

WATER PERMIT NO. 7664-3

Name of Applicant: James & Jason Kokes

Address: 42273 SD Hwy 50, Tabor SD 57063 Phone: 605 660-9462

Amount of Water Claimed: 1.78 cfs Total Acres: 90 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Bon Homme

Type of Waste Disposal System:

Location: 5 miles west of Tabor

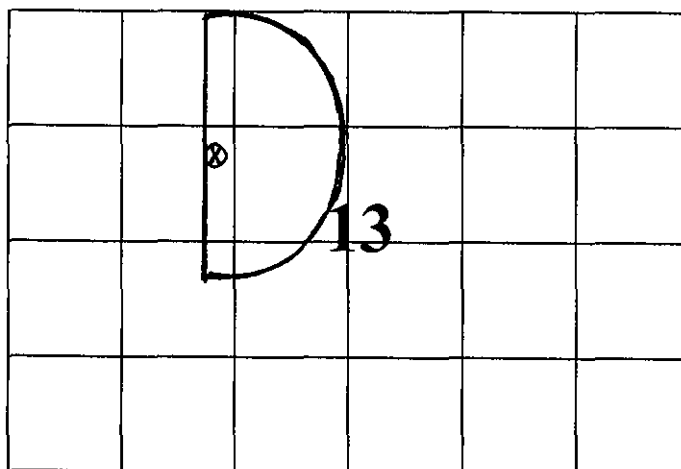
PRIORITY Date Received: 1-28-13 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: June 1 – Sept 30

Remarks: Requestion diversion rate greater than statutory limit

Diversion Point: SW 1/4 NW 1/4 Sec 13-T94N-
R59W

Land to be Irrigated: NW 1/4, N 1/2 SW 1/4 Sec
13-T94N-R59W



Depth of Well: 179 feet deep

Well Driller: Thein Well Drilling

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-28-13

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>7664-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u> <u>605-589-3242</u>
	Newspaper <u>Tribune & Register Box 520 Tyndall 57066</u> <u>605-465-7811</u>
	<u>Press & Dakotan 319 Walnut Junction 57278</u>

RECEIVED

JAN 28 2013

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____

(Use predates Mar 2, 1955)

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

1. Name to Appear on Irrigation Permit James Kokes + Jason Kokes
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____
(name and complete address if different than above name)Mailing Address 42273 SD Hwy 50 Tabor SD 57063
(Address) (City) (State) (Zip Code)Home Phone 605 463-2426 Cell 660-9462 Email jd.kokes@hcinet.net2. Amount of water claimed 1.78 *CFS or 860 **GPM ***AF Total Acreage 90
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply Well4. Location of point of diversion one well in NW 1/4 Section 13 T94N R59W
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)
CSW 1/4 NW 1/4 County Bon Homme5. County or counties where water will be used Bon Homme6. Annual period during which water is to be used June - Sept 307. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>1/2 Section 13 T94N R59W</u>		<u>NW 1/4</u>	<u>80</u>
		<u>N 1/2 SW 1/4</u>	<u>10</u>

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

Irrigation well for purpose of irrigating row crop
Requesting diversion rate greater than statutory limit.

I, James C Kokes, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7664-3**

Date of first receipt of application January 28, 2013.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7664-3 to James Kokes and Jason 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. 7664-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Codell Aquifer (207 feet deep) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 90 acres located in the NW 1/4, N 1/2 SW 1/4 Section 13; all in T94N-R59W.
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: June 1 – September 30.
3. The date from which applicant may claim right is January 28, 2013.
4. The date of approval of Permit No. 7664-3 is April 15, 2013.
5. One-fifth of the construction is to be completed on or before October 15, 2015.
6. All construction is to be completed on or before April 15, 2018.
7. Water is to be put to beneficial use on or before April 15, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7664-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7664-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 90 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

MAY 20 2013

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

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

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

c) Well Depth Depth to Top of Water Bearing Material Depth to Water from Surface

d) Distance to nearest existing domestic well:

