

WATER PERMIT NO. 5980-3

Name of Applicant: **Lynell Hofer**

Address: **27618 431ST Ave, Freeman SD 57029**

Phone: **605 925-7140**

Amount of Water Claimed: **no add'l**

Total Acres: **135**

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

Water to be used for: **irrigation**

County: **Hutchinson**

Type of Waste Disposal System: **NA**

Location: **7 miles west and 3 miles north of Freeman**

PRIORITY

Date Received: **2-10-97**

Fee: **\$250.00**

Corrected Application Received: **2-20-97**

Period of Annual Use: **May 1 - September 30**

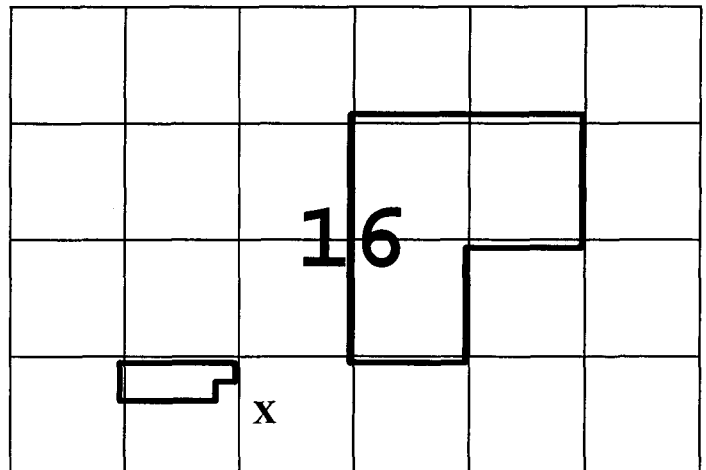
Remarks: **Proposes to use existing well authorized by Water Right No. 5020-3 and 5917-3**

Diversion Point: **SE 1/4 SW 1/4**

Sec 16-T99N-R57W

Land to be Irrigated: **S 1/2 NE 1/4, NW 1/4 SE 1/4,**

SW 1/4 SW 1/4 Sec 16-T99N-R57W



Depth of Well: **242 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Robert A Remolt, NRCS**

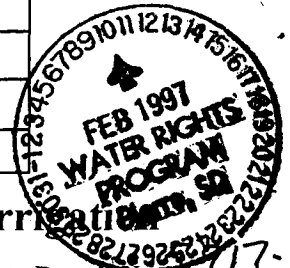
Reviewed and the Number Assigned on: **2-10-96**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)
	No. <u>5980-3</u> Hydrologic Unit <u>10/60011</u>
	Basin <u>Texas River</u>
	Newspaper <u>Freeman Courier, Freeman, SD</u>



Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right ✓ Amendment/Correction to Permit No. 5980-3
(check one) (Use predates Mar 2, 1955)

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

- 135 acres to existing Permit But no more cubic Feet of water
1. Name of Applicant Lynell Hofer ☐ Owner ☒ Tenant/Lessee Phone 925-7140
(check one)
- Mailing Address 27618 431st ave Freeman State SD 57029
no add'l (Street, RR, or Box) (Zip Code)
2. Amount of water claimed 3.78 *CFS or **GPM ***AF Total Acreage 135
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply existing well authorized by Water Right No. 5020-3
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SW 1/4 Sec. 16-99-57 County Hutchinson

5. County or counties where water will be used Hutchinson
6. Annual period during which water is to be used May 1 - September 30
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>5/8 of NE 1/4 of 16-99-57</u>	<u>75</u>		
<u>NW 1/4 of SE 1/4 of 16-99-57</u>	<u>40</u>		
<u>SW 1/4 of SW 1/4 of 16-99-57</u>	<u>20</u>		

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

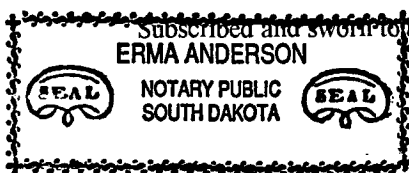
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

STATE OF SOUTH DAKOTA)

County of Hutchinson ss

Lynell Hofer, the applicant, have read this application, examined the attached map, and certify that the matters stated are true. I intend and am able to complete the necessary construction.

Signed Lynell Hofer
Erma Anderson
Notary Public
My Comm Exp 12-30-98



Supplemental Information

uses existing well (type or print in ink) Permit No. 5917-3 on file
located at ~~well~~ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of 16-99-57

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ c) Year Constructed _____
- d) Connected to the City of _____ Sanitary System.

3. Dugout Information

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____



4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

g) X & Y Slope

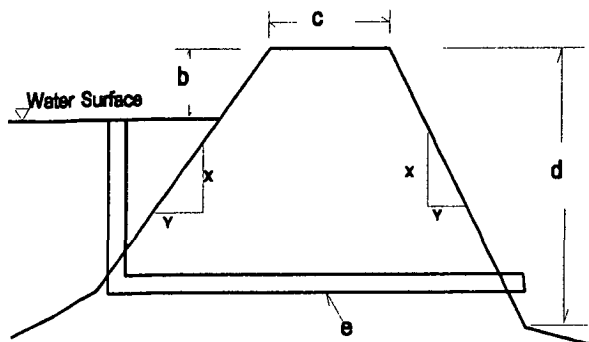
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



SOUTH DAKOTA
WATER PERMIT NO. 5980-3

Date of first receipt of application February 10, 1997.

