

RAYMOND REESE
SURVEYING
DIVISION
LAWIN

Water Right No. 4752

1. Considered 5-27 19 81
2. Name of Applicant TOMMY THOMAS
3. Post Office Address MARION
4. Amount of Water Claimed 3.42
5. Source of Water Supply 300' DEEP WELL
6. Water to be used for IRRIGATION
7. Acres to be Irrigated 240 maximum acre feet
8. Water to be diverted and used in TURNER County about _____ miles of _____
9. PROOF OF PUBLICATION Received (initials) 5-27-81
Not Received _____
APPLICATION Approved 5/27/81
Subject to WI-1
Not Approved _____
Action deferred _____

Priority _____ Date Received 5-1-81 Application Complete yes ☒ no ☐ FEE ☒
Remarks New Log - Rec'd.

WATER QUALITY _____
Date Information and/or fee or corrected Application received _____
Period of Annual use _____
Received yes 5/8/81 no ☐ APPROVED/ CONDITIONAL (Circle one)
WI-1 Description same as application yes no ☐ Remarks _____

Disapproved _____ Returned _____
Diversion Point SE⁴ SE², Sec 19, T100N, R55W
Lands to be irrigated SE¹ & S² NE² Sec 19, T100N, R55W

WELL LOG

Remarks _____
Driller Phemei, Inc. Licensed yes ☒ no ☐
Depth 300'

Page 2

MAP Map No. 3963-3 Map located in Water Right ✓ Map file _____
 Type of Map Aerial Prepared by JW Regan - Soil Cons.

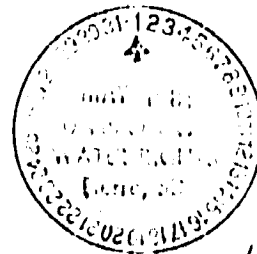
+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on May 8, 1981.
 (Signed) [Signature]

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
 F.F. & C Final Decision, including F.F. & C of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision
 DECISIONS was adopted _____
 ETC. Remarks _____



No. 4752-3
 Map No. 3962-3 Water Division No. 3 VERMILLION RIVER District
 Above for Office Use

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

*9:11/2 am
 275.0
 Appr. map*

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Tommy Thomas Phone No. 648-3776

Post Office Address RR 2 Box 107 Marion (Street, RR, or Box) (Town) State S. D. 57043 (Zip Code)

If a corporation show date and place of incorporation n/a

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract

3. Name of diversion work Tommy Thomas Irrigation System #1

4. Amount of water claimed (cubic feet per second) 3.12

5. Source of water supply well

6. Location of point of diversion SE1/4SE1/4 19-100-55

County Turner

7. Annual period or periods during which water is to be used April - November

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc) irrigation

9. For irrigation use, Total number of acres to be irrigated 240

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SW1/4NE1/4 19-100-55	40	SW1/4SE1/4 19-100-55	40
SE1/4NE1/4 19-100-55	40	SE1/4SE1/4 19-100-55	40
NW1/4SE1/4 19-100-55	40		
NE1/4SE1/4 19-100-55	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 3 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Marion Record

12. Principal Features of the Proposed Water Supply System. Marion, S. D. 57043

A. Works proposed to divert water from its natural source.

Elec. pump

B. Works proposed to transport water to place of use.

Buried Pipeline to C. P.

C. Works proposed to apply water to beneficial use.

C. P. Sprinkler System

Estimated Total Cost \$ 100,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map. (see instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Turner) ss.

I, Tommy Thomas the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Tommy Thomas

Subscribed and sworn to before me this 21st day of April, 1981.

Karl C. [Signature]

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No 4752-3

TOMMY THOMAS
(Applicant)

Rt #2, Box 107, MARION
(Post Office Address)

SOUTH DAKOTA 57043
(State)

With the following qualifications

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application May 1, 19 81

Date of return to applicant for correction, amendments or changes required May 4, 19 81

Date of receipt of corrected application May 8, 19 81

Approved May 27, 19 81, Recorded in Book 22 Page 205

WATER RIGHT PERMIT NO. 4752-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4752-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is May 1, 19 81
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before May 27, 19 82
3. The whole of said work is to be completed on or before May 27, 19 83
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is May 27, 19 86
5. The water appropriated shall be used for the purpose of IRRIGATION

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed 3.42 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before May 27, 19 86; said water to be used during the following described

annual period: APRIL - NOVEMBER

Witness my hand this 3rd day of June, 19 81

THE WATER MANAGEMENT BOARD

By

John Hatch
Clerk, Engineer, Water Rights
JOHN HATCH

Certificate of Construction issued _____, 19 _____

Water License Issued _____, 19 _____

PLEASE COMPLETE
ENTIRE FORM

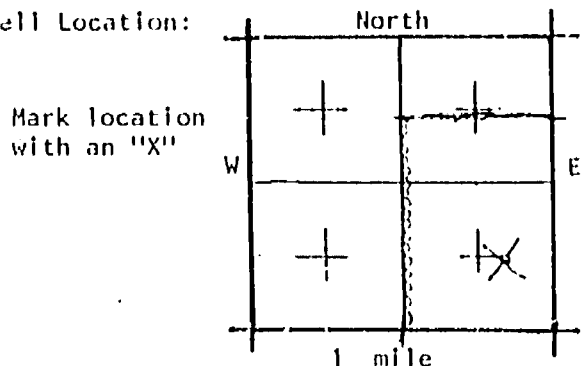
WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner: Tommy Thomas
Name Tom Thomas

Address RR Marion, So. Dak.
Rt 2 Box 47

Well Location:



County TURNER
SE 1/4 SE 1/4 SE 1/4 Sec. 12 Twp. 104 N. R. 55 W.