On applicant's property 1500 feet On property owned by others 3500 feet

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)

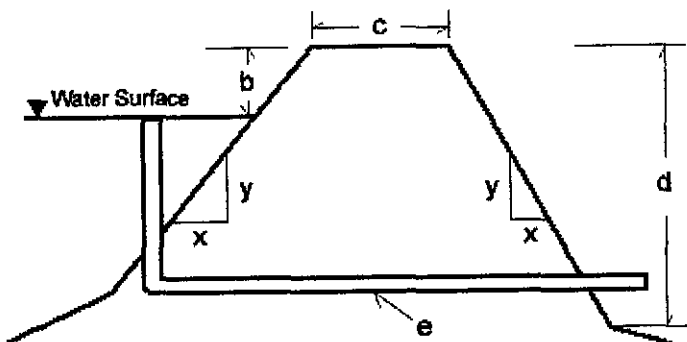
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres





United States Department of Agriculture
Farm Service Agency



RECEIVED

April 06, 2010

JAN 28 2013

PLSS: 13_94N_59W
Farm: 3871

Bon Homme County, SD

1:7,779

WATER RIGHTS
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Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Common Land Units

//// Non Cropland

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.

2008 Ortho-Photography - Not to Scale

HEIN WELL CO. - WELL LOG

WELL CO.

WELLS ~ PUMPS
SALES ~ SERVICE

NE (ACROSS FROM RINGO LAKE)
56288 • (320) 796-2111

Since 1893

ORDER

2507 8685

422730 30 Hwy 56 Taboo 50
57063

42° 57' 729 N 97° 46' 165 W

Hole Size: 5"

12/4/12 Well Size:

Depth: 207'

Data: TEST H/L

Slot:

P.L.: GPM:

Jeff Johnson

Mat

from 207 to 0 ft bags

PHONE HOME: 605-660-9862

WORK:

NOTIFICATION FILED

UTILITY SEARCH DONE BY:

WATER SAMPLE TAKEN

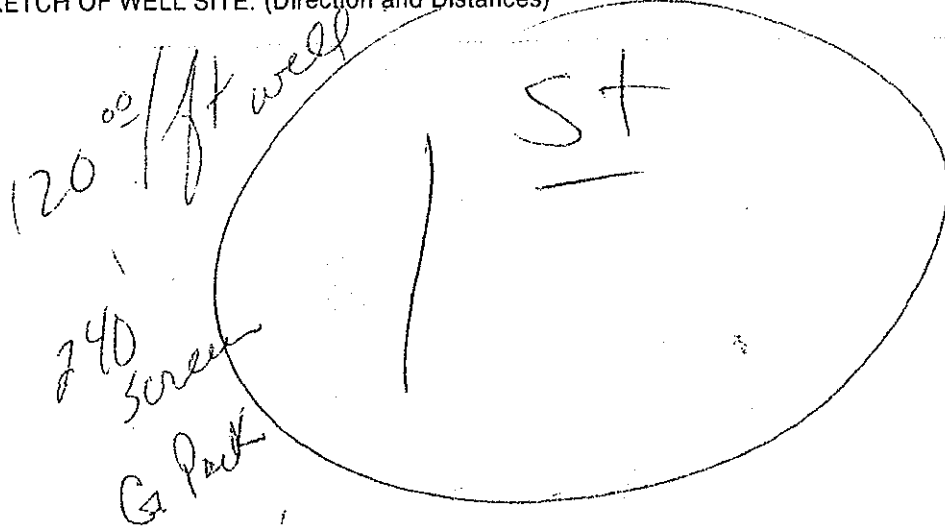
BY:

DATE:

TANK TEE SWITCH

For irrigation

KETCH OF WELL SITE: (Direction and Distances)



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JAN 28 2013

WATER RIGHTS
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RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/28, 20 13

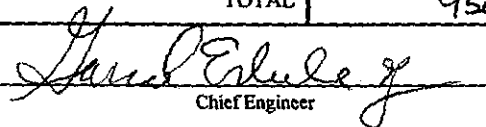
RECEIVED OF Jason Kokes 42273 SD Hwy 50 Tabor SD 57063

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	750	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. _____	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	950.00

No. 06045

By


Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7664-3, James Kokes and Jason 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. 7664-3, James Kokes and Jason Kokes, 42273 SD Hwy 50, Tabor SD 57063.