Date of return to applicant for corrections, amendments or changes February 11, 1997.

Date of receipt of corrected application February 20, 1997.

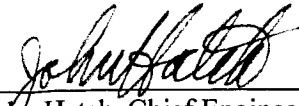
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5980-3 to Lynell Hofer, 27618 431st Ave, Freeman SD 57029 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5980-3 authorizes irrigation of 135 additional acres. Water Right No. 5020-3 and Water Permit No. 5917-3, combined, appropriate 3.78 cubic feet of water per second (cfs) from two wells 242 and 275 feet deep (Lower James Missouri Aquifer) located in the W 1/2 NW 1/4 Section 22 and the SE 1/4 SW 1/4 Section 16; all in T99N-R57W to irrigate 368 acres. This permit is to irrigate 135 additional acres located in the S 1/2 NE 1/4, NW 1/4 SE 1/4, SW 1/4 SW 1/4 Section 16 from the existing well located in the SE 1/4 SW 1/4 Section 16; all in T99N-R57W. This permit does not authorize any increase in the diversion rate of 3.78 cfs authorized by Water Right No. 5020-3.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - September 30.
3. The date from which applicant may claim right is February 10, 1997.
4. The date of approval of Permit No. 5980-3 is April 21, 1997.
5. One-fifth of the construction is to be completed on or before September 10, 1999.
6. All construction is to be completed on or before February 10, 2002.
7. Water is to be put to beneficial use on or before February 10, 2006.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
John Hatch, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUN 11 1997

date

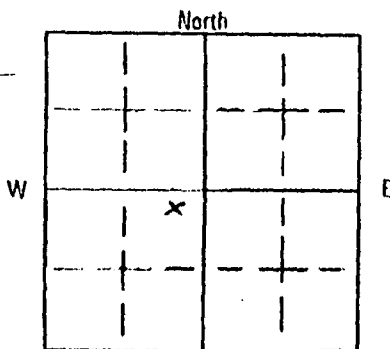


SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/2 SW 1/4 Sec 16 Twp 99-N Rg 57-WCounty Hutchinson

Please mark well location with an "X"

Well Completion Date 6-19-81

PROPOSED USE:

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

Method of Drilling

Reverse

CASING DATA:

☒ Steel ☒ Plastic ☐ Other
 If other describe stainless steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT <u>16</u>	IN <u>16</u>	FT <u>0</u>	FT <u>212</u>	IN <u>25</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN. ☐ Perforated pipe ☐ ManufacturedDiameter 25 IN Length 30 FEETMaterial stainless steelSlot Size 60 Set From 212 Feet To 242 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

3" x 1/4" gravel 65 TonWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☒ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Lynell HoferAddress RR Freeman, SD 57029

Well Log:

Depth

Formation

From

To

Top Soil yellow clay	0	15
Yellow Clay + rocks	15	25
Blue Clay	25	55
Blue Clay & rocks	55	81
Gravel + rocks	81	95
Blue Clay	95	105
Blue Clay w/ Gravel Strata	105	125
Blue Clay	125	170
Fine Sand	170	175
Blue Clay w/ fine sand strata	175	198
Rocks + medium sand	198	205
Medium Sand + Coal	205	242

TD 242'

STATIC WATER LEVEL 135

If flowing: closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ OtherDescribe: 800 Gpm w/air

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

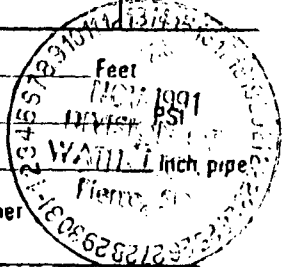
REMARKS:

This well was drilled under license # 440

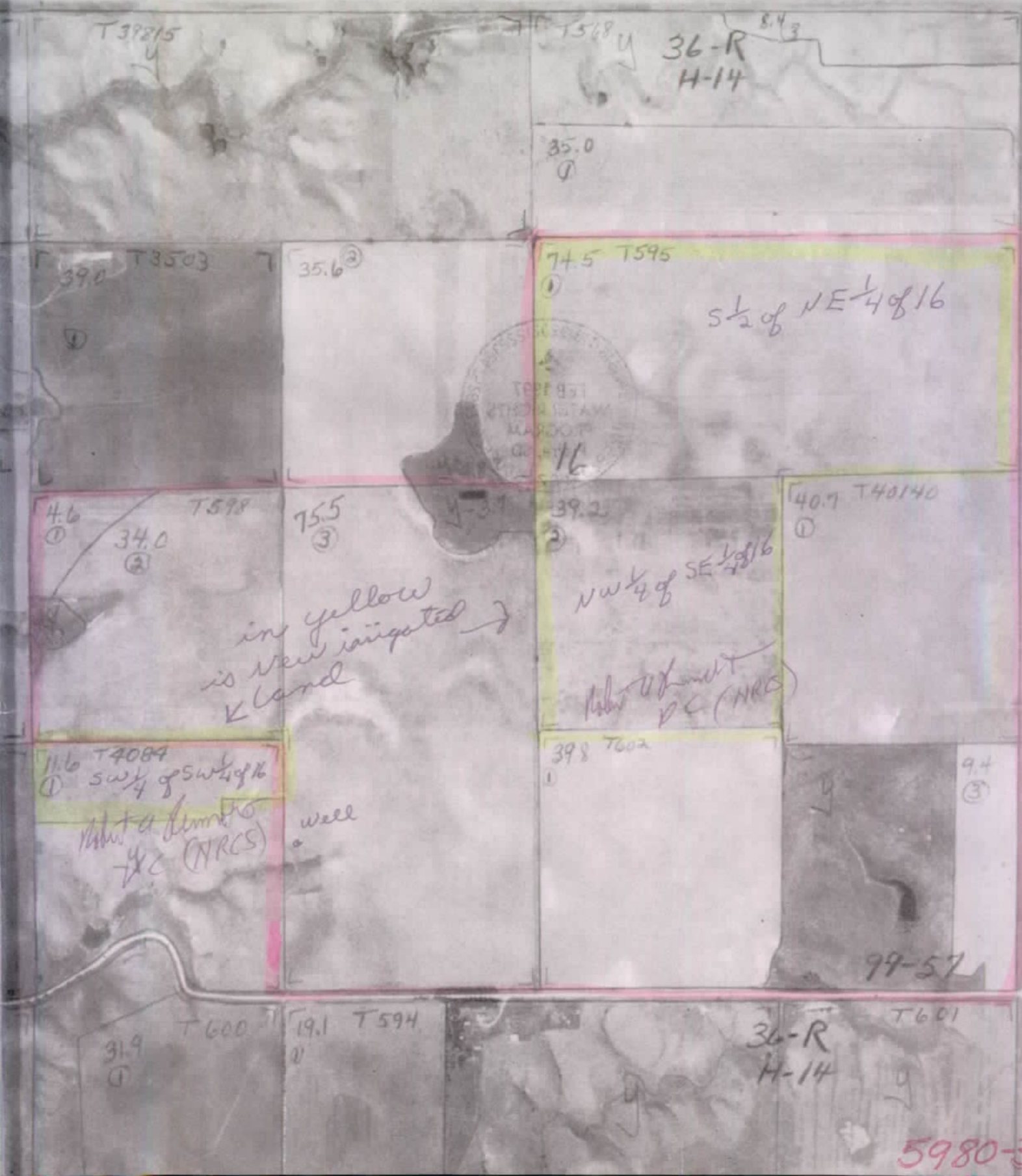
And this report is true and accurate.

Drilling firm Pullman Well DrillingSignature of License Representative: [Signature]Signature of Well Owner: [Signature]

Date _____



NOT TO SCALE



5980-3

RECEIPT

415246

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 11, 19 97

RECEIVED OF Dynalid Ruffen, RE 1, Box 109, Brown, SD 57002

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

Fee for Application for Permit No. <u>400-3</u> 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 _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	

By John H. [Signature]
Chief Engineer

Hulda Hafner & her Family
are aware of and support the
application for irrigation permit for
land ~~owned~~ in Section 16-99-57

Hulda Hafner
Marie Whenn POA





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 1997

Lynell Hofer
27618 431st Ave
Freeman SD 57029

Dear Mr. Hofer:

We received your *Application for a Permit to Appropriate Water for Irrigation* on February 10, 1997. The map is being returned because it must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local NRCS office).

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
605 773-3352

enclosure



REPORT ON WATER PERMIT APPLICATION NO. 5980-3
for Lynell Hofer
March 17, 1997

Application No. 5080-3 proposes to irrigate an additional 135 acres. Water Right No. 5020-3 and Water Permit No. 5917-3, combined, appropriate 3.78 cfs from two wells approximately 242 feet and 275 feet deep to irrigate 368 acres. This application is to irrigate 135 additional acres located in the S 1/2 NE 1/4, NW 1/4 SE 1/4, SW 1/4 SW 1/4 of Section 16 from the existing well in the SE 1/4 SW 1/4 of Section 16; all in T99N-R57W in Hutchinson County. This application if approved does not authorize any increase in the diversion rate of 3.78 cfs authorized by Water Right No. 5020-3.

AQUIFER - LOWER JAMES MISSOURI (LJM)

The Lower James Missouri aquifer is a buried outwash (sand and gravel) which is under confined or artesian conditions at this site. However, over most of Hutchinson County the aquifer is buried but under predominantly water table conditions. The aquifer underlies 268 square miles and contains an estimated 2.367 million acre feet of water in storage (Lindgren, 1990). Ground water movement is from northeast to southwest in this area and toward the James River. The aquifer is areally extensive into Hansen County to the north and into Yankton County to the south. The aquifer is hydraulically connected to the James River and possibly to the Niobrara Formation.

The Water Rights Program monitors an observation well HT-81D which is located in this immediate area. Water levels for this well show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. Also the effects of pumping are obvious with a seasonal fluctuation of about eight feet during the irrigation season. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1997). A hydrograph for the observation well is included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one existing water permit No. 5919-3 (also includes No. 5478-3) which will be licensed for 1.33 cfs and irrigation of 100 acres that is located about 1 mile northwest of the well for this application. Interference is not a concern. The water levels do not fluctuate significantly as shown by the hydrograph. These wells have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is confined and under artesian conditions at this site. Drawdown will occur but this does not appear to be significant and should not impair any existing water permits/rights. These wells have been in use for many years with no apparent problems.
3. There is no request for additional diversion rate for this application. This is only a request to add 135 additional acres for irrigation. The diversion rate for the existing well will remain at 900 gpm.
4. It appears that water permit No. 5900-3 can be canceled. That application requested water from the Niobrara Formation to irrigate some of the same acres which will be irrigated by this application and water permit No. 5917-3.