Proposed Use:

☐ Domestic ☐ Municipal ☒ Test Holes
☐ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 4
Depth _____
Casing ☐ Steel ☐ Concrete
☒ Plastic ☐ Other
If other, specify _____

Was casing end left open ☒

Was a well screen installed _____

Describe Well Screen

Diameter _____ Material _____

Slot size 7/8"

Was well gravel packed _____

Was well grouted _____

Was water sample taken yes

Remarks:

Water Level Information:

Static water level 96 ft below land surface

If flowing: closed in pressure _____ PSI
rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Well Test Data:

☐ Pumped

☐ Bailed

Describe: NA

☐ Other

Pumping Level Below Land Surface

_____ ft. After 2 hr Hrs. pumped 20 GPM

_____ " " _____ " " _____ " "

Well Log:

Formation	Depth	
	From	To
<u>Top soil</u>	<u>0</u>	<u>16 in</u>
<u>yellow clay</u>	<u>16 in</u>	<u>27 ft</u>
<u>Blue clay</u>	<u>27 ft</u>	<u>149 ft</u>
<u>sand & gravel</u>	<u>149</u>	<u>300</u>

(Use Back if Necessary)

Date Completed: 4-25-81

Driller:

Schmuller 372
Driller's or Firm's Name License NO.

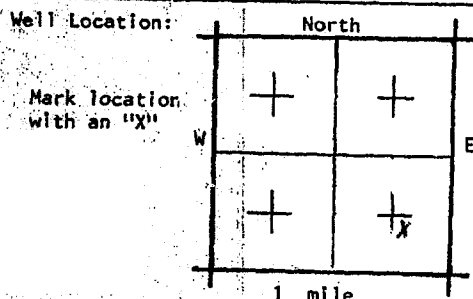
Semprich, J. D.
Address

Floyd Schmuller 4-28-81
Signed By Date

4752-3

PLEASE COMPLETE
ENTIRE FORMWELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

6/60

Well Owner:
Name James Thynes
Address BB Marion & OakWater Level Information:
Static water level 72 ft below land surface
If flowing: closed in pressure PSI
rate of flow GPM
Controlled by:
☐ Valve ☐ Reducers ☐ Other
If other; specify County SE 1 1 Sec. 19 Twp 7 Rg. 55WProposed Use:
☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ StockMethod of Drilling:
☒ Forward Rotary ☐ Bored ☐ Jetted
☐ Reverse Rotary ☐ Cable ☐ OtherWell Construction:
Diameter of Hole 17 1/2
Depth 300 ft
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify
Was casing end left open no
Was a well screen installed yes
Describe Well Screen
Diameter 12 1/2 Material steel
Slot size 1/16
Was well gravel packed yes
Was well grouted yes
Was water sample taken yesRemarks: immediate recovery
when test pumping
stopped

Well Test Data:

☒ Pumped
☐ Bailed Describe:
☐ Other
Pumping Level Below Land Surface
231 ft. After 24 Hrs. pumped 1500 GPM
" " " " " " " " " " " "

Well Log:

Formation	From	To
Top soil	0	16 in
yellow clay	16 in	27 ft
blue clay	27	149 ft
marl & blue clay	149	200 ft
grit & ball clay	200	300
same gravel	200	300

(Use Back if Necessary)

Date Completed: 5/5 1981Driller: Schimelfeng 372
Driller's or Firm's Name License NO.
Samuel & Oak
Address
91381
Signed By Date

D Well Information

- (1) Drill Hole, Diameter 18", Depth 250' 300'
- (2) Casing, Type steel (wood, concrete, steel, etc), Diameter 14", Thickness 3/8"
- (3) Screen, Type stainless steel, Diameter 14", Length 25'
- (4) Gravel Pack, Thickness 2", Length of gravel pack 280'

E Dugout Information or Estimates

- (1) Surface dimensions, n/a, Depth

F. Fill out for Either a Well or a Dugout

(1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material copy of log attached.