The Chief Engineer is recommending APPROVAL of Application No. 7664-3 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. 7664-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7664-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 90 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
March 26, 2013

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7664-3
JAMES KOKES & JASON KOKES
MARCH 26, 2013

Water Permit Application No. 7664-3 proposes to appropriate water for irrigation at a maximum diversion rate of 1.78 cubic feet of water per second (cfs) from one well to be completed into the Codell aquifer. The well is expected to be 207 feet deep and is to be located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, T94N-R59W. This permit application proposes to irrigate 90 acres located in the NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; all in T94N-R59W in Bon Homme County. The applicant is requesting a diversion rate greater than the statutory limit.

AQUIFER: Codell aquifer (CDLL)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The well completion report that was submitted as part of this application indicates that the well's total depth will be 207 feet. The screen would then be in what the driller called "corse sand" that is 179 to 204 feet below grade. In the area of this application, the top of the Codell aquifer is estimated to be approximately 180 to 200 feet below ground surface (Jorgensen, 1971).

The Codell Sandstone Member of the Carlile Shale is a siltstone to fine-grained sandstone (Jorgensen, 1971). The Codell can be up to 100 feet thick, but is usually 25 feet thick. The aquifer can be encountered between 100 and 900 feet below grade. The Codell underlies approximately 7,750 square miles (4,960,000 acres) of South Dakota and contains an estimated 9,895,700 acre-feet of recoverable water in storage (Hedges et. al, 1982). The Codell underlies approximately 535 square miles (342,400 acres) of Bon Homme County and contains an estimated 684,800 acre-feet of recoverable water in storage in the county (Hedges et. al, 1982). The Codell is generally overlain by impermeable shale and the aquifer is under confined conditions in the area of this application (Jorgensen, 1971). The U.S. Geological Survey conducted an 8-hour aquifer test on the municipal well at the town of Avon, SD and identified an aquifer transmissivity of 400 gallons per day per foot of drawdown and an approximate storage coefficient of 0.001 (Jorgensen, 1971). Figure 1 shows a map of the Codell Sandstone member of the Carlile Shale in South Dakota.

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 availability of unappropriated water and existing rights from the aquifer.

