

WATER PERMIT NO. 8291-3

Name of Applicant: Jackrabbit Family Farms

Address: PO Box 188, Pipestone MN 56164

Phone: 605 825-4211

Amount of Water Claimed: 0.084⁵ cfs

Total Acres: NA

Source of Water Supply: groundwater (3 wells)

Water to be used for: commercial

County: Davis~~on~~

Type of Waste Disposal System:

Location: approximately 10 miles south of Mt. Vernon

PRIORITY

Date Received: 6-15-17

Application/License Fee: \$ 300

Corrected Application Received:

Period of Annual Use: January 1 – December 31

Remarks: ^{CAFO}
swine confinement facility

Diversion Point: SE 1/4 SE 1/4 Sec 8-T101N-
R62W

Land to be Irrigated: NA

Depth of Well: 422, 375, 335 feet deep

Well Driller: Dave Putzke Drilling & Chase

Remarks:

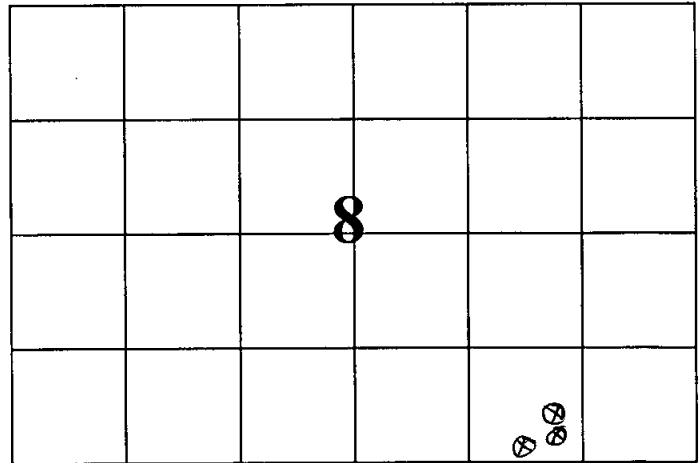
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-19-17

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585LD V5

FORM 2: Application for uses other than irrigation
(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8291-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Republic, Mitchell</u>

RECEIVED
JUN 15 2017
WATER RIGHTS
PROGRAM

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

Check use(s) of water:

☐ Municipal	☐ Water Distribution System	☐ Recreational	☐ Institutional
☐ Rural Water System	☒ Commercial	☐ Fish & Wildlife	☐ Geothermal
☐ 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 to Appear on Water Permit Jackrabbit Family Farms

Mailing Address 1400 S Hwy 75, PO Box 188 Pipestone MN 56164
(Address) (City) (State) (Zip Code)
 Phone (507) 825-4211 Mobile _____ Email barry.kerkaert@pipestone.com

2. Amount of water claimed 0.085 *CFS or 38 **GPM and 50 ***AF or _____ Gallons
Flow rate and volume are both required. (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use)

3. Source of water supply _____

4. Location of point of diversion 3 wells in the SE 1/4 of the SE 1/4 of section 8-101N-62W County Davidson
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No

If "Yes," where will water be used? SE 1/4 SE 1/4 Sec 8-T101N-R62W (facility location)
(example - NW1/4 section 12-T104N-R53W)

5. County or counties where water will be used Davidson6. Annual period during which water is to be used January 1 thru December 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)

Jackrabbit Family Farms is an existing swine farrowing operation which is permitted for a maximum of 6,616 swine over 55lbs and 1,200 swine under 55lbs. The CAFO Permit has been issued by the SD DENR.

I, Barry Kerkaert [Signature] Managing Partner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

2015-10

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)

**SOUTH DAKOTA
WATER PERMIT NO. 8291-3**

Date of first receipt of application June 15, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8291-3 to Jackrabbit Family Farms, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164 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. 8291-3 appropriates 50 acre feet of water annually at a maximum diversion rate of 0.085 cubic feet of water per second from three wells completed into the Codell aquifer (422, 375 and 366 feet deep) located in the SE 1/4 SE 1/4 Section 8 for commercial use in a swine livestock confinement facility located in the SE 1/4 SE 1/4 Section 8; all in T101N-R62W. The facility is located approximately ten miles south of Mt. Vernon SD.
2. The water appropriated shall be used for the purpose of commercial use 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. 8291-3 is September 11, 2017.
5. The date from which applicant may claim right is June 11, 2017.
6. One-fifth of the construction is to be completed on or before March 11, 2020.
7. All construction is to be completed on or before September 11, 2022.
8. Water is to be put to beneficial use on or before September 11, 2026.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

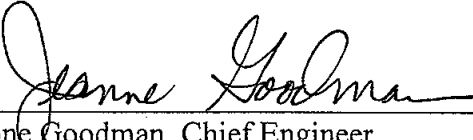
QUALIFICATIONS

1. The wells approved under Water Permit No. 8291-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8291-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Water Permit No. 8291-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Codell aquifer.
5. Water Permit No. 8291-3 authorizes a total annual diversion of 50 acre feet of water.

WATER MANAGEMENT BOARD

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

OCT 02 2017

date



Supplemental Information

(type or print)

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WATER RIGHTS
PROGRAM

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

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

b) If existing wells, how many 3 Provide copy of log(s), if available. Drilled by Chase Drilling & Dave Putzke Drilling

For either Existing or Proposed Wells:

c) Well Depth (required) 422 Depth to Top of Water Bearing Material ____ Depth to Water from Surface 203

d) Distance to nearest domestic well on applicant's property none Property owned by others unknown

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)

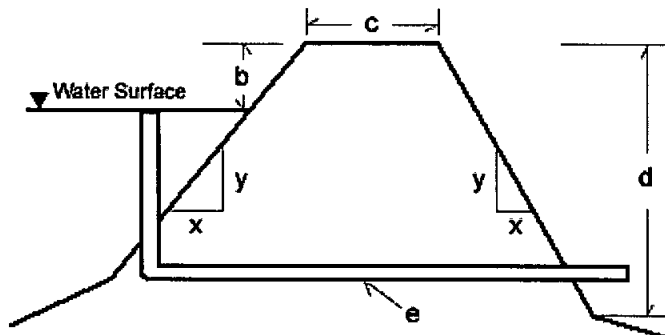
Upstream ____

Downstream ____

h) Surface Area of Impoundment ____

i) Storage ____ Acre Feet

j) Drainage Area Above Dam ____ Acres

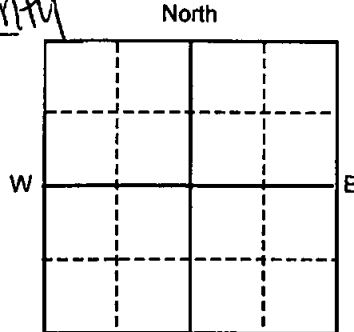


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 8 Twp 101 Rg 62County Davison County