Depth to bottom of water bearing material

Depth to water (ground surface to water level)

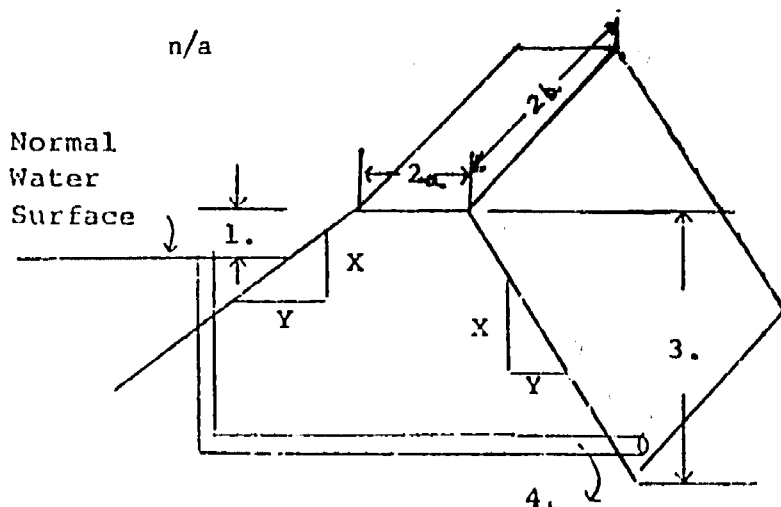
(2) Distance to nearest existing household or livestock watering well.

On same owner's property none rds.

On property owned by others 66 40 rds.

G Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard
- 2a Crest width , length
3. Height of Dam
4. Outlet dimensions:
 - Pipe diameter
 - Spillway width
 - X & Y slope:
 - Upstream
 - Downstream
 - Surface area of impoundment
 - Drainage area above dam

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

OWNERS NAME: Tommy Thomas OWNERS ADDRESS: Horton, S. D. 57043

COUNTY LAND LOCATED IN: Turner PHONE: 618-3776

TENANT'S NAME AND ADDRESS: (If Other Than Owner) None

In accordance with State Law SDCL 46-5-6.5, If a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: Section 10-100-55

2. SURFACE WATER SOURCE: n/a

3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>Section 10-100-55</u>	<u>21.0</u>		

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: x GUN: OTHER: (Specify)

5. CROPS TO BE IRRIGATED: corn, soybeans, alfalfa

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: None

LEGAL DESCRIPTION:

IN WHAT NAME:

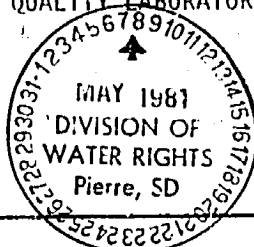
WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 831-400

8. SALINITY (EC X 10⁶): 1140

9. SODIUM (SAR): 2.38

10. ADJUSTED (SAR): 5.97 (4.18)



RECEIVED

MAY 07 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 5:00 a.m./p.m., on Apr. 25, 1981, at the following location: well site shown above

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

24 DAY OF April, 1981.

Notary Public

NOTARY PUBLIC

Tommy Thomas
APPLICANT'S SIGNATURE

Paul M. Felt
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water

4752-3

Conditional

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Tommy Thomas

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOIL(S) LISTED BELOW CAN BE IRRIGATED WITH THE FOLLOWING RESTRICTIONS:

The Baltic and Crossplain soils are poorly drained and should be returned to permanent vegetation or drained if problems with traction or ponding occur.

RECOMMENDED MANAGEMENT



No. 4752-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Turner) ss.

I, Keith Rollins hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Marion Record

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the
City of Marion

County of Turner and State of South Dakota;
that the said notice was published in said newspaper on the following
two dates:

May 14, 1981
May 21, 1981

Keith Rollins
(Signature)
Publisher
(Title)
5-14-81
(Date Signed)

Cost of Printing: 77 lines 34¢/line
18.94 per line first publication
15.14¢ per line 2nd & subsequent
26.19 Total cost of publication

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
May 8, 1981

Notice is hereby given that
Tommy Thomas whose post of-
fice address is Marion, South
Dakota, has made an applica-
tion in accordance with the
provisions of SDCL 46-1-1 thru
46-1-9, 46-1-14; 46-2-9 thru
46-2-11, 46-2-13; 46-5-1 thru
46-5-8; 46-5-10 thru 46-5-22, 46-
5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-
6.1, 46-6-10, 46-6-14 and Board
Rules ARSD 52:01:01:01 thru
52:01:01:13, for a permit to ap-
propriate for beneficial use 3-
42 cubic feet of water per sec-
ond of time from ground water
(one-300 foot well) through the
Thomas No. 1, the point of div-
ersion of which is to be located
in the SE 1/4 SE 1/4 of Section 19,
Twp. 100N, Range 55W. Said
water to be used for the pur-
pose of providing irrigation on
portions of the following de-
scribed land: SE 1/4 and S 1/2 NE 1/4,
Section 19, T100N, R55W.

This application No. 4752-3
will be considered by the Wat-
er Management Board at Meet-
ing Room No. 1, Knelp Build-
ing, Church & Illinois, Pierre,
SD upon the 27th day of May,
1981 at 10 A. M. The Board
is authorized to make a deter-
mination on this application at
the hearing. All interested per-
sons may appear and be heard.
Any person who may be affect-
ed by a Board decision who de-
sires to present evidence or
cross-examine witnesses accord-
ing to SDCL 1-26 may notify
the Board in writing prior to
the hearing or orally at the
hearing.

