. 7359-3
to Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7359-3 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 July 16, 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 once at the total approximate cost of \$26.66

Estimated publishing cost per published copy: \$0.0031



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 26, 2012

Tyndall Tribune
PO Box 520
Tyndall SD 57066

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7359-3 to Appropriate Water. Please publish the notice once on July 4, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James Kokes, 42273 SD Hwy 50, Tabor SD 57063. (Ph # 605-660-3430).

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

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

June 26, 2012

Press & Dakotan
319 Walnut
Yankton SD 57078

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7359-3 to Appropriate Water. Please publish the notice once on July 3, 2012. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James Kokes, 42273 SD Hwy 50, Tabor SD 57063. (Ph # 605-660-3430).

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

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

June 26, 2012

James C Kokes
42273 S Hwy 50
Tabor SD 57063

Dear Mr. Kokes:

Water Permit Application No. 7359-3 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 Tyndall Tribune printed at Tyndall SD (Ph # 605-589-3242) and the Press & Dakotan printed at Yankton SD (Ph # 605-665-7811). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
(605) 773-3352

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

Instruction to Newspaper - Publish the Notice on July 4, 2012. 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. 7359-3 to Appropriate Water

Notice is given that James C Kokes, 42273 SD Hwy 50, Tabor SD 57063 has filed an application for a water permit to appropriate 0.1 cubic feet of water per second from one well to be completed into the Codell Aquifer (220 feet deep) located in NW ¼ NE ¼ Section 18-T94N-R58W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7359-3 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 July 16, 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 _____.



**DEPARTMENT of ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

AUG 30 2012

James C Kokes
42273 SD Hwy 50
Tabor SD 57063

Dear Mr. Kokes:

Enclosed is Water Permit No. 7359-3 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

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**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 7359-3**

I have this day, January 24, 2019, made a thorough examination of the water use system constructed by James Kokes, 42273 SD Hwy 50, Tabor, SD 57063, holder of Permit No. 7359-3, bearing the priority of May 23, 2012 authorizing the diversion of 0.1 cu. ft. per second of the waters of groundwater (Codell Aquifer) for commercial – cattle feedlot purposes, in Bon Homme County.

Inspection contact: Jason Kokes, son of James Kokes

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Thein Well Co., Inc.
- 2) No. of Wells 1
- 3) Depth(s) 220 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 6 inches
- 2) Length 180 feet
- 3) Type PVC

Screen:

- 1) Diameter 6 inches
- 2) Type PVC
- 3) Static water level 42 feet

Pump:

- 1) Make Berkely
- 2) Model L30P4JMGS-04
- 3) Capacity 30 GPM

Motor:

- 1) Make Franklin
- 2) Model No. 234178602
- 3) Horsepower rating 5 hp

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

- 1) Type PVC Pipe
- 2) Size 4", 2" and 1" Pipe
- 3) Length unknown

C. Works used to apply water to beneficial use: One inch pipes to the individual use points.

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: Does not irrigate from this well.
- 3) Exceptions to compliance are: None

E. Condition and Location:

1. The system is in good condition with the point(s) of diversion located as follows:
The well is 1,740 feet west and 1,030 feet south of the northeast corner of Section 18-T94N-R58W (Latitude 42.963600, Longitude -97.740430 – NW1/4 of the NE1/4).
2. The works are capable of diverting and conveying to the place of use 0.067 cu. ft. per second of water which is to be used for a commercial – cattle feedlot. Water has been put to beneficial use to the maximum extent as follows: Farm site in the NE1/4 of Sec. 18, T94N, R58W, and the license should be issued for 0.067 cfs.
3. All structures, wells and lands on map Yes