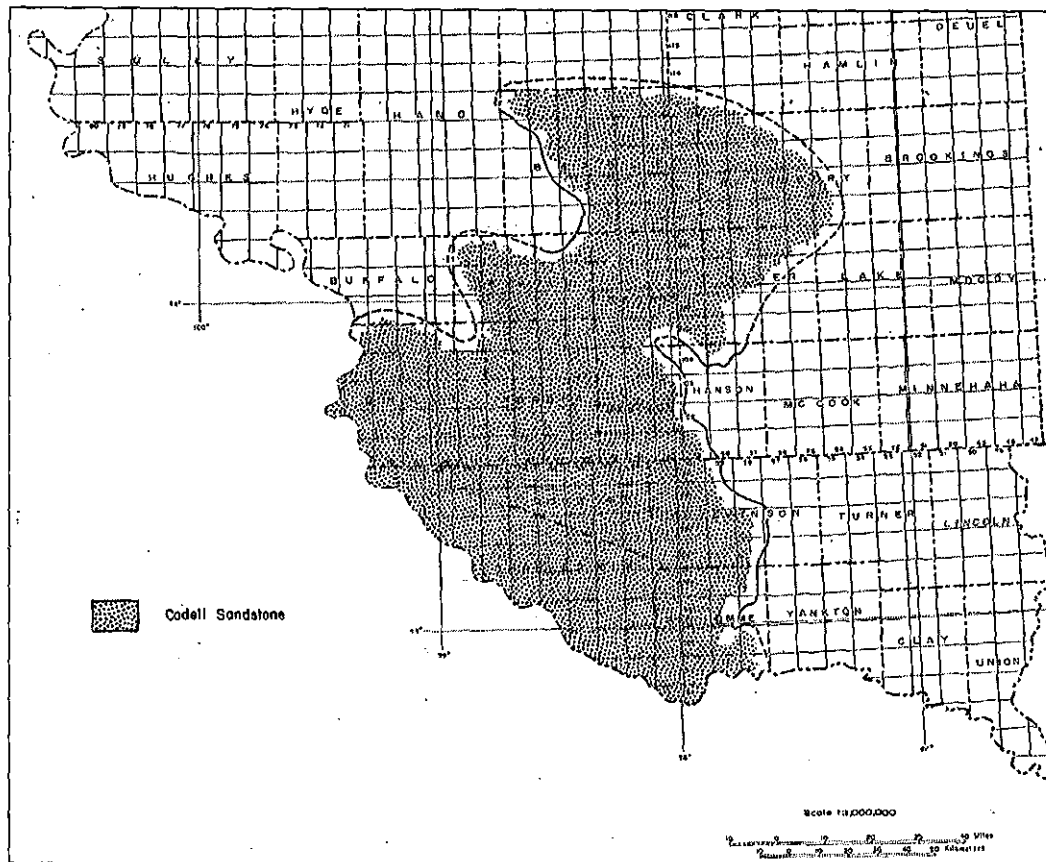


Figure 1- Map of Codell Sandstone in South Dakota (modified from Hedges et. al, 1982)

WATER AVAILABILITY:

Actual water use, if this application is approved, will most likely be less than 180 acre-feet/year. 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 (Jorgensen, 1971). According to Hedges and others (1985):

"The Niobrara Formation, Codell Sandstone, Inyan Kara Group and Madison Group have such high storage and low use (table 19) that it is unlikely that use is approaching or exceeding recharge. Furthermore, there is no evidence of significant head loss in any of these aquifers over the years that would suggest that use is exceeding recharge."

Discharge:

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

are 36 water rights/permits appropriating water from the Codell aquifer (Water Rights, 2013b). The breakdown of the authorized uses of the 36 water rights/permits is shown in table 1. Most of the water rights/permits issued for municipal use are only used as backup to the rural water supply that most of the towns use. Non-irrigation appropriations, not including the municipal water rights/permits that are used as a backup to rural water, are expected to use less than 2,072 ac-ft/yr. The municipal water rights/permits that are used as backup to rural water would likely use less than 1,307 ac-ft/yr. Those estimations are based on pumping at the maximum allowed diversion rate for 60 percent of the time. A summary of irrigation water use from the Codell aquifer is shown in table 2.

Type	Number
Commercial	3
Commercial/Livestock Confinement Operation	8
Domestic	1
Domestic/Livestock Confinement Operation	2
Industrial	1
Institutional	4
Irrigation	2
Municipal	14
Recreational/Fish and Wildlife Propagation	1
Total	36

Table 1- Breakdown of types of use of water rights/permits authorized from the Codell aquifer (Water Rights, 2013b)

	No. of Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
Min	0	0	0
Max	3	1410	210
Avg	0.73	200.18	25.57

Table 2- Summary of irrigation water use from the Codell aquifer as reported through irrigation questionnaires (Water Rights, 1979-2012)

Maximum annual pumpage by appropriative rights from the Codell aquifer is not expected to exceed 3,589 ac-ft and will likely be less than 2,282 ac-ft. The Codell aquifer has been extensively developed for domestic use. There are many well completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Codell aquifer (Water Rights, 2013c). Based on the volume of water available from the Codell aquifer and that there has not been much development by appropriative rights, there is a reasonable probability that unappropriated water is available from the Codell aquifer for this proposed appropriation.