This hearing is an adversary
proceeding. Any person has the
right to be present or to be rep-
resented by a lawyer. These and
other due process rights will be
forfeited if they are not exercis-
ed at the hearing. Decisions of
the Board may be appealed to
the Courts as provided by law.

Any handicapped person wish-
ing to attend this hearing can
contact the Water Rights Div-
ision, DWNR, Joe Foss Building,
Pierre, SD, prior to the hearing
date for assistance to assure ac-
cess to the hearing.

WATER MANAGEMENT
BOARD

BURTON F. JONES

Water Rights Specialist

cc: Tommy Thomas

Marion, SD 57043

20-21c

Received
5-26-81

No. 4752-3

Publish first publication, on or before May 14, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

May 8, 1981

Notice is hereby given that Tommy Thomas whose post office address is Marlon, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 3.42 cubic feet of water per second of time from ground water (one-300 foot well) through the Thomas #1, the point of diversion of which is (see) to be located in the SE 1/4 SE 1/4

of Section 19, Twp. 100N, Range 55W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4 and S 1/4 NE 1/4, Section 19, T100N, R55W

This Application No. 4752-3 will be considered by the Water Management Board at Meeting Room #1, Knapp Building Church & Illinois, Pierre, SD upon the 27th day of May, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

BURTON F JONES

Water Rights Specialist

cc: Tommy Thomas
Marlon, SD 57043

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8200

May 4 1981

RECEIVED OF Tommy Thomas, RR 2, Box 107, Marion, SD 57043 PIERRE,

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

Fee for Application for Permit to Appropriate Water No. <u>4752-3</u> (examination, processing, recording and filing) _____	275 00
Fee for inspecting Construction, and Issuing Cert. of Construction No. _____	
Fee for inspecting Beneficial Use, and Issuing Water License No. _____	
Fee for Issuing Location Certificate-Dry Draw, No. _____	
Fee for filling _____	
Fee for certified copy of _____	
Fee for Print copy of map _____	
Fee for Certifying _____	
Fee for _____ (any other work as provided by law)	
TOTAL	275 00

WATER RIGHTS COMMISSION

By (John Hatch)
Chief Engineer, Executive Officer
JOHN HATCH / (ct)

April 30, 1981

A word of explanation,

I bought this 240 acres in 1975 on
contract for cash. In 1977 I spent 6000⁰⁰
and had drainage ditches put in. The 1978
and 1979 crop years were the only two
years since 1969 when we started farming
that there was sufficient moisture and there
wasn't any water sitting anywhere. It drained
my well and was the first of my fields
that I could get in to. It doesn't have sandy
soil and therefore I don't irrigate every day as
I indicated those with sandy soil need to.
My intention is to apply 1"-2" per month.

Sincerely,
Jimmy Turner
Mexico, South Dakota 57043

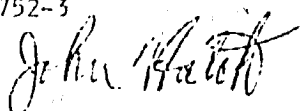
 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights Division (605) 774-3352
Pierre, South Dakota 57501

May 29, 1981

N O T I C E

TO: Persons Attending May 27, 1981 Water Management Board Meeting
 Concerning Water Permit Applications 4747-3 and 4752-3

FROM: John Hatch, Chief Engineer, Water Rights Division



The Water Management Board approved the following Water Permit Applications at the May 27, 1981 meeting.

- No. 4747-3 Brian W Schmidt
- No. 4752-3 Tommy Thomas

with the following qualification:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.

The Board also determined that Findings of Fact, Conclusions of Law and a Final Decisor did not need to be prepared because adequate Findings of Fact had been made in the record. South Dakota Statutes provide that any decision of the Board can be appealed to the Courts.

JH/gy

Equal Opportunity Employer

NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office _____

Date Dec 16 1981

TO: Water Rights Commission
Joe Foss Building
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 4752-3.

Water Right Permit No. 4752-3 states that the diversion system is to be constructed by Terra Chemicals Inc. and that the water is put to beneficial use by Tommy Thomas Irrigation System #1

The diversion system was completed on Dec. 1, 1981. Applying the water to beneficial use was completed on will be ready for 1982 season

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Tommy Thomas
(Signature)



Jou Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4752-3

December 2, 1987

Tommy Thomas
RR 3
Marion, South Dakota 57043

Dear Mr. Thomas:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4752-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Maxine Stirling
Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

DWNR-814 8/83

LICENSE FOR PERMIT NUMBER 4752-3 Tommy Thomas

1. Legal location of wells: at a point 435 feet north and 640 feet east
of the S 1/4 corner of Section 19, T100N, R55W

dams & structures: _____

2. Well Information: Well Drilling Firm SchmidtFenter

No. of wells 2 Depth 300 feet

Casing a) diameter 12 3/4 inch Screen a) type steel, 12 3/4 inch
b) length unknown (260 feet estimated) b) length unknown (40 feet estimated)
c) type steel Static Water Level 72