James A Goodman
Natural Resources Engineer

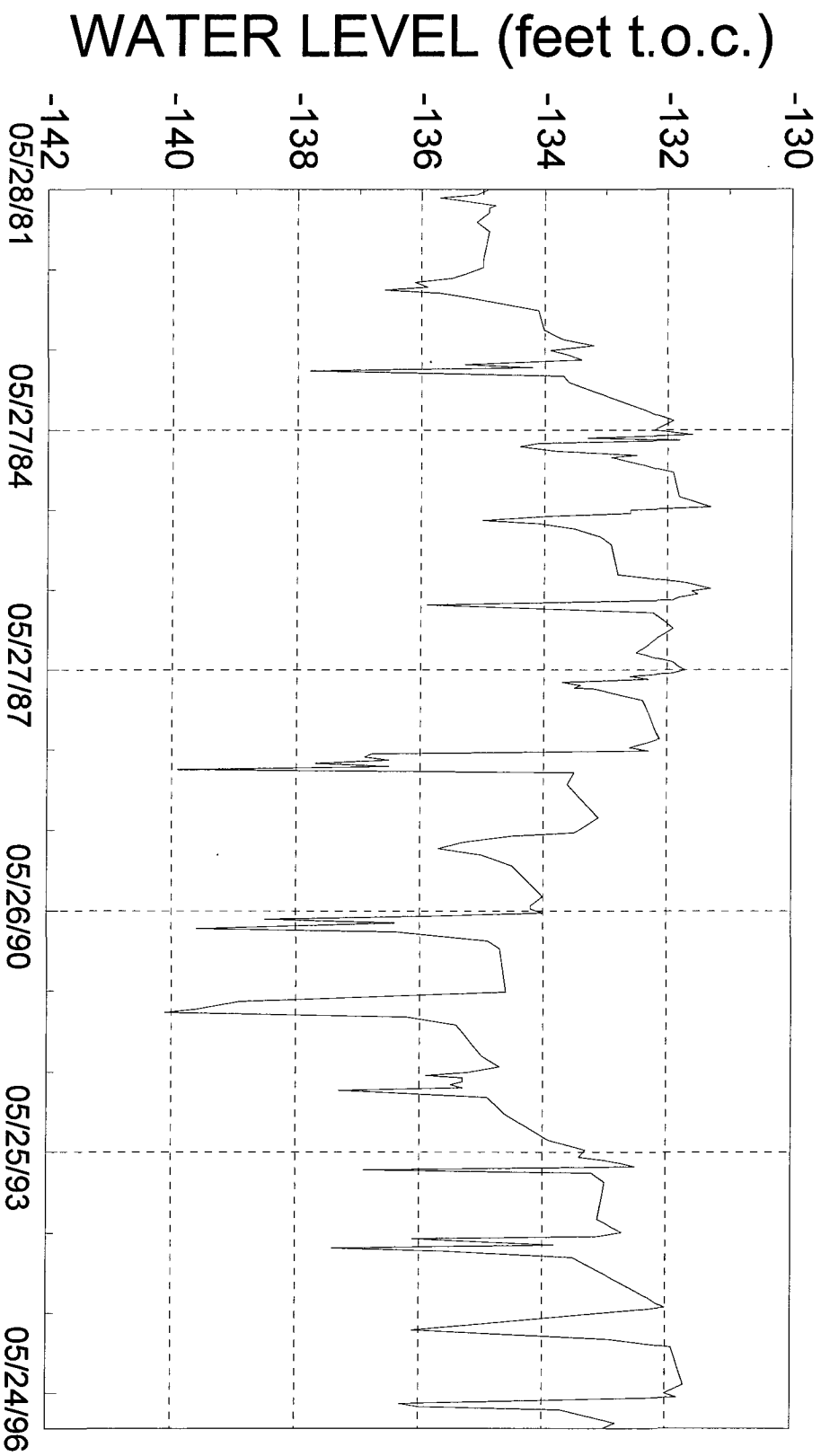
BIBLIOGRAPHY

Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, USGS WRI 90-4093, USGS Huron, SD, 57350.

Water Rights, 1997, Unpublished Observation Well Data For Hutchinson County, SD DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS OBSERVATION WELL

HT-81D



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5980-3, Lynell Hofer**

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. 5980-3, Lynell Hofer, 27618 431st Avenue, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 5980-3 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) in the public interest with the following qualifications:

1. The wells approved under Water Right No. 5020-3, Water Permit Nos. 5917-3 and 5980-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

JOHN HATCH, Chief Engineer
March 25, 1997



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

March 26, 1997

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

Dear Mr. Hofer:

Water Permit Application No. 5980-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Freeman Courier printed at Freeman, SD (Ph # (605) 925-7033). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 26, 1997

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5980-3 to be published twice. Please publish the first notice on April 2, 1997, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Lynell Hofer, 27618 431st Ave., Freeman, SD 57029 (Ph # (605) 925-7140).

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

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

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on April 2, 1997, with the second publication 7 days later. The applicant is responsible for payment.