Please mark well location with an "X"



Well Completion Date

4-2013

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from NONE (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

ROTARY MUD

CASING DATA:

If other describe

☐ Steel ☐ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>340 FT</u>	<u>8 3/4 IN</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>NEAT CEMENT</u>	<u>7</u>	<u>15.5 Lb/gal</u>	<u>0 Ft</u>	<u>30 Ft</u>
<u>BH GROUT</u>	<u>22</u>	<u>9.5 Lb/gal</u>	<u>30 Ft</u>	<u>300 Ft</u>

Describe grouting procedure

TREMIE PIPE

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 5 inches Length 35 FeetMaterial PVC 250Slot Size 22,000 Set From 340 Feet to 375 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine
☐ No, Why Not?
 Lab to which water quality sample sent for analysis
Well Owner: JACK RABBIT FAMILY FARMS

Business Name:

Address: P.O. Box 370 1801 FORMAN DRIVECity, State, Zip: PIPESTONE, MN 56164

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>TOP SOIL</u>	<u>0</u>	<u>2</u>
<u>YELLOW CLAY</u>	<u>2</u>	<u>46</u>
<u>BLUE CLAY</u>	<u>46</u>	<u>175</u>
<u>CHALK</u>	<u>175</u>	<u>225</u>
<u>SHALE</u>	<u>225</u>	<u>333</u>
<u>SANDSTONE - FAIR</u>	<u>333</u>	<u>340</u>
<u>SANDSTONE - GOOD</u>	<u>340</u>	<u>375</u>
<u>SHALE</u>	<u>375</u>	<u>380</u>

STATIC WATER LEVEL 206 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☒ OtherDEVELOPED WITH AIR

Pumping Level Below Land Surface

250 Ft. After 24 Hrs. pumped 25 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: 18 GPM

REMARKS

This well was drilled under license # 296 and this report is true and accurate.Drilling firm: CHASE DRILLING INC.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder: RECEIVEDTom Fila, Mgr JAN 02 2015Date: 10-24-14

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WATER RIGHTS PROGRAM

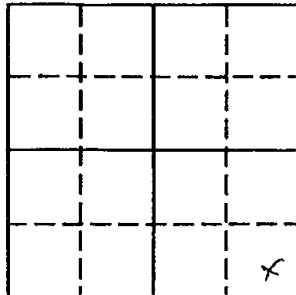
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE 1/4 SE 1/4 Sec 8 Twp 101 Rg 62

County Davidson

North



Please mark well location with an "X"

Well completion Date 6-19-16

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? 200 ft. from Hog (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>335 FT</u>	<u>8 3/4 IN</u>
<u>SC80 LB/FT</u>	<u>2 IN</u>	<u>335 FT</u>	<u>366 FT</u>	<u>4 1/2 IN</u>
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>45</u>	<u>Lb/gal</u>	<u>0 FT</u>	<u>335 FT</u>
		<u>Lb/gal</u>	<u>FT</u>	<u>FT</u>

Describe grouting procedure Pumped through well casing

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 2 Inches Length 31 Feet
Material PVC SC 80 Screen
Slot Size 25 Set From 335 Feet to 366 Feet
Other information 0 pack

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material? Slurry

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of chlorine
☐ No, Why Not? Pumped
Lab sample sent to for water quality analysis

Well Owner: Jack Rabbit

Business Name:

Address: P.O. Box 370

City, State, Zip: Pipestone, MN 56164

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top soil</u>	<u>0</u>	<u>3</u>
<u>Yellow clay</u>	<u>3</u>	<u>51</u>
<u>Blue clay</u>	<u>51</u>	<u>170</u>
<u>Chalk</u>	<u>170</u>	<u>220</u>
<u>Shale</u>	<u>220</u>	<u>335</u>
<u>Sand</u>	<u>335</u>	<u>366</u>
<u>Shale</u>	<u>366</u>	

STATIC WATER LEVEL 203 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

315 Ft. After 24 Hrs. pumped 10 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

No Pump

Codell JF

This well was drilled under license # 439

And this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & Repair Inc

Signature of License Representative:

Dave Putzke

RECEIVED

Signature of Well Owner or Equitable Property Holder: JUN 29 2016

WATER RIGHTS PROGRAM

Date:

Please return **WHITE COPY** to: DENR Water Rights

523 E Capitol Ave. Pierre SD 57501

SOUTH DAKOTA WATER WELL COMPLETION REPORT

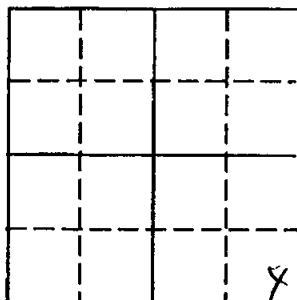
11-02

Location SE 1/4 SE 1/4 Sec 8 Twp 101 Rg 62

County

Davidson

North



Please mark well location with an "X"

Well completion Date

6-8-16

1 Mile

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

200 ft. from Hog (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
<u>250 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>380 FT</u>	<u>8 3/4 IN</u>
<u>SC 80 LB/FT</u>	<u>2 IN</u>	<u>380 FT</u>	<u>422 FT</u>	<u>IN</u>
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>50</u>	<u>Lb/gal</u>	<u>0 FT</u>	<u>380 FT</u>
		<u>Lb/gal</u>	<u>FT</u>	<u>FT</u>

Describe grouting procedure Pumped through well casing

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 2 1/2 Inches Length 42 Feet
 Material PVC SC 80 Screen
 Slot Size 25 Set From 380 Feet to 422 Feet
 Other information 0 Pack

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No

If so, what material?

Slurry

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? 5 gallons of chlorine
☐ No, Why Not? Pumped
 Lab sample sent to for water quality analysis

Well Owner:

Jack Rabbit

Business Name:

Address:

P.O. Box 370

City, State, Zip:

Pipestone, MN 56164

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>3</u>
<u>Yellow clay</u>	<u>3</u>	<u>52</u>
<u>Blue Clay</u>	<u>52</u>	<u>180</u>
<u>Chalk</u>	<u>180</u>	<u>224</u>
<u>Shale</u>	<u>224</u>	<u>335</u>
<u>Shit Sand</u>	<u>335</u>	<u>366</u>
<u>Shale</u>	<u>366</u>	<u>380</u>
<u>Nice Sand</u>	<u>380</u>	<u>422</u>

STATIC WATER LEVEL

205

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:

Air

☐ Bailed

☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

40 gpm AT 260'

Codell 3F

This well was drilled under license #

439

And this report is true and accurate.