Pump a) make Valley Motor a) make U.S. Electric
b) model 100 HE-10 A b) model no. 404700 WPI
c) size Serial # 14-9772 c) horsepower rating 100
d) capacity 800 GPM d) motor efficiency rating _____
e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines	<u>10 inch</u>	<u>10 inch</u>
b) type	<u>PVC</u>	<u>Aluminum</u>
c) length	<u>1,510 Feet</u>	<u>30 Feet</u>

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:

- i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

- b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- 1) make Vahlmeyer
- 2) number of towers 11
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) Y, Corner Systems
- 6) high or low pressure 3 PH, 2046-157
- 7) make & size of nozzles _____
- 8) PSI reading while system is running _____
- 9) GPM 8000

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit. ☒
2. Special Qualifications to permit being abided by. ☒
3. All Structures, wells and lands on map. ☒

REMARKS:

Permit No. 4752-3Vermillion River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Tommy Thomas
RR 2 Box 107
of RR 2, Marion, SD 57043 holder ofPermit No. 4752-3, bearing the priority of May 1, 1981 authorizingthe diversion of 3.42 cu. ft. per second of the waters of ground waterfor irrigation purposes, in Turner County.

I have to report on the conditions of the same as follows:

- A. Works used to divert the water:
 1 well, 300 Feet deep, 260 Feet of 12 3/4 inch steel casing, 40 Feet of 12 3/4 inch
 steel screen
 Valley pump, Model 10 HHE-10A, Serial #14-9772, 800 GPM Capacity
 U.S. Electric Motor, Model 40470 WPI, 100 HP
- B. Works used to transport water to place of use:
 1,510 Feet of 10 inch PVC pipe
 30 Feet of 10 inch Aluminum pipe
- C. Works used to apply water to beneficial use:
 Valmont center pivot, 11 towers, end gun, 800 GPM
 Valmont corner system, 1 HP, 3 PK, ID #61-82546-157

The system is in the following condition GoodThe point of diversion is located at a point 435 Feet north and 640 Feet east
of the S 1/4 corner of Section 19, T100N, R55WThe works are capable of diverting and conveying to the place of use 1.78cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: all in Section 19, T100N, R55W

<u>39 acres in the NW 1/4 SE 1/4</u>	<u>20 acres in the SW 1/4 NE 1/4</u>
<u>33 acres in the SW 1/4 SE 1/4</u>	<u>20 acres in the SE 1/4 NE 1/4</u>
<u>34 acres in the SE 1/4 SE 1/4</u>	
<u>40 acres in the NE 1/4 SE 1/4</u>	

comprising a total of 186 acres of land and the license should be issued for 1.78 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date September 10, 1987

Daniel J. Brown
 (signature)

State of South Dakota
Water License No. 4752-3

(1) Tommy Thomas
of Rural Route 2, Box 107, Marion, South Dakota 57043
made Application No. 4752-3, May 1, 1981 for a water permit to appropriate
3.42 cubic feet per second of water from groundwater (one well),
Turner County, South Dakota for irrigation purposes.
Permit No. 4752-3, with a priority date of May 1, 1981
was approved May 27, 1981 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before May 27, 1983 and for the application to beneficial use of said
water on or before May 27, 1986.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.78 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is a point 435 feet north and 640 feet
east of the SE $\frac{1}{4}$ Corner of Section 19, T100N, R55W (SE $\frac{1}{4}$ SE $\frac{1}{4}$)

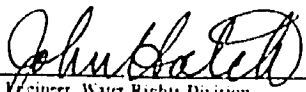
and

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

<u>T100N, R55W Section 19</u>	<u>NW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>39 acres</u>
	<u>SW$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>33 acres</u>
	<u>SE$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>34 acres</u>
	<u>NE$\frac{1}{4}$SE$\frac{1}{4}$</u>	<u>40 acres</u>
	<u>SW$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>20 acres</u>
	<u>SE$\frac{1}{4}$NE$\frac{1}{4}$</u>	<u>20 acres</u>
<u>TOTAL</u>	<u>186</u>	<u>ACRES</u>

(4) Pursuant to §46-5-30.1 Tommy Thomas
of RR#2, Box 107, Marion, South Dakota 57043
the holder(s) and/or owner(s) of Water Permit No. 4752-3 is issued a license to appropriate water, the right to use
1.73 cubic feet per second of water from groundwater with a priority date
of May 1, 1981 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 4752-3 and subject
to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources
JOHN HATCH
DEC 16 1987