Observation Well Data:

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

The DENR-Water Rights Program monitors 21 observation wells completed into the Codell aquifer in South Dakota (Water Rights, 2013a). The nearest of these wells is HT-83E, which is located approximately 15 miles north-northwest of the proposed well site. A hydrograph for this observation well is shown in figure 2. Due to the distance from of the observation well to the proposed well site, this observation well cannot indicate the local characteristics of the aquifer or possible effects of nearby pumping in the area of the proposed well site. However, this observation well data can provide representative general characteristics of the Codell aquifer and the groundwater available.

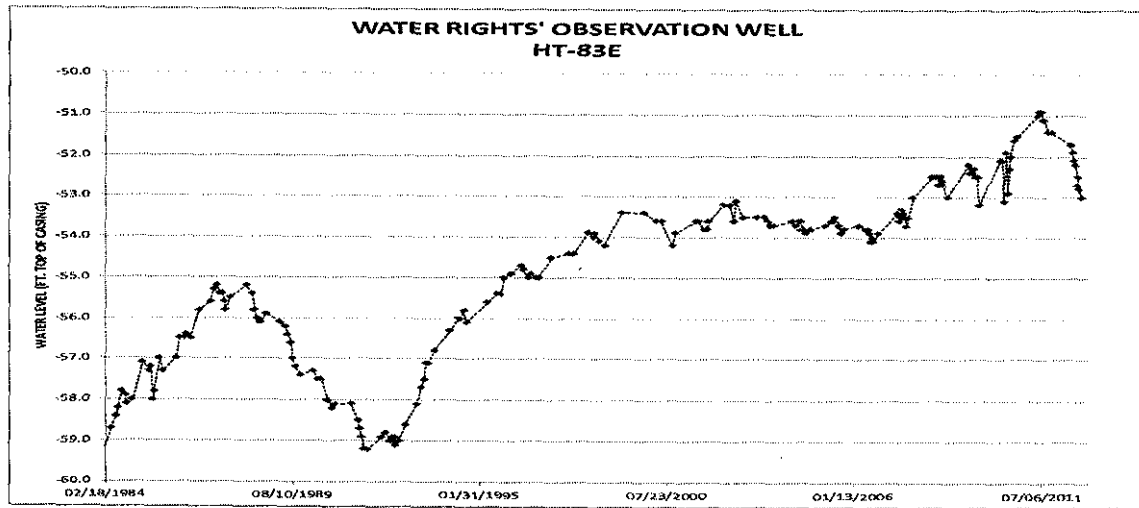


Figure 2- Hydrograph of DENR-Water Rights' observation well HT-83E (Water Rights, 2013a)

The observation well data documents cyclical conditions of water levels, recharging during wet years and declining during dry years. Temporal well withdrawal near this well is masked by the climatic conditions. This indicates that recharge to natural discharge from the Codell aquifer greatly exceeds well withdrawal. Recognizing that natural discharge can be captured for pumping, this hydrograph indicates that in general unappropriated water is available from the Codell aquifer to support this proposed appropriation.

EXISTING WATER RIGHTS:

There are three water rights/permits authorizing wells within approximately 15 miles of the proposed well site. These water rights/permits are shown in table 3. The well authorized by Water Right No. 5330-3 is used as a backup for rural water. As shown in table 3 only Water Permit No. 7469-3 authorizes a well within eight miles of the proposed well site.