Drilling firm: Dave Putzke well Drilling & Repair, Inc.

Signature of License Representative:

Dave Putzke

RECEIVED

JUN 29 2016

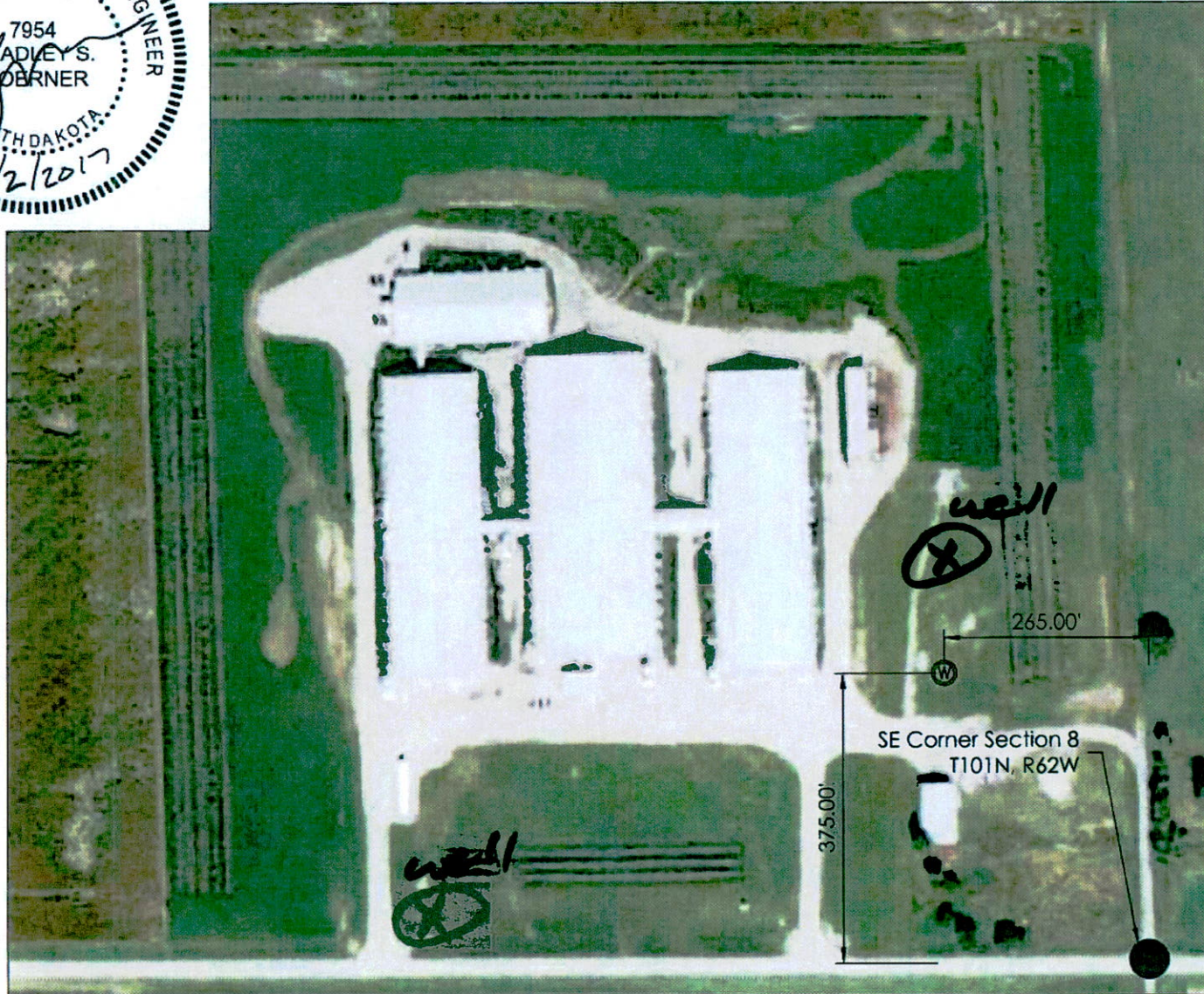
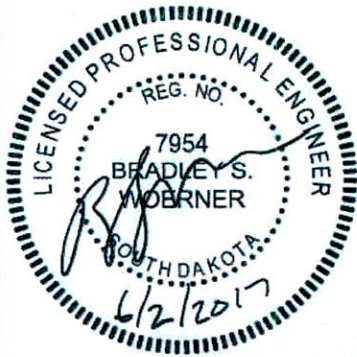
Signature of Well Owner or Equitable Property Holder:

WATER RIGHTS PROGRAM

Date:

523 E Capitol Ave. Pierre SD 57501

Please return WHITE COPY to: DENR Water Rights



1" = 200'

Jackrabbit Farms
Davidson County
SE 1/4, 8-101-62

REVISION SCHEDULE
ISSUE/REVISION DATE

SEI PROJECT #: 12129.D01

Water Rights

WELL



Sec 5
T101N
R62W

Sec 4
T101N
R62W

Sec 8
T101N
R62W

Sec 9
T101N
R62W

Sec 7
T101N
R62W

Sec 18
T101N
R62W

Sec 17
T101N
R62W

Sec 16
T101N
R62W

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 15, 20 17

RECEIVED OF Jankrabbitt Family Pork, LLC PO Box 370 Pipesgone, MN 56168

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

Fee for Application for Permit No. <u>8291-3</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>8291-3</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. **08274**

By Jeanne Goodman Em
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8291-3, Jackrabbit Family Farms**

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. 8291-3, Jackrabbit Family Farms, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164.

The Chief Engineer is recommending APPROVAL of Application No. 8291-3 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 wells approved under Water Permit No. 8291-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner, under these Permits shall control withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. Water Permit No. 8291-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
3. Water Permit No. 8291-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

(continued)

4. The Permit holder shall report to the Chief Engineer annually the amount of water withdrawn from the Codell aquifer.
5. Water Permit No. 8291-3 authorizes a total annual diversion of 50 acre feet of water.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "Jeanne Goodman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jeanne Goodman, Chief Engineer

August 15, 2017

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8291-3

Jackrabbit Family Farms

August 8, 2017

Water Permit Application No. 8291-3 proposes to appropriate water at a maximum instantaneous diversion rate of 0.085 cubic feet per second (cfs) and a maximum annual appropriation of 50 acre-feet per year. The diversion points for this application are three existing wells completed into the Codell aquifer at depths of 422, 375, and 366 feet and are located in the SE ¼ SE ¼ Section 8 in T101N-R62W. This water will be used for commercial use in an existing swine livestock confinement operation also located in the SE ¼ SE ¼ Section 8 in T101N-R62W in Davison County, SD.