Transferred to
Hutchinson County

76.9
T-754

98-L 4753-3

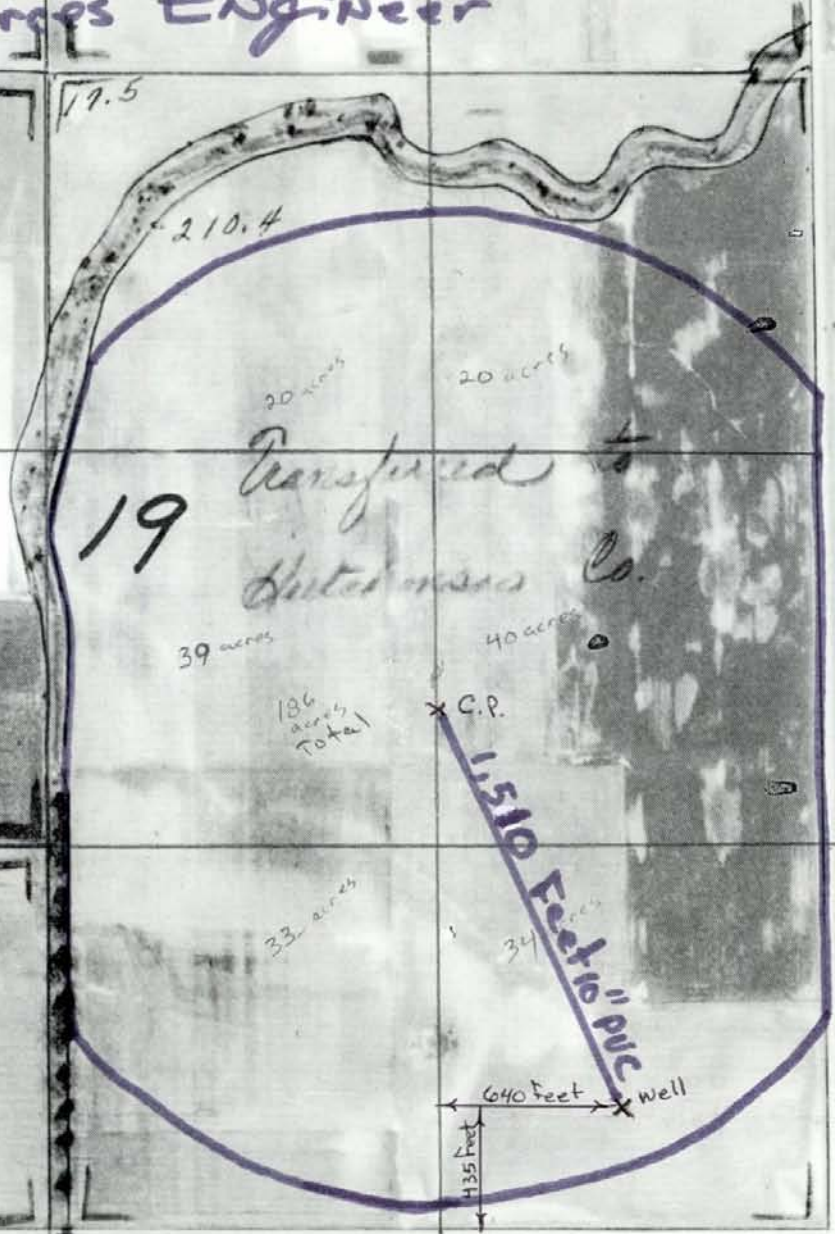
T-672

Prepared by
David Brown D.S.B.
Natural Resources Engineer

11/24/87

Transferred to
Hutchinson County

19.5



50.9
T-721

39.3
T-684

100-55

NOT TO SCALE

Water
License No.
4752-3

RECEIPT

Division of Water Rights
South Dakota Department of Water and Natural Resources

411092

Pierre, December 11, 1987

RECEIVED OF Tommy/Jean Thomas, RR 2, Box 107, Marion, SD 57043

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
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>4752-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	50	00

By John Hatch
Chief Engineer JOHN HATCH ms

**SOUTH Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 4752-3

DEC 16 1987

Tommy Thomas
RR 2, Box 107
Marion, South Dakota 57043

Dear Mr. Thomas:

Enclosed herewith is, Water License No. 4752-3. This is the final water right document completing your process of obtaining a water right.

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.

Very truly yours,
John Hatch

JOHN HATCH, Chief Engineer
Water Rights Division

JH: MS

Enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

April 24, 1998

4752-3

Todd Hofer
43982 271 St
Dolton SD 57319

Dear Mr. Hofer:

I am contacting you in regard to ownership of Water Right No. 4752-3, currently listed in the name of Tommy Thomas. Mrs. Thomas called this morning and indicated the sale has been finalized and you now own the land described in the water right.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change with the water right. Please review the form for accuracy and complete as needed. Upon completion, please sign the form in the presence of a notary public and then return it to our office with a required filing fee of \$2.50.

If you have any questions concerning the water right or completion of the transfer of ownership form, please give me a call.

Sincerely,

Genny McMath
Environment Scientist
Water Rights Program
605 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 4752-3

Date: 4-30-1998



I/We request that Water Right No. 4752-3

formerly owned by: Tommy Thomas, Marion, SD

be transferred to: (name & address) Todd M. Hofer and Merlyn L. Hofer

43982 271st Dolton, SD 57319

Telephone No. 605-648-3268

Title to the following described land(s)/property has been transferred as described above:

186 acres - SE 1/4 and S 1/4 NE 1/4 Section 19, T100N, R55W

I/We understand that the validity of Water Right No. 4752-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

STATE OF SOUTH DAKOTA)

County of Hutchinson)

I/We Todd M. Hofer & Merlyn L. Hofer being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Todd M. Hofer Merlyn L. Hofer
(Signed)

Subscribed and sworn to before me this 30th day of April, 19 98.