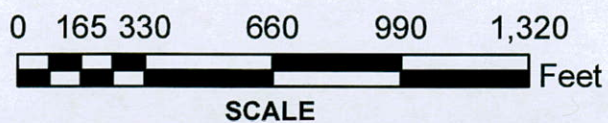
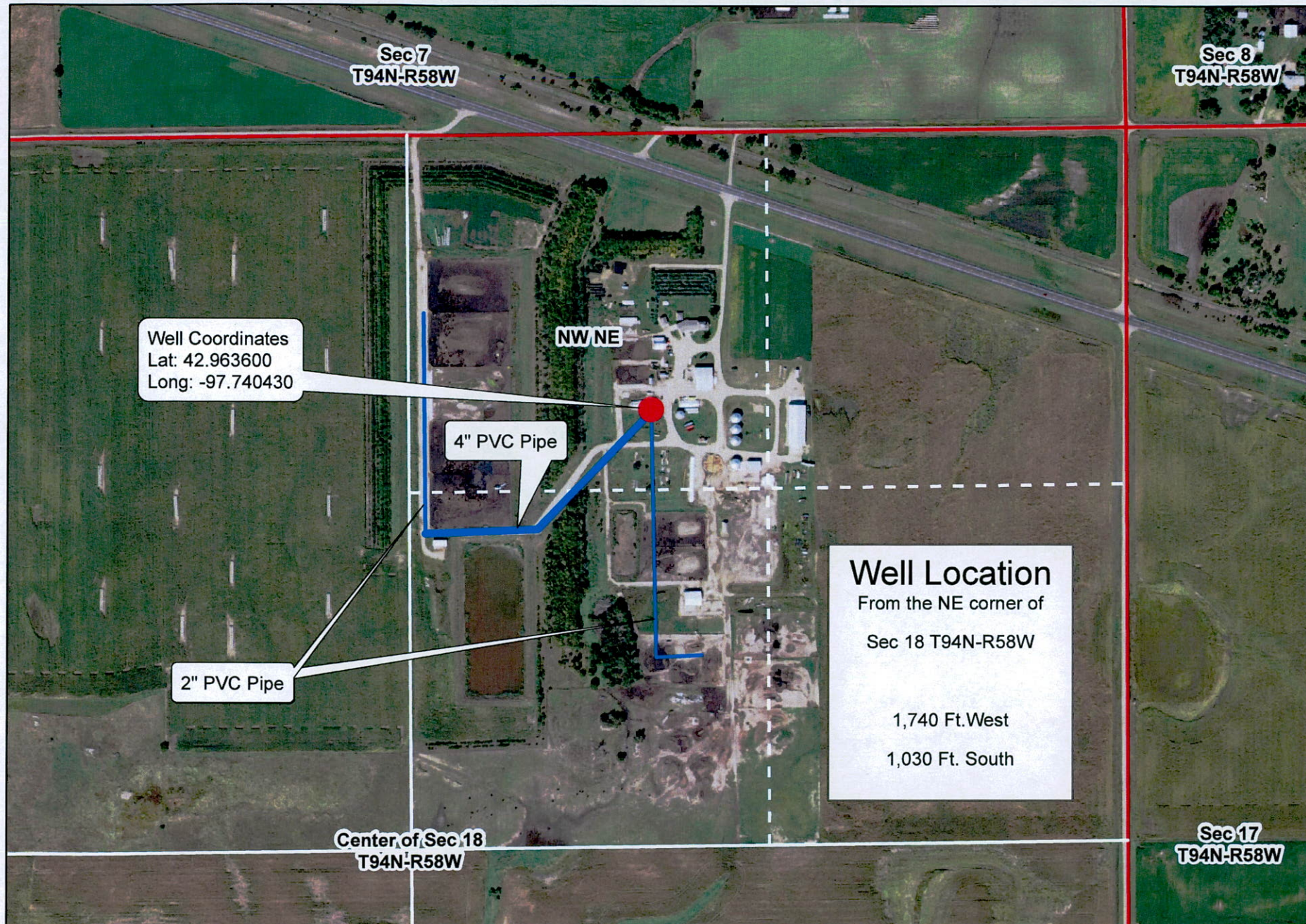
F. Comments or other permit(s) associated with the project: None.



Keith DeJong
Water Rights Inspector
DENR, Water Rights Program

Date report completed: February 4, 2019

Water Right No. 7359-3



Keith DeJong
Keith DeJong, PE
Staff Engineer
February 4, 2019



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAY 27 2019

7359-3

James C Kokes
42273 SD Hwy 50
Tabor SD 57063

Dear Mr. Kokes:

Enclosed is Water License No. 7359-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

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

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STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7359-3

(1) James C Kokes, 42273 SD Hwy 50, Tabor SD 57063 made Application No. 7359-3, May 23, 2012 for a water permit to divert 0.10 cubic feet of water per second from ground water, one well (Codell Aquifer), Bon Homme County, South Dakota for commercial purposes. Permit No. 7359-3, with a priority date of May 23, 2012 was approved July 16, 2012 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 16, 2017 and for the application to beneficial use of said water on or before July 16, 2021.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.067 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,740'W and 1,030'S of the NE corner of Section 18, T94N, R58W (NW ¼ NE ¼)
Latitude 42.963600, Longitude -97.740430

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for commercial purposes in a cattle feedlot operation.

(4) Pursuant to South Dakota Water Law 46-5-30.1 James C Kokes, 42273 SD Hwy 50, Tabor SD 57063 the holder and/or owner of Water Right No. 7359-3 is issued a license to appropriate water, the right to use 0.067 cubic feet of water per second from ground water, one well (Codell Aquifer) with a priority date of May 23, 2012 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7359-3 and subject to the following qualification:

- 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.


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

MAY 22 2019

date