AQUIFER: Codell (CDLL)

HYDROGEOLOGY

The Codell aquifer consists of portions of the Codell Sandstone Member of the Cretaceous aged Carlile Shale. The Codell Sandstone Member consists of brown, fine to medium grained, moderately cemented sandstone with a hard, well cemented upper layer and some interbedded shale layers (Hanson, 1983). The well logs for the existing wells show that the aquifer in the immediate area is overlain by 108 to 115 feet of shale, 44 to 50 feet of chalk (Niobrara Formation), and 170 to 180 feet of clay. The first sand unit encountered beneath the overlying shale ranges from 31 to 42 feet in thickness. One of the wells was drilled through a shale layer (14 feet thick) and reached a second sand unit that is over 42 feet thick. Even though there is a shale layer present that could act as an aquitard between the sand units, the static water level in all three wells ranged from 203 to 206 feet below the ground surface. The direction of groundwater flow in the Codell aquifer near the applicant's location is from the southwest to the northeast (Water Rights, 2017c).

The Carlile Shale is extensive throughout South Dakota, however the Codell Sandstone Member that contains the Codell aquifer is not as extensive. East of the Missouri River, Hedges et al (1982) showed the Codell aquifer underlying the majority of Aurora, Beadle, Bon Homme, Brule, Charles Mix, Davison, Douglas, Hutchinson, Jerauld, Kingsbury, Miner, and Sanborn Counties. The aquifer was also shown as extending into Buffalo, Clark, Hand, Hanson, Lake, and Spink Counties. West of the Missouri River, the Codell Sandstone member has not been recognized, however the Carlile Shale is present in all areas except for the Black Hills region (Allen et al, 1985). There are some people utilizing the Codell aquifer outside of the boundaries described by Hedges et al (1982), and lithologic logs show the Codell Sandstone Member being encountered across Brookings, Lake, and Moody Counties (Water Rights, 2017a; SD Geological Survey, 2017).

The Codell aquifer has been dissected by past erosional processes, creating bedrock valleys that have been filled in with fluvial sand and gravel deposits. These buried bedrock valleys have been identified in neighboring Aurora, Douglas, Hanson, and Hutchinson Counties (Hamilton, 1985; Hansen, 1983; Hedges, 2001; Kume, 1977; Lindgren and Hansen, 1990; Tomhave and Schulz, 2004). These deposits in the bedrock valleys function as the Choteau, Corsica, and

Lower James Missouri aquifers. To the East, the Codell aquifer has been dissected and filled in by deposits within the James River Valley (Hanson, 1983). Considering the identified bedrock valleys, the applicant's location is connected to the main body of the aquifer due to the partial incision of the Codell aquifer by past erosional processes in neighboring Aurora County (Hamilton, 1985).

Not all areas where the Codell Sandstone Member is present are currently being used as an aquifer for a variety of reasons including depth, shale content, cementation of the sand grains, and the availability of other aquifers. This report will use the area outlined by Hedges et al (1982) as the area of the aquifer portion of the Codell Sandstone Member (see Figure 1). The outlined area is almost 5 million acres in size, and contains an estimated 9,895,700 acre-feet of water in storage (Hedges et al., 1982)

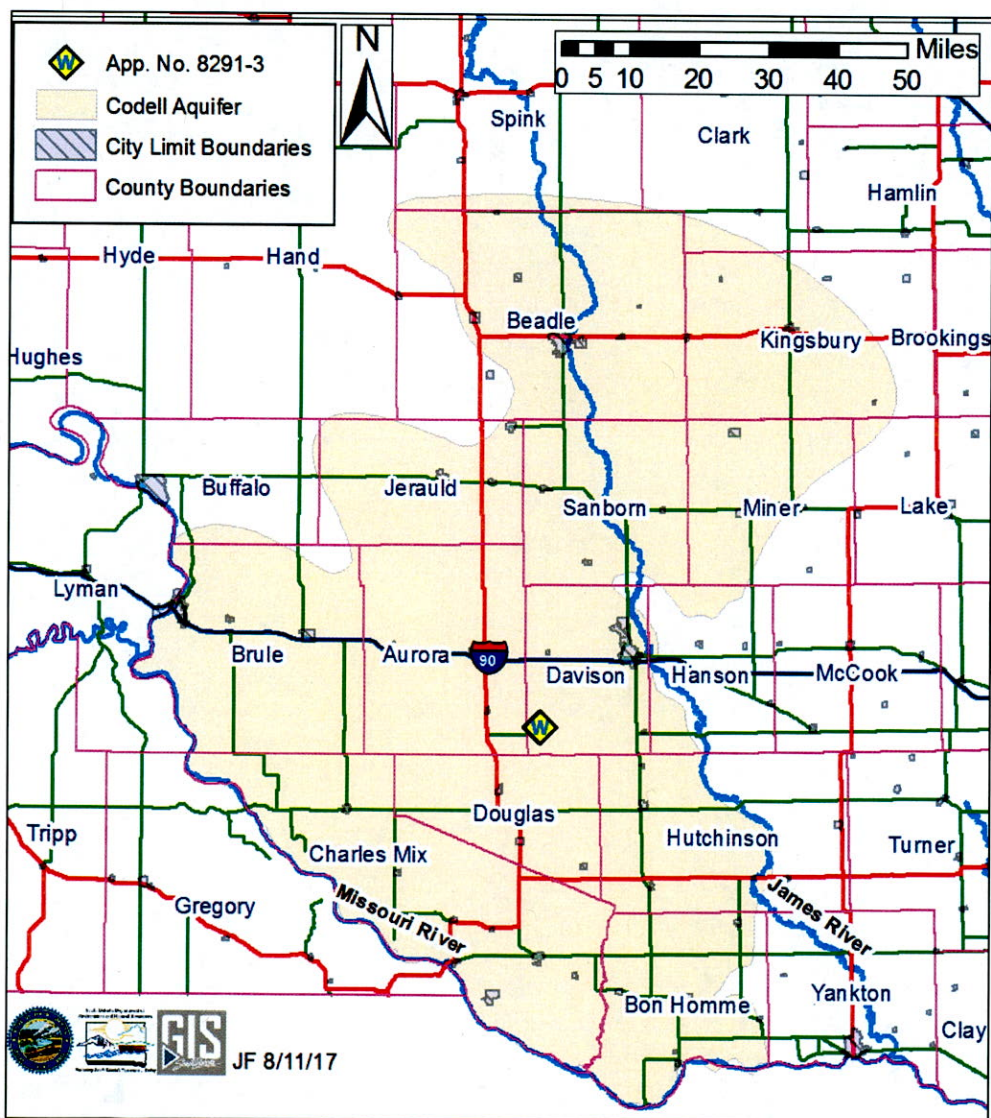


Figure 1. Map showing the location of the proposed diversion and Codell aquifer boundaries as shown from Hedges et al. (1982).