Loren H. Heckerla

(Notary Public)
Notary Public South Dakota
My Commission Expires June 7, 1999

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

NO 415764

Water Rights Program

South Dakota Department of Environment and Natural Resources

Pierre, May 13, 1998

RECEIVED OF Todd M. & Merlyn L. Hofer, 89982 271st, Dolton, SD 57319
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 _____

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. _____Fee for Filing Transfer Form Water Right No. 4752-3

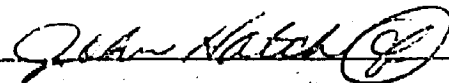
Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By _____
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

July 15, 1998

No. 4752-3

Todd M. and Merlyn L. Hofer
43982 271st
Dolton, SD 57319

Dear Sirs:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 4752-3.

Our records now show you as the owner of Water Right No. 4752-3.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

enclosure



4752-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: TODD M & MERLYN L. HOFER, 43982 271st, DOLTON, SD 57319
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

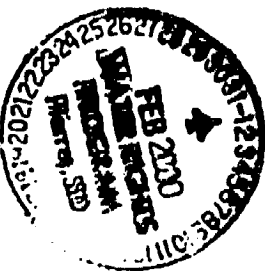
1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4752-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

RETURN SERVICE REQUESTED

1-15
1-20
1-31

CERTIFIED

Z 227 670 460

MAIL



RTS
Handwritten signature

TODD M & MERLYN L HOFER
43982 271st
DOLTON SD 57319

4752-3

Scissors are not to be used on the back of the card. If you do, the card will be void.

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TODD M & MERLYN L HOFER
43982 271st
DOLTON SD 57319

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Copy from service label)

PS Form 3811, July 1999

Domestic Return Receipt

Z 227 670 460

122509-90-4-1709



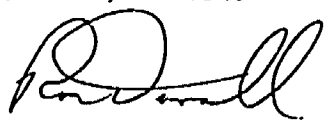
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/derr

February 2, 2000

NOTICE

TO: Todd M & Meryln L Hofer, 43982 271st St, Dolton, SD 57319

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

SUBJECT: Unclaimed Certified Mail Concerning Violation of Water Permit No. 4752-3

The attached notice was sent certified mail, return-receipt requested. The post office has returned the certified mail return-receipt requested envelope to our office marked "unclaimed". The envelope indicated the post office notified you January 15th and 20th to pick up and sign for the certified mail.

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

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

February 11, 2000

4752-3

Todd M & Meryln L Hofel
43982 271st St
Dolton, SD 57319

Dear Sirs:

I am writing to acknowledge receipt of your 1999 irrigation questionnaire. You may disregard the January 14, 2000, "Notice" concerning reporting requirements for Water Right No. 4752-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



4752-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2002

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4752-3

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TODD M & MERLYN L HOFER
43982 271ST
DOLTON SD 57319

ADDRESSEE COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Todd Hofer B. Date of Delivery 1-17-02

C. Signature

X Todd Hofer☐ Agent☐ AddresseeD. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ G.O.D.4. Restricted Delivery? (Extra Fee) ☐ Yes2. 7001 2510 0004 4797 4227

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 21, 2002

4752-3

Todd M & Merlyn L Hofer
43982 271st St
Dolton, SD 57319

Dear Sirs:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 4752-3.

I completed a questionnaire for you based on our February 21st telephone conversation. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



4752-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 14, 2004

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at 8:30 am, March 3, 2004 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 27, 2004, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4752-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9197

Your item was delivered at 12:29 pm on January 15, 2004 in
BRIDGEWATER, SD 57319. The item was signed for by T HOFER.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9197

TODD M & MERLYN L HOFER
43982 271ST
DOLTON SD 57319

Waiver of Signature ☐ YES ☐ NO

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February 10, 2004

4752-3

Todd M & Merlyn L Hofer
43982 271st St
Dolton SD 57319

Dear Sirs:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. I completed a questionnaire for you based on my February 10th telephone conversation with Todd Hofer.

You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 4752-3. The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



4752-3

**DEPARTMENT of ENVIRONMENT
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January 20, 2005

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319

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

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaire(s)

Our records indicate that the 2004 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before February 25, 2005, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



4752-3

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TODD M & MERLYN L HOFER
43982 271ST
DOLTON SD 57319

Waiver of Signature ☐ YES ☐ NO

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February 8, 2005

4752-3

Todd Hofer
43982 271st St
Dolton SD 57319

Dear Mr. Hofer:

I am writing to acknowledge receipt of the information for your 2004 irrigation questionnaire. I completed a questionnaire for you based on our February 8th telephone conversation. Enclosed is a copy for your records.