**NOTICE OF APPLICATION NO. 5980-3 to Appropriate Water
and to Amend Water Permit No. 5917-3 and Water Right No. 5020-3**

Notice is given that Lynell Hofer, 27618 431st Ave, Freeman SD 57029 has filed an application for a water permit to irrigate 135 additional acres. Water Right No. 5020-3 and Water Permit No. 5917-3, combined, appropriate 3.78 cubic feet of water per second (cfs) from two wells 242 and 275 feet deep (Lower James Missouri Aquifer) located in the W 1/2 NW 1/4 Section 22 and the SE 1/4 SW 1/4 Section 16; all in T99N-R57W to irrigate 368 acres. This application is to irrigate 135 additional acres located in the S 1/2 NE 1/4, NW 1/4 SE 1/4, SW 1/4 SW 1/4 Section 16 from the existing well located in the SE 1/4 SW 1/4 Section 16; all in T99N-R57W. This application, if approved, does not authorize any increase in the diversion rate of 3.78 cfs authorized by Water Right No. 5020-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5980-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 21, 1997.

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hutchinson) SS

I, Jim L. Waltnr

certify that the attached printed Notice was taken
from the Freeman Courier

printed and published in Freeman
County of Hutchinson and

state of South Dakota. The notice was published
in the newspaper on the following two dates:

April 2, 1997

April 9, 1997

Cost of Printing 41.04

Jim L. Waltnr
(Signature)

Publ
(Title)

4/10/97
(Date Signed)



**Notice of Application No. 5980-3
to Appropriate Water and to
Amend Water Permit No. 5917-3
and Water Right No. 5020-3**

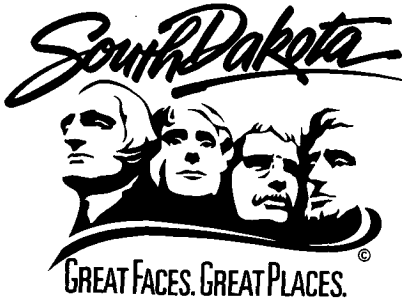
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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5980-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or con-

testing the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 11 1997

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

Dear Mr. Hofer:

Enclosed is Water Permit No. 5980-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352

enclosures

PLEASE NOTE: Certain changes may be made to your water permit usually without affecting the priority date. The location of a point of diversion may be changed or additional points of diversion may be approved if the water source remains unchanged; no additional water is appropriated; and, if irrigating, no additional land is irrigated. The change may be allowed without application or publication, if the Water Rights Program is contacted and the chief engineer makes a finding that the change does not increase the potential for interference with existing diversions.

A new water permit application is required to change water sources, increase the permitted diversion rate, or increase the irrigated acreage. If the application is approved, the water permit will receive a new priority date.

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 6-12-97TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM:

Lynell Hofer
(name)27618 431 ave
(address)Freeman
(city)SD
(state)57029
(zip)925-7140
(phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5980-3.

Water Permit No. 5980-3 states that the diversion system is to be constructed by 2-10-2002, and that the water is put to beneficial use by

(date)

2-10-2006
(date)

The diversion system was completed on 6-12-97.

(date)

Applying the water to beneficial use was completed on 6-12-97.

(date)

You may schedule an inspection so that the Water License may be issued.

Lynell Hofer
(signature)

FIELD INVESTIGATION REPORT FOR PERMIT NOS. 5917-3 & 5980-3

DATE OF INVESTIGATION:	August 10, 1999
NAME & ADDRESS OF INVESTIGATION CONTACT/ RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE	
NAME & ADDRESS OF PERMIT HOLDER	Lynell Hofer 27618 431th Avenue Freeman SD 57029
DIVERSION POINT LEGAL LOCATION	<u>1,496 east and 944 feet north of the SW Corner (SE¼ SW¼) of Section 16, T99N, R57W</u>

WATER SUPPLY Source: one well developed into the Lower James Missouri Aquifer

Well Information:

- | | |
|---------------------------------------|-------------------------------------|
| 1) Well Drilling Firm: <u>Wetmore</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>approx. 242</u> feet | 4) Well log is available <u>yes</u> |

Casing:

- | | |
|------------------------------|---------------------------|
| 1) Diameter <u>16</u> inches | 2) Length <u>212</u> feet |
| 3) Type <u>plastic</u> | |

Screen:

- | | |
|---------------------------------------|--------------------------|
| 1) Type <u>stainless</u> | 2) Length <u>30</u> feet |
| 3) Static water level <u>135</u> feet | |

Pump:

- | | |
|-----------------------------------|----------------------------|
| 1) Make <u>Western Landroller</u> | 2) Model |
| 3) Size | 4) Capacity <u>900 gpm</u> |

Motor:

- | | |
|---|--|
| 1) Make <u>U. S. Electric (high thrust)</u> | 2) ID No. <u>6347-03-353-R1001370M</u> |
| 3) Horsepower rating <u>100</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 8 inches 3) Length approx. 4,200 feet of underground pipe

SYSTEM TYPE:

Center pivot:

- | | |
|------------------------------------|---|
| 1) Make <u>Valley</u> | 2) Overall length <u>1,320 and 640</u> feet |
| 3) Number of towers <u>7 and 3</u> | 4) End gun <u>yes on both pivots</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>900</u> GPM |

CHEMIGATION EQUIPMENT:

- | | |
|-----------------------------|-------------------------------------|
| 1) Does chemigate <u>NO</u> | 2) Main line check valve <u>n/a</u> |
|-----------------------------|-------------------------------------|

Permit No. 5917-3 and 5980-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, August 9, 1999, made a thorough examination of the water use system constructed by Lynell Hofer of 27618 431th Avenue, Freeman SD 57029 holder of Permit Nos. 5917-3 and 5980-3, bearing the priority of March 19, 1996 (No. 5917-3) and February 10, 1997 (No. ~~5917-3~~ 5980-3) authorizing the diversion of no additional cu. ft. per second to what is previously appropriated under Water Right No. 5020-3 from the Lower James Missouri Aquifer for irrigation purposes, in Hutchinson County.