South Dakota Codified Law 46-2A-9

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

WATER AVAILABILITY

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." If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and a water distribution system has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of withdrawal and recharge must be considered.

Hydrologic Budget

Recharge

Recharge to the Codell aquifer in Davison County is thought to occur from leakage from the overlying Niobrara aquifer (Hanson, 1983). Near Mount Vernon, SD, the Codell aquifer and the Niobrara aquifer were noted as being in equilibrium (Hansen, 1983), suggesting a hydraulic connection. Lithologic logs near Mount Vernon show that the Codell Sandstone is in direct contact with the Niobrara Chalk (SD Geological Survey, 2017). The well logs at the applicant's location show over 100 feet of shale separating the Codell Sandstone from the Niobrara Chalk, suggesting that recharge at that location occurs through lateral migration of water within the aquifer. In addition to the Niobrara aquifer providing recharge to the Codell aquifer, recharge also occurs where the Codell aquifer is in direct contact with the Choteau, Corsica, and Lower James Missouri aquifers (Kume, 1977; Lindgren and Hansen, 1990). No quantification of the average annual recharge to the Codell aquifer has been published.

Discharge

Discharge from this part of the Codell aquifer is through well withdrawals, evapotranspiration from the outcrops along Firesteel Creek, and drainage to Lake Mitchell and the James River (Hansen, 1983). No quantification of the total average annual discharge from the Codell aquifer has been published, however the discharge from well withdrawals has been estimated.

In addition to domestic well withdrawals, there are 39 water rights/permits that are appropriating water from the Codell aquifer (Water Rights, 2017a). Table 1 lists the water rights/permits. Historically, the estimated annual volume pumped by non-irrigation users has been calculated by assuming that the well will be pumped at the permitted maximum diversion rate for 60 percent of the time. A number of municipalities have been connected to rural water systems and maintain their water right for emergency or backup purposes (Mathiowetz, 2017). Non-irrigation water rights/permits are estimated to use less than 2,049 acre-ft per year.

PERMIT NO.	NAME	COUNTY	STATUS	USE	CFS	ACRES	ESTIMATED ANNUAL PUMPAGE (AC-FT)
551-3	STATE TRAINING SCHOOL	AU	LC	INS	0.17	N/A	73.8
555-3	CITY OF ARMOUR	DG	LC	MUN	0.5	N/A	*
687-3	CITY OF LAKE ANDES	CM	LC	MUN	0.73	N/A	*
1676-3	TOWN OF NUNDA	LK	LC	MUN	0.1	N/A	43.4
1694-3	TOWN OF STICKNEY	AU	LC	MUN	0.11	N/A	*
1892-3	CITY OF WAKONDA	CL	LC	MUN	0.33	N/A	*
1966-3	CITY OF GEDDES	CM	LC	MUN	0.38	N/A	*
4120-3	CITY OF PLANKINTON	AU	LC	MUN	0.36	N/A	*
4279-3	CITY OF DELMONT	DG	LC	MUN	0.3	N/A	*
4279A-3	CITY OF DELMONT	DG	LC	MUN	0	N/A	*
4383-3	DOUGLAS COUNTY CHEESE CO	DG	LC	IND	0.07	N/A	30.4
4402-3	CITY OF TRIPP	HT	LC	MUN	0.64	N/A	278
4836-3	CITY OF CORSICA	DG	LC	MUN	0.13	N/A	*
4977-3	CITY OF MENNO	HT	LC	MUN	0.5	N/A	*
5330-3	CITY OF AVON	BH	LC	MUN	0.33	N/A	*
5477-3	ARTESIAN-LETCHER SCHOOL DIST 55-5	SA	LC	INS	0.05	N/A	21.7
5480-3	CORTRUST BANK NA	SA	LC	COM	0.04	N/A	17.4
5549-3	NATIONAL FOODS CORP	AU	LC	COM/LCO	0.26	N/A	112.9
5598-3	STORLA SUNSET HOME	AU	LC	INS	0.08	N/A	*
5731-3	ST CHARLES CATHOLIC CHURCH	SA	LC	INS	0.033	N/A	14.3
5756-3	TOWN OF RAVINIA	CM	LC	MUN	0.07	N/A	*
5823-3	DNA PRODUCTION LLC	DG	LC	COM/LCO	0.22	N/A	95.6
5978-3	NORFELD HUTTERIAN BRETHREN INC	BG	LC	COM/LCO	0.111	N/A	48.2
5995-3	BERNARD L VAN VUUREN	DG	LC	COM/LCO	0.177	N/A	76.9
6018-3	NATIONAL FOODS CORP	AU	LC	COM/LCO	0.27	N/A	117.3
6041A-3	CALVIN BERWALD	AU	LC	COM/LCO	0.08	N/A	34.8
6232-3	ROCKPORT HTRN BRTH	HS	LC	DOM	0.222	N/A	96.4
6323-3	NEW ELM SPRINGS COLONY	HT	LC	DOM/LCO	0.09	N/A	39.1
6539-3	CLEARFIELD COLONY	CM	LC	DOM/LCO	0.2	N/A	86.9
6544-3	ARMOUR	DG	LC	REC/FWP	1.381	N/A	599.9
6762-3	VAN WINKLE DAIRY LP	MC	LC	COM/LCO	0.27	N/A	117.3
7206-3	LONG VIEW FARMS LLP	CM	PE	COM/LCO	0.067	N/A	29.1
7359-3	JAMES C KOKES	BH	PE	COM/LCO	0.1	N/A	43.4
7469-3	WILLIAM CHENOWETH	BH	PE	IRR	3.11	217	N/A
7664-3	JAMES C & JASON KOKES	BH	PE	IRR	1.78	90	N/A
7830-3	TOM BARES	BH	PE	IRR	1.78	96	N/A
7851-3	ALAN ARMSTRONG	BH	PE	DOM	0.067	N/A	29.1
7978-3	CHAD OR RITA SVATOS	CM	LC	IRR	1.78	140	N/A
8252-3	MICHAEL J SLAMA	BH	PE	COM/LCO	0.1	N/A	43.4
AU = Aurora, BG = Brookings, BH = Bon Homme, CL = Clay, CM = Charles Mix, DG = Douglas, HS = Hanson, HT = Hutchinson, LK = Lake, MC = McCook, SA = Sanborn							
LC = Water Right, PE = Water Permit, * = Connected to rural water/standby use							
COM = Commercial, DOM = Domestic, FWP = Fish and Wildlife Production, IND = Industrial, INS = Institutional, IRR = Irrigation, LCO = Livestock Confinement Operation, MUN = Municipal, REC = Recreational							

Table 1: Water rights/permits authorized to withdraw water from the Codell aquifer including estimated annual volume pumped (Water Rights, 2017a)

There are a number of domestic wells on file that withdraw water from the Codell aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use (Water Rights, 2017b). The annual quantity of water withdrawn for domestic uses is considered to not be significant to the hydrologic budget of the aquifer.