You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right No. 4752-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



4752-3

DEPARTMENT of ENVIRONMENT
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www.state.sd.us/denr

January 24, 2006

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319

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

SUBJECT: Reporting Requirement for 2005 Irrigation Questionnaire(s)

Our records indicate that the 2005 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 28, 2005. The Water Management Board has directed that owners of water permits who have not submitted the 2005 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at 10:30 am, March 2, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **February 24, 2006**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

4752-3



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DOLTON SD 57319

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February 10, 2006

4752-3

Todd M & Merlyn L Hofer
43982 271st ST
Dolton SD 57319

Dear Sirs::

I am writing to acknowledge receipt of the information for your 2005 irrigation questionnaire. You may disregard the January 24, 2006, "Notice" concerning reporting requirements for Water Right No. 4752-3.

I completed a questionnaire for you based on our February 9th phone conversation. Enclosed is a copy of the questionnaire you may keep for your records. On the back side of the form where the "days" and "hours" are listed; I entered in amounts that would total the number of hours you indicated the system ran.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda. If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosure



4752-3

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January 26, 2007

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319

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

SUBJECT: Reporting Requirement for 2006 Irrigation Questionnaire(s)

Our records indicate that the 2006 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 20, 2006. The Water Management Board has directed that owners of water permits who have not submitted the 2006 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at 10:30 am, March 7, 2007 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before March 1, 2007, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

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



4752-3

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TODD M & MERLYN L HOFER
43982 271ST
DOLTON SD 57319

Waiver of Signature ☐ YES ☐ NO

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February 6, 2007

4752-3

Todd M & Merlyn L Hofer
43982 271st
Dolton SD 57319

Dear Sirs:

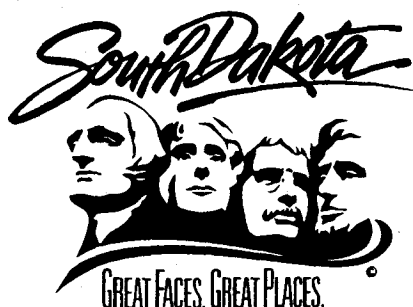
I am writing to acknowledge receipt of the information for your 2006 irrigation questionnaire. You may disregard the January 26, 2007, "Notice" concerning reporting requirements for Water Right No. 4752-3. I completed a questionnaire for you based on my phone conversation with Todd on February 5th.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



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January 18, 2008

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at **10:00 am, March 11, 2008** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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

4752-3

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TODD M & MERLYN L HOFER
43982 271ST
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Waiver of Signature ☐ YES ☐ NO

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January 24, 2008

4752-3

Todd & Merlyn Hofer
43982 271st St
Dolton SD 57319

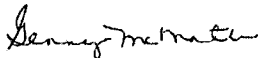
Dear Sirs:

I am writing to acknowledge receipt of the information for your 2007 irrigation questionnaire. I completed a form for you based on our January 24th phone conversation. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right No. 4752-3.

The information was received in our office prior to the Water Management Board meeting and your names have been deleted from the agenda.

I am including a copy of the form I completed for you so that you have something for your files. If you have any questions, please contact me.

Sincerely,


Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352



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December 1, 2010

4752-3

Todd Hofer
43982 271st St
Dolton SD 57319

Dear Mr. Hofer:

I am writing in follow-up to our phone conversation of November 29th concerning your water use under Water Right No. 4752-3. I have completed a questionnaire for you indicating you did not irrigate due to extreme wet conditions in your area.

During our phone conversation you requested information on the length of time you could go without irrigating and still retain your water right. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Your decision not to irrigate this past season due to extreme wet conditions falls under the legal excuse definition as set forth by the Water Management Board. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

Enclosed as we discussed are hydrographs of the observation wells in your area. Jim Goodman printed the graphs for you and added notations in the upper right hand corner of each one showing distance the wells are from your irrigation well.

If you have any questions concerning the hydrographs, please contact Jim. He is our ground water engineer and can better explain the graphs and what the data means.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



4752-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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January 16, 2015

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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



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January 26, 2015

4752-3

Todd Hofer
43982 271st
Dolton SD 57319

Dear Mr. Hofer:

I am writing in follow-up to our phone conversation concerning your 2014 irrigation questionnaire. I completed a form for you based on our phone conversation. I have included a copy of what I filled out so you may have a copy for your records.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right No. 4752-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



4752-3
DEPARTMENT of ENVIRONMENT
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January 15, 2016

NOTICE

TO: TODD M & MERLYN L HOFER, 43982 271ST, DOLTON, SD 57319
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 2, 2016

4752-3

Todd M & Merlyn L Hofer
43982 271st ST
Dolton SD 57319

Dear Sirs:

I am writing to acknowledge receipt of your 2015 irrigation questionnaire.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right No. 4752-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

January 20, 2026

NOTICE

TO: TODD M HOFER, 43982 271ST ST, DOLTON, SD 57319
FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4752-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4752-3 qualification:

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

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4752-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TCQMVI**

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 4, 2026

4752-3

Todd M. Hofer
43982 271st St
Dolton, SD 57319

Dear Mr. Hofer,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 3, 2026

4752-3

Todd M. Hofer
43982 271st St
Dolton, SD 57319

Dear Mr. Hofer,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us