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

A. Works used to divert the water:

A 242 foot deep well with a U.S. Electric motor

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

Underground pipeline convey water from the well to the two center pivots. Both pivots do not operate at the same time.

C. Works used to apply water to beneficial use:

An 3 tower and an 7 tower center pivot. Both center pivots are Valley.

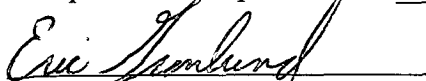
The system is in the following condition good. The point of diversion is located approximately 1,496 east and 944 feet north of the SW Corner (SE ¼ SW ¼) of Section 16, T99N, R57W. The works are capable of diverting and conveying to the place of use 2.0 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SW ¼ SE ¼ Section 16, T99N, R57W	34 acres	January 15, 1998
NE ¼ SE ¼ Section 16, T99N, R57W	34 acres	March 19, 1996
NW ¼ SE ¼ Section 16, T99N, R57W	34 acres	February 10, 1997
SE ¼ NE ¼ Section 16, T99N, R57W	34 acres	February 10, 1997
SW ¼ NE ¼ Section 16, T99N, R57W	34 acres	February 10, 1997

comprising a total of 170 acres of land and the license should be issued for 2.0 cfs (900 gpm)

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: December 14, 1999


Eric Gronlund
Natural Resources Engineer
DENR, Water Rights Program

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

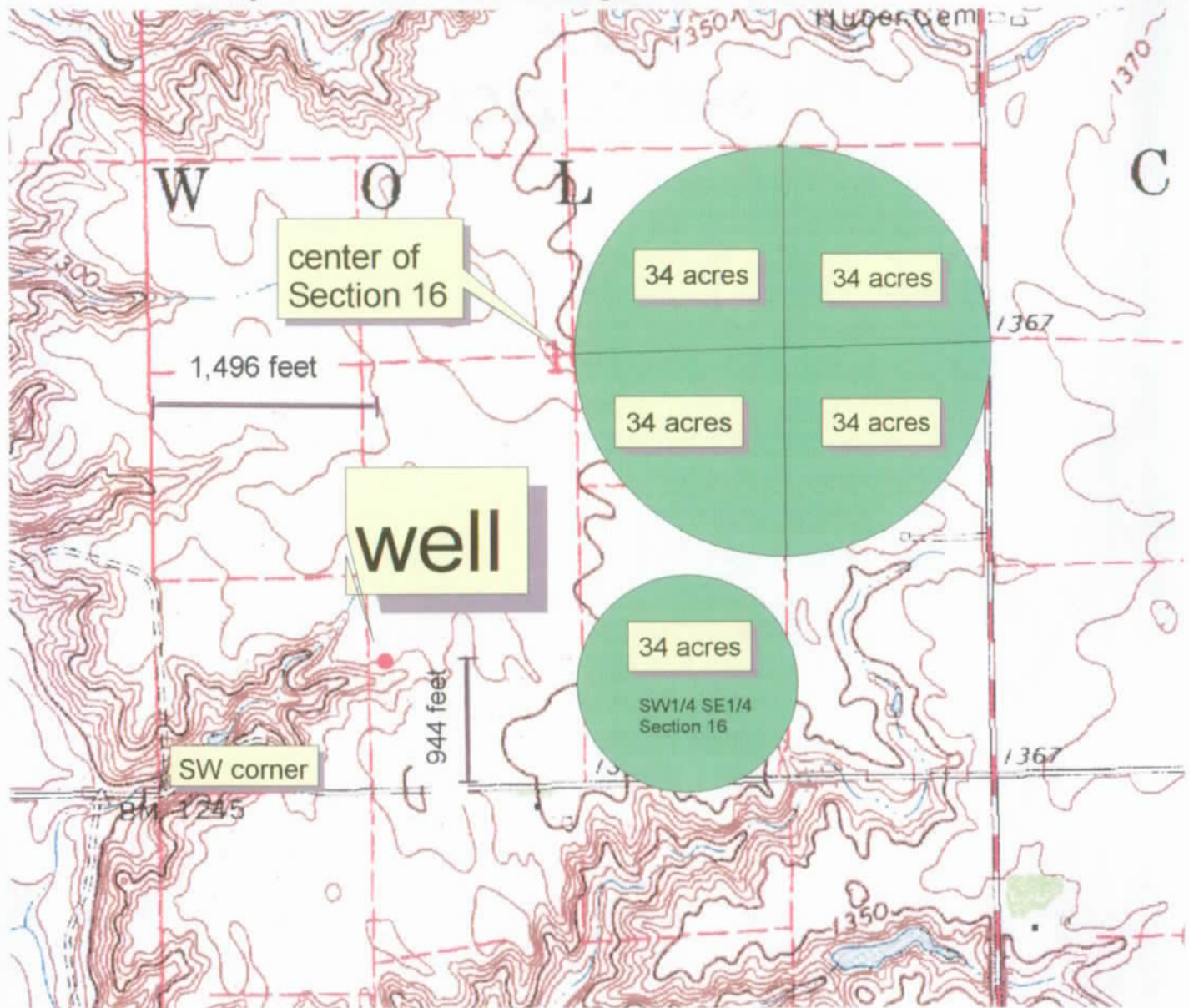
COMMENTS

Mr. Hofer has five water right permits that I investigated on August 9, 1999 (Water Permit No. 5900-3 is not applicable to this discussion). Mr. Hofer also holds Water Right No. 5020-3 which appropriates 3.78 cfs from two wells for irrigation of 328 acres. Mr. Hofer has configured his system so that each of his three wells are connected and used solely for irrigation of 2 center pivots (see map). Mr. Hofer asked that in licensing that the water licenses be issued in a manner to reflect the three systems (wells). This will make reporting on the annual irrigation questionnaire easier.