Irrigation of crops from the Codell aquifer has only recently been developed. Prior to 2013, the only developed permit for irrigation was for Dakota Wesleyan University, for irrigation of 37 acres on campus. This permit was canceled in 2014 because they no longer used water from the wells for their irrigation needs. Irrigation data from 2013 to 2016 is included in Table 2.

Year	No. of Permits	Appropriation (ac-ft)	Pumpage (ac-ft)	Irrigated Acres
2013	3	806	23.57	N/A
2014	4	1086	161.69	557
2015	4	1086	191.21	554
2016	4	1086	220.43	537

Table 2: Reported Irrigation Questionnaire data from 2013 to 2016 (Water Rights, 1980-2017)

Using the irrigation data from 2014-2016, an estimate of the future use for these 4 irrigation permits can be made. On average, 0.35 feet of water was applied on each irrigated acre. In general, irrigators apply less than one foot of water per acre per year. As there are only three years of data with the current number of permitted acres, to account for the year to year variability and wet and dry cycles, the one foot of water per acre per year estimate will be used to estimate future withdrawals. Therefore, the estimated annual withdrawal for irrigation is likely to be less than 543 ac-ft/yr.

Hydrologic Budget

The estimated withdrawals from the Codell aquifer are 2,050 ac-ft/yr from non-irrigation users, and 543 ac-ft/yr from irrigation. Including an estimated 50 ac-ft/yr from this application, the estimated average annual withdrawal from the Codell aquifer is 2,643 ac-ft/yr.

While the estimated recharge to the aquifer is unknown, Hedges et al. (1985) stated that the Codell Sandstone has “such high storage and low use that it is unlikely that use is approaching or exceeding recharge”. The estimated annual withdrawals equate to roughly 0.03% of the available water in storage. Due to the relatively small development of this large resource, there is a reasonable probability there is unappropriated water available from the Codell aquifer for the proposed appropriation.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The Water Rights Program monitors 22 observation wells completed in the Codell aquifer (Water Rights, 2017c). The nearest observation well is DN-79J, located approximately 8 miles east of the well locations. Other nearby observation wells that were looked at include HT-78D (10.6 miles), DN-79M (13.7 miles), DG-80F (13.9 miles), AU-77D (16.1 miles), and AU-77B (20.3 miles). These observation well hydrographs are representative of the Codell aquifer. The locations of these and other observation wells completed into the Codell aquifer are shown in Figure 2.

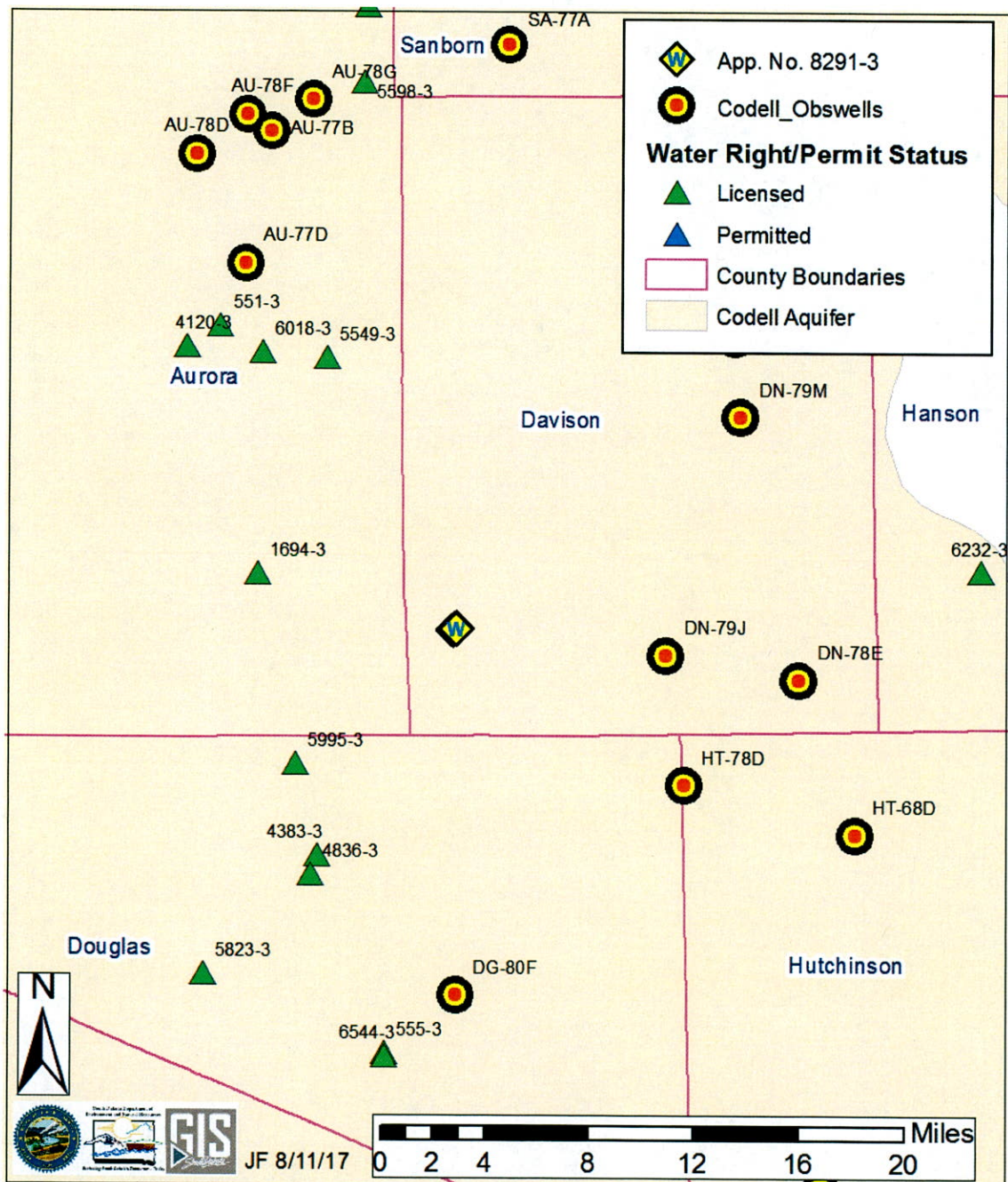


Figure 2. Map showing the location of nearby observation wells and water rights/permits in the Codell aquifer (Water Rights, 2017a; Water Rights, 2017c)