Permit No.	Name	Status	Type	CFS	Acres	Distance (miles)
5330-3	City of Avon	LC	MUN	0.33		14.9
7359-3	James Kokes	PE	COM/LCO	0.1		8.6
7469-3	William Chenoweth	PE	IRR	3.11	217	1.5
LC= Water Right, PE= Water Permit, MUN= Municipal, COM= Commercial, LCO= Livestock Confinement Operation, IRR= Irrigation						

Table 3— Water Rights authorizing wells completed into the Codell aquifer within approximately 15 miles of the proposed well location (Water Rights, 2013b)

There are a number of well completion reports on file with the SD DENR-Water Rights Program for nearby domestic wells that may be completed into the Codell aquifer (Water Rights, 2013c). SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner’s needs”

Depending on the specific characteristics of the Codell aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from the proposed appropriation is not likely to cause a significant impact. Most of the area is now served by rural water as well. Therefore, there is a reasonable probability that any interference will not be adverse.

SDCL 46-5-6

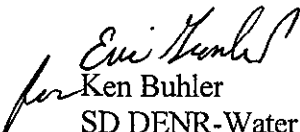
Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs per second for every 70 acres, or “the equivalent thereof.” The statute does provide that the Water Management Board may allow a greater diversion if the method of irrigation so requires. Water Permit Application 7664-3 proposes to divert 1.78 cfs (800 gpm) for the irrigation of 90 acres, or the equivalent of 1.38 cfs per 70 acres. On the map submitted with the application, the applicant indicated that the pivot would only make a half circle. That justification has been accepted as reasonable in the past.

CONCLUSIONS:

1. This application proposes to appropriate water at a maximum diversion rate of 1.78 cubic feet per second from the Codell aquifer for the irrigation of 90 acres.
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 affecting existing water rights and domestic users.
4. The applicant has requested a diversion rate in excess of the statutory limit. No direct justification was provided, but the map submitted with the application indicated that the center pivot would only be making a half circle.


Adam Mathiowetz
SD DENR-Water Rights Program

Approved By:


Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.

Hedges, L.S. J. Allen, and D.E. Holly. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.

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

Water Rights. 1979-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.

Water Rights. 2013a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2013b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Water Rights. 2013c. Water Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

Affidavit of Publication

RECEIVED

State of South Dakota }
County of Bon Homme } SS

APR - 8 2013

WATER RIGHTS
PROGRAM

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

#7664-3 - Kokes

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

<u>April 3</u>20 <u>13</u>	20.....
.....20.....	20.....
.....20.....	20.....
.....20.....	20.....

That the full amount of the fee charged for the publication of said notice, \$24.92....., 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 whatsoever.

Rebecca Tydz

Subscribed and sworn before me this
3rd day of April 2013..

Gregory Schultze

Notary Public, South Dakota

my COMMISSION Expires 10-24-2015

NOTICE OF APPLICATION

NO: 7664-3 to Appropriate Water

Notice is given that James Kokes and Jason Kokes, 42273 SD Hwy 50, Tabor SD 57063 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Codell Aquifer (207 feet deep) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 90 acres located in the NW 1/4, N 1/2 SW 1/4 Section 13; all in T94N-R59W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of

Application No. 7664-3 because 1) unappropriated water is available, 2) existing rights will not be unreasonably 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 April 15, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Firmer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$24.92

(April 3)

RECEIVED

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PROGRAM

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

4-3

NOTICE OF APPLICATION
NO. 7664-3 to Appropriate Water

Notice is given that James Kokes and Jason Kokes, 42273 SD Hwy 50, Tabor SD 57063 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Codell Aquifer (207 feet deep) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 90 acres located in the NW 1/4, N 1/2, SW 1/4 Section 13; all in T94N-R39W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7664-3 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 this 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 April 15, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$26.15.

Department of Environment and Natural Resources
PMB 2020
Joe Foss Building
523 East Capitol
Pierre, 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. 7664-3

TAKEN FROM THE PAPER, IN WHICH IT WAS LAST PUBLISHED IN THE NEWSPAPER ON THE 3rd DAY OF April 2013 THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION OF SAID NOTICE TO WIT \$26.15 ENSURES TO THE BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO AGREEMENT AND UNDERSTANDING FOR THE DIVISION THEREOF HAS BEEN MADE WITH ANY OTHER PERSON, AND THAT NO PART THEREOF HAS BEEN AGREED TO BE PAID TO ANY PERSON WHOMSOEVER.