In the case of Water Permit No. 5980-3, the water permit is to irrigate 135 additional acres from one of the existing wells authorized by Water Right No. 5020-3. Water Permit No. 5980-3 did not authorize any additional appropriation of water. In configuring the system, Mr. Hofer uses this well to irrigate the lands originally intended by the water permit (with the exception of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16) plus the irrigated acres authorized by Water Permit Nos. 5917-3 and 6035-3.

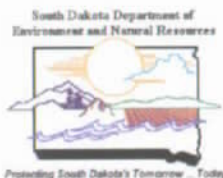
Priority dates for each water right will be assigned to the land.

Lynell Hofer - Water Right No. 5980-3



500 0 500 1000 1500 2000 Feet

Well location - 1496 feet
East and 944 feet north of SW
corner of Section 16, T99N, R57W



Eric Gronlund
Eric Gronlund, Water Rights Program
Licensing Investigation
Conducted August 9, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 24, 1999

Lynell Hofer
27618 431st Avenue
Freeman SD 57029

Dear Mr. Hofer:

I am writing as a follow-up to our telephone conversation regarding submitting the annual irrigation questionnaire. You called faced with the dilemma of having to fill out 6 irrigation questionnaires.

Based on my licensing investigation last August, I was to review the water permits to see if everything was in order and if possible incorporate into three water rights. Each of these water rights would represent the irrigation that takes place from a specific wells. I have not completed the in-office work necessary for incorporating the water rights.

I am sending you maps showing how I envision these water rights will be incorporated (copies enclosed). The reference to the irrigation systems as 1, 2 and 3 is purely for identifying purposes of the irrigation questionnaire. Stapled to each map is an irrigation questionnaire for you to complete. Once completed send the three irrigation questionnaire (without the map) back to us in the enclosed self addressed stamped envelope.

Lynell, please understand that I put these maps together quickly and they are only preliminary based on my onsite visit. They may be subject to changes once I closely review the permits to make sure everything is covered. If you see any glaring errors or omissions, I'd appreciate if you'd point them out to me. I hope to complete the reports on the licensing investigation this December.

As always, give me a call if you have and water right permitting questions.

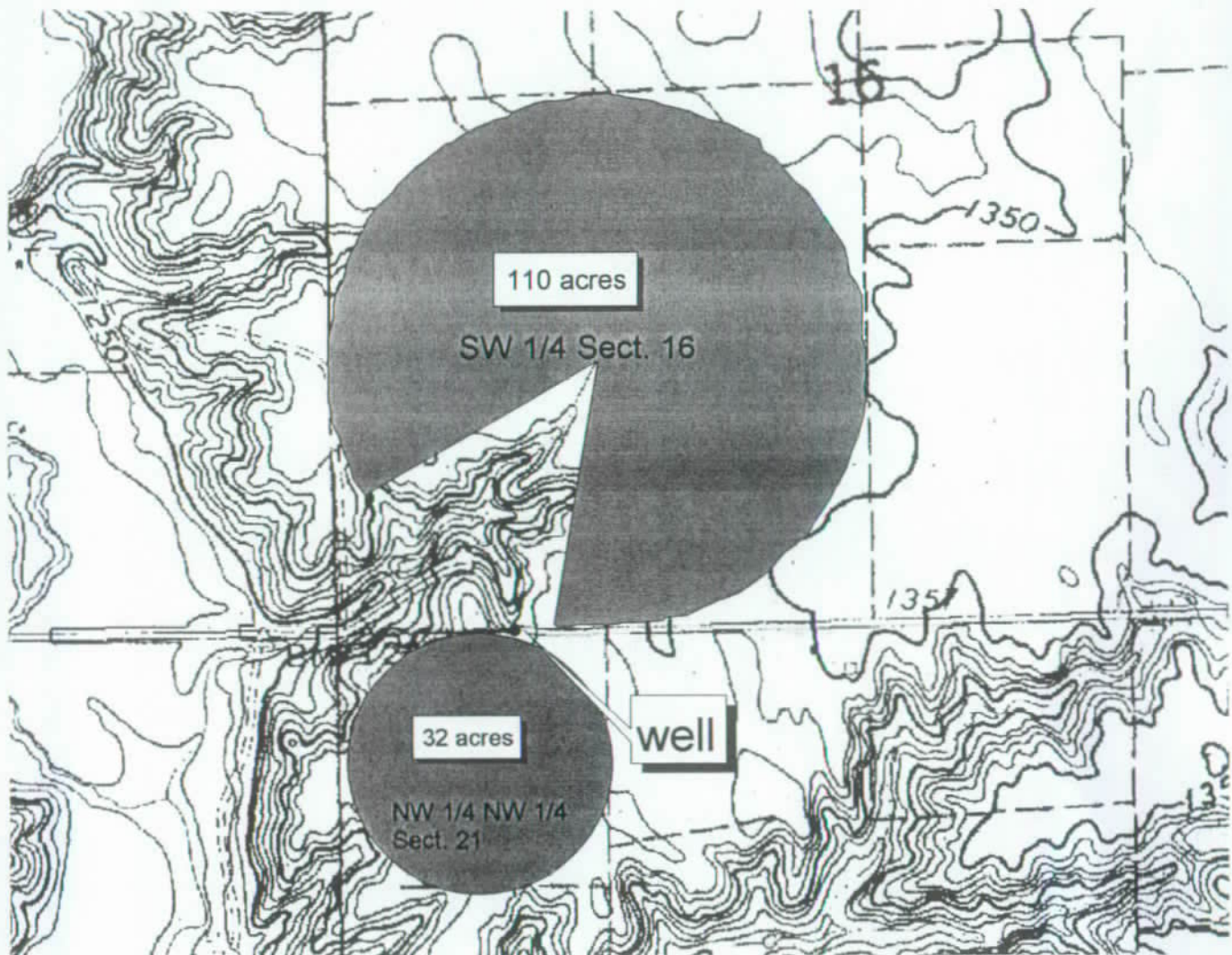
Sincerely,

A handwritten signature in black ink, reading "Eric Gronlund". The signature is written in a cursive, flowing style.

Eric Gronlund
Water Rights Program
605 773-3352

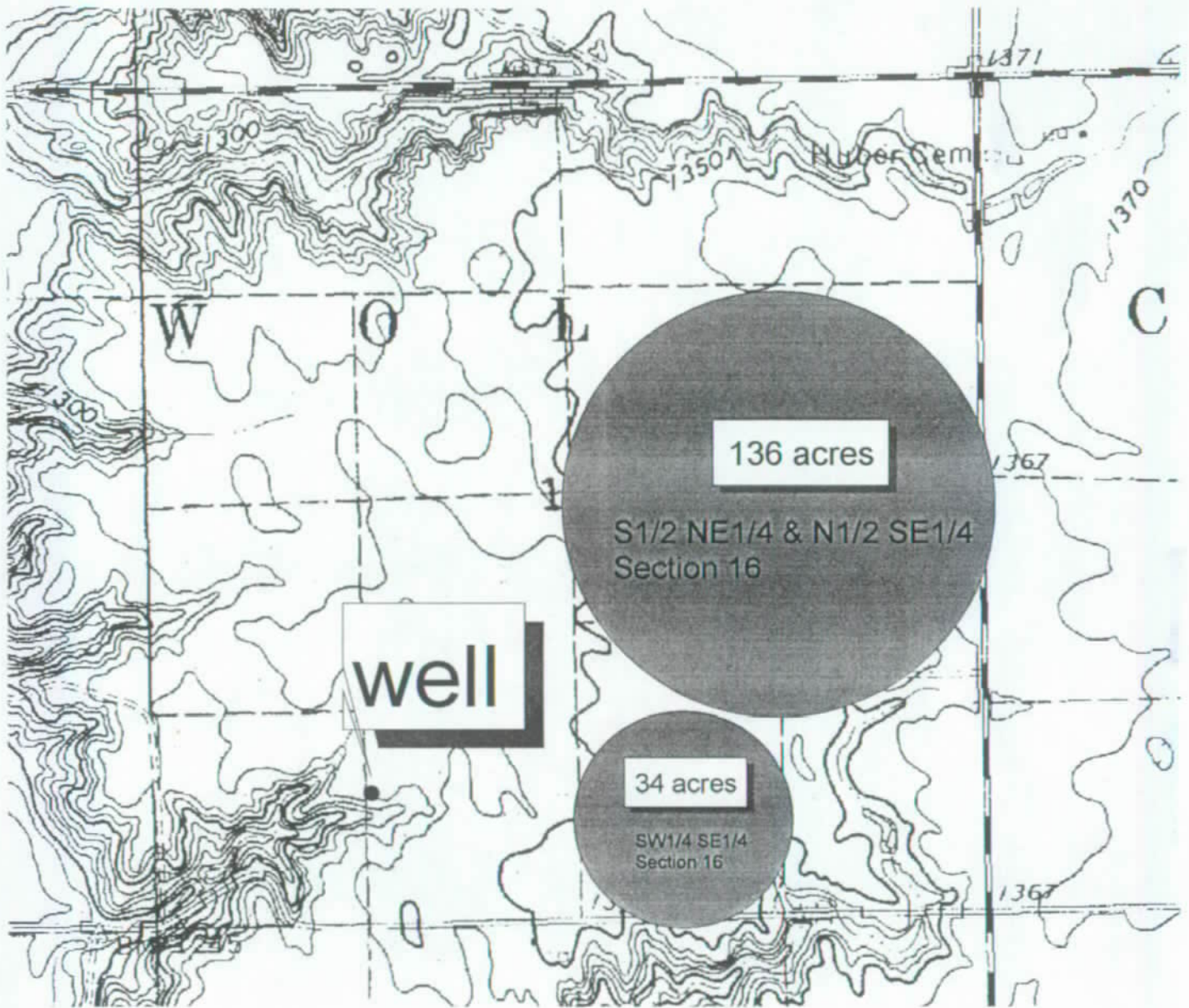
enclosure

Lynell Hofer - Irrigation System No. 1