The hydrograph for the nearest well, DN-79J is shown in Figure 3. The hydrographs for all of the mentioned observation wells are shown in Figure 4. The hydrographs for observation wells completed into the Codell aquifer generally show a rising water level, or a water level that is neither rising nor falling over the period of record. The hydrographs show that the aquifer responds well to climatic conditions, recharging during wetter periods and declining during drier periods. By comparing the shape of the hydrograph between the observation wells, the climatic effects mask the temporal effects of well withdrawals. The observation well measurements show that the effects from pumping are temporal, and that the aquifer generally returns to pre-pumping conditions. The observation well data indicates that there is a reasonable probability that there is unappropriated water available from the Codell aquifer.

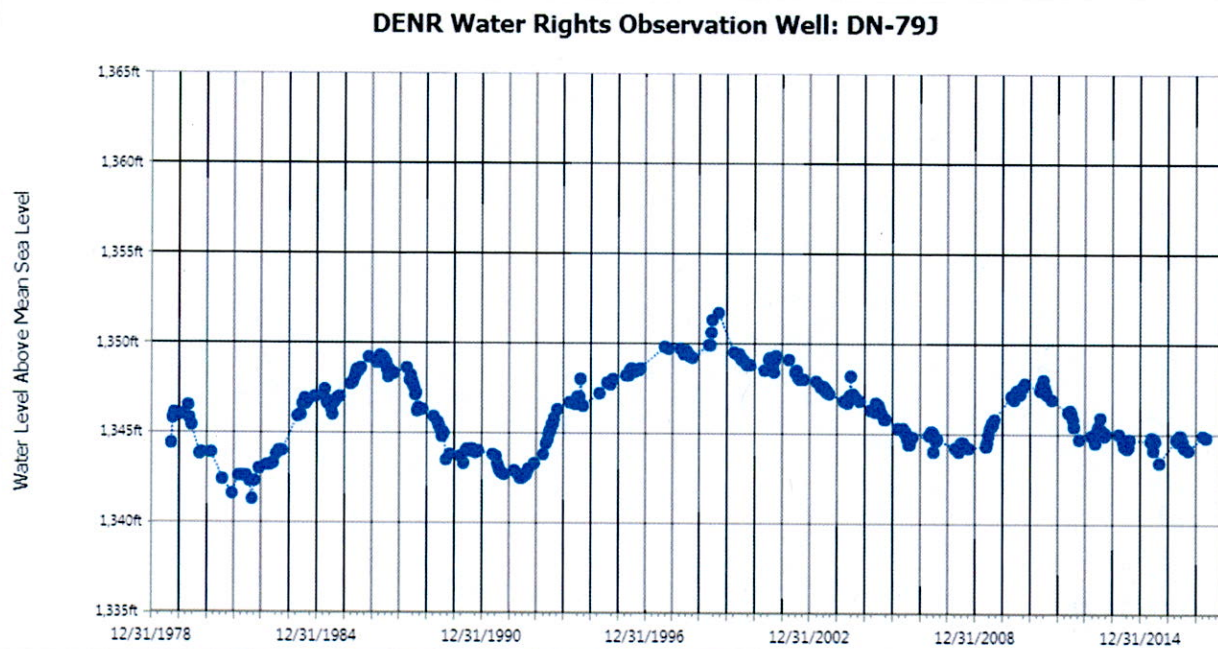


Figure 3: Hydrograph for Observation Well DN-79J (Water Rights, 2017c)

There is a difference in the overall shape of the hydrographs between those that are located northwest of the applicant's location and those that are located to the northeast, east, southeast, and south. Observation well AU-77D had a declining water level starting in 1987 that was noted by Goodman (1997) as possibly being due to withdrawals from Water Permit 5147-3 (now incorporated into Water Right 6018-3), which was authorized in 1987. The total decline was less than 15 feet, and after 2002, the aquifer gradually rose to a level higher than pre-1987 levels. AU-77B has a lower amplitude, but is still consistent in showing peaks and valleys for wet and dry periods.