PUBLISHED ON: 4/3/2013

FILED ON: 4/3/2013

SUBSCRIBED AND SWORN TO BEFORE ME THIS

3rd

DAY OF

April

2013

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2015



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 27, 2013

Tribune & Register
PO Box 520
Tyndall SD 57066

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7664-3 to Appropriate Water. Please publish the notice once on April 3, 2013. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is James Kokes & Jason Kokes, 42273 SD Hwy 50, Tabor SD 57063 (Ph # 605-463-2426).

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

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

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 27, 2013

Press & Dakotan
319 Walnut
Yankton SD 57078

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Natural Resources Engineer
605 773-3352

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and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

March 27, 2013

James Kokes & Jason Kokes
42273 SD Hwy 50
Tabor SD 57063

Dear Sirs:

Water Permit Application No. 7664-3 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 Tribune & Register 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

enclosures

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

Instruction to Newspaper - Publish the Notice on April 3, 2013. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7664-3 to Appropriate Water

Notice is given that James Kokes and Jason Kokes, 42273 SD Hwy 50, Tabor SD 57063 have filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Codell Aquifer (207 feet deep) located in the SW 1/4 NW 1/4 Section 13 for irrigation of 90 acres located in the NW 1/4, N 1/2 SW 1/4 Section 13; all in T94N-R59W. The applicant is requesting a diversion rate greater than the statutory limit.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7664-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

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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 _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAY 20 2013

James Kokes & Jason Kokes
42273 SD Hwy 50
Tabor SD 57063

Dear Mssrs. Kokes:

Enclosed is Water Permit No. 7664-3 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,

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

enclosures

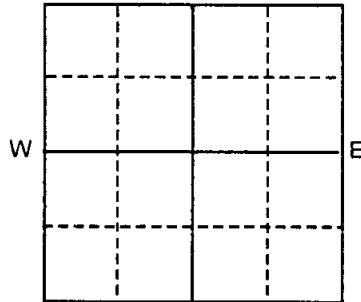
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NW ¼ NW ¼ Sec 13 Twp 94N Rg 59W

County Bon Homme

North

Please mark well
location with an "X"

Well Completion Date

October 29, 2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
100.0 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	12.00 IN	0.0 FT	180.0 FT	18.00 IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Bentonite	57	Lb/gal	0.0 Ft	178.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured

Diameter 12.00 Inches

Length 20.0 Feet

Material stainless steel

Slot Size .080 Set From 180.0 Feet to 200.0 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

n/a

Well Owner: Jason Kokes

Business Name:

Address: 42273 SD Hwy 50

City, State, Zip: Tabor SD 57063

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Top soil	0	1
Yellow clay	1	22
Blue clay	22	66
Coarse sand	66	76
Blue clay w/sand seams	76	96
Sandy blue clay	96	179
Coarse sand	179	204
Boulder	204	207

STATIC WATER LEVEL 7.0 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

16.0 Ft. After 8.0 Hrs. pumped 740.0 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: 1,300.0 GPM

REMARKS

GPS: N 42 57.729

W 97 46.165

RECEIVED

APR - 7 2014

WATER RIGHTS
PROGRAMThis 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: 3/31/14



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

OCT 01 2019

7664-3
8404-3

James and Jason Kokes
42237 SD Hwy 50
Tabor SD 57063

Dear Sirs:

Enclosed are Water Permit and License No. 8404-3. These are the final documents completing your process of obtaining a Water Right. Also, included is a map prepared by the staff engineer who conducted the investigation.

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

At the time the irrigation project was inspected for licensing, the staff engineer made note of the equipment used to apply chemicals or fertilizer through your center pivot system. In order to bring the equipment into compliance, a hose will need to be installed to the low pressure drain to allow discharge to be routed at least 20 feet away from the well.

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

Note: The applicable portions of No. 7664-3 are incorporated into Water License No. 8404-3.