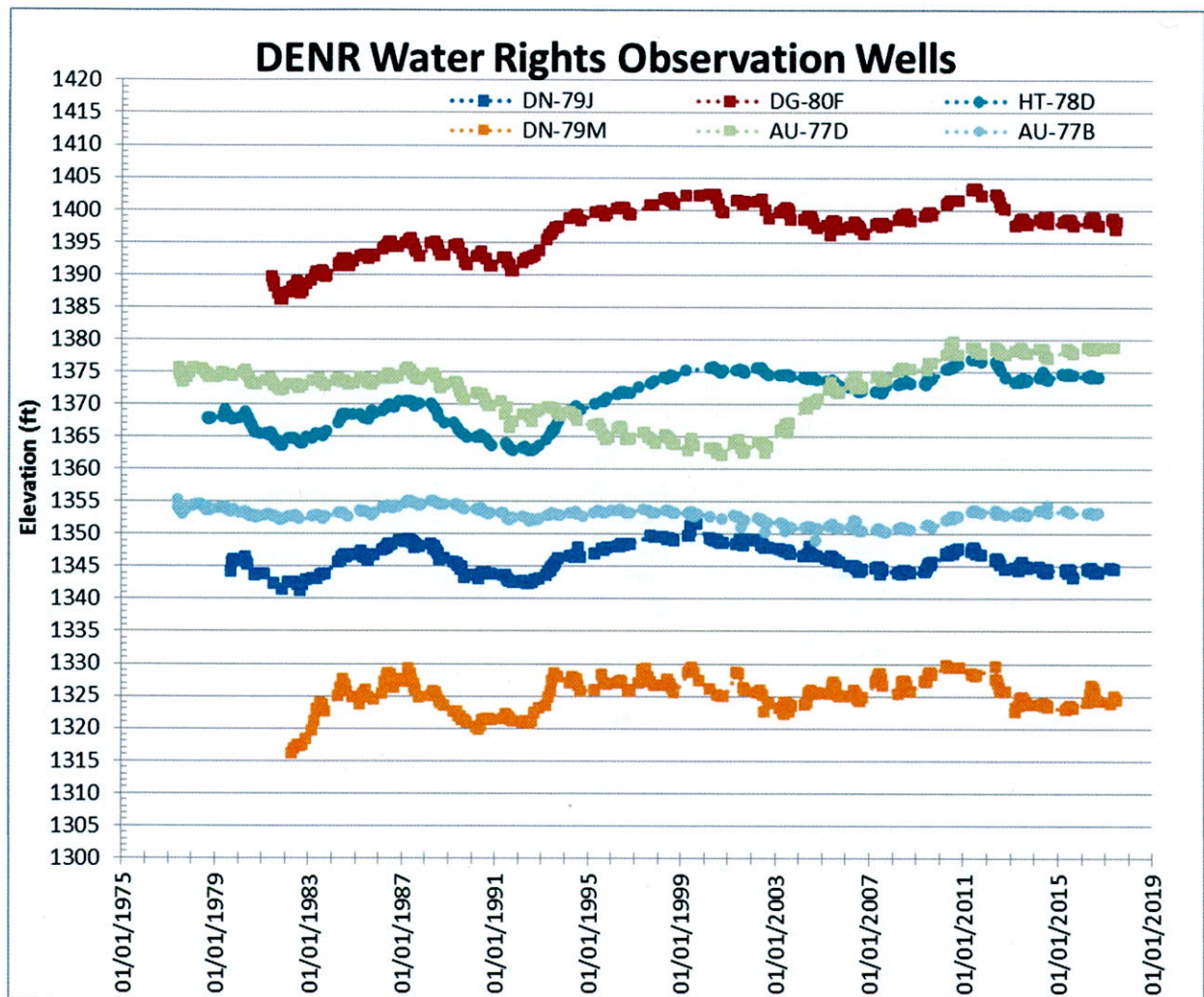


Figure 4: Hydrographs for Observation Wells DN-79J, HT-78D, DN-79M, DG-80F, AU-77D, and AU-77B (Water Rights, 2017c)

EXISTING WATER RIGHTS

The nearest existing water right/permits identified as completed in the Codell aquifer are located approximately 8 miles to the west and southwest of the proposed well locations (Figure 2) and are for the Town of Stickney, SD (#1694-3) and a poultry farm (#5995-3) (Water Rights, 2017a). There are some domestic wells located nearby that use the Codell aquifer; the nearest on record with the Water Rights Program are about a mile from applicant's wells (Water Rights, 2017b).

Given the large distance between wells in this area of the aquifer and the low production rate for this application, this proposed appropriation is unlikely to cause any adverse impacts to the adequate wells of domestic users and existing water rights.

The Codell aquifer is generally under confined conditions, and due to the physics of artesian head pressure, the drawdown from pumping may extend a considerable distance from the pumped well. 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. This permit, if approved, is not expected to adversely impact adequate wells in the area.

CONCLUSIONS

1. This application proposes to appropriate water from three existing wells (422, 375, and 366 feet deep) completed in the Codell aquifer at a maximum instantaneous diversion rate of 0.085 cubic feet per second.
2. There is a reasonable probability that unappropriated water is available from the Codell aquifer to supply the 50 acre-ft per year requested by this application.
3. There is a reasonable probability that the diversions proposed by this application will not adversely impact adequate wells for existing water rights and domestic use.



John Farmer
SD DENR – Water Rights Program

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RECEIVED

SEP 01 2017

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION NO.
8291-3 to Appropriate
Water**

Notice is given that Jackrabbit Family Farms, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit to appropriate 50 acre feet of water annually at a maximum diversion rate of 0.085 cubic feet of water per second from three wells completed into the Codell aquifer (422, 375 and 366 feet deep) located in the SE 1/4 SE 1/4 Section 8 for commercial use in a swine livestock confinement facility located in the SE 1/4 SE 1/4 Section 8; all in T101N-R62W. The facility is located approximately ten miles south of Mt. Vernon SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8291-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 11, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner,
Secretary,
Department of
Environment and
Natural Resources.

Published once at the total approximate cost of \$69.68

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF DAVISON)

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issues(s), to wit:

Wednesday, August 30, 2017

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$69.68

Signed: Penny Hohbach

Subscribed and sworn to before me this 30th day of August, 2017.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515

DEB TOWNSEND
Notary Public
SEAL
South Dakota

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 23, 2017 8:41 AM
To: 'phohbach@mitchellrepublic.com'
Subject: 8291-3, Jackrabbit Family Farms
Attachments: 8291-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 30, 2017.

Jackrabbit Family Farms, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164 (507 825-4211) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

August 18, 2017

Jackrabbit Family Farms
Barry Kerkaert
PO Box 188
Pipestone MN 56164

Dear Dr. Kerkaert:

Water Permit Application No. 8291-3, filed by Jackrabbit Family Farms for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Daily Republic printed at Mitchell SD (Ph # 605- 996-5514). 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 August 30, 2017. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 8291-3 to Appropriate Water

Notice is given that Jackrabbit Family Farms, c/o Barry Kerkaert, PO Box 188, Pipestone MN 56164 has filed an application for a water permit to appropriate 50 acre feet of water annually at a maximum diversion rate of 0.085 cubic feet of water per second from three wells completed into the Codell aquifer (422, 375 and 366 feet deep) located in the SE 1/4 SE 1/4 Section 8 for commercial use in a swine livestock confinement facility located in the SE 1/4 SE 1/4 Section 8; all in T101N-R62W. The facility is located approximately ten miles south of Mt. Vernon SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8291-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

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 September 11, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pimer, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 02 2017

Jackrabbit Family Farms
c/o Barry Kerkaert
PO Box 188
Pipestone MN 56164

Dear Mr. Kerkaert:

Enclosed is Water Permit No. 8291-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

RECEIVED
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WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 5, 2018

Barry Kerkaert
PO Box 188
Pipestone MN 56164-0188

Dear Mr. Kerkaert:

I am writing to acknowledge receipt of the "Notice of Completion of Works" forms you sent in for the following permits:

Nos. 8289-3 & 8290-3: Farmers Pork – McCook County
No. 8291-3: Jackrabbit Family Farms – Davison County
No. 8301-3: Fox Run RE, LLC – Turner County
No. 8333-3: Liberty Farms LLC – Beadle County

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

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

Sincerely,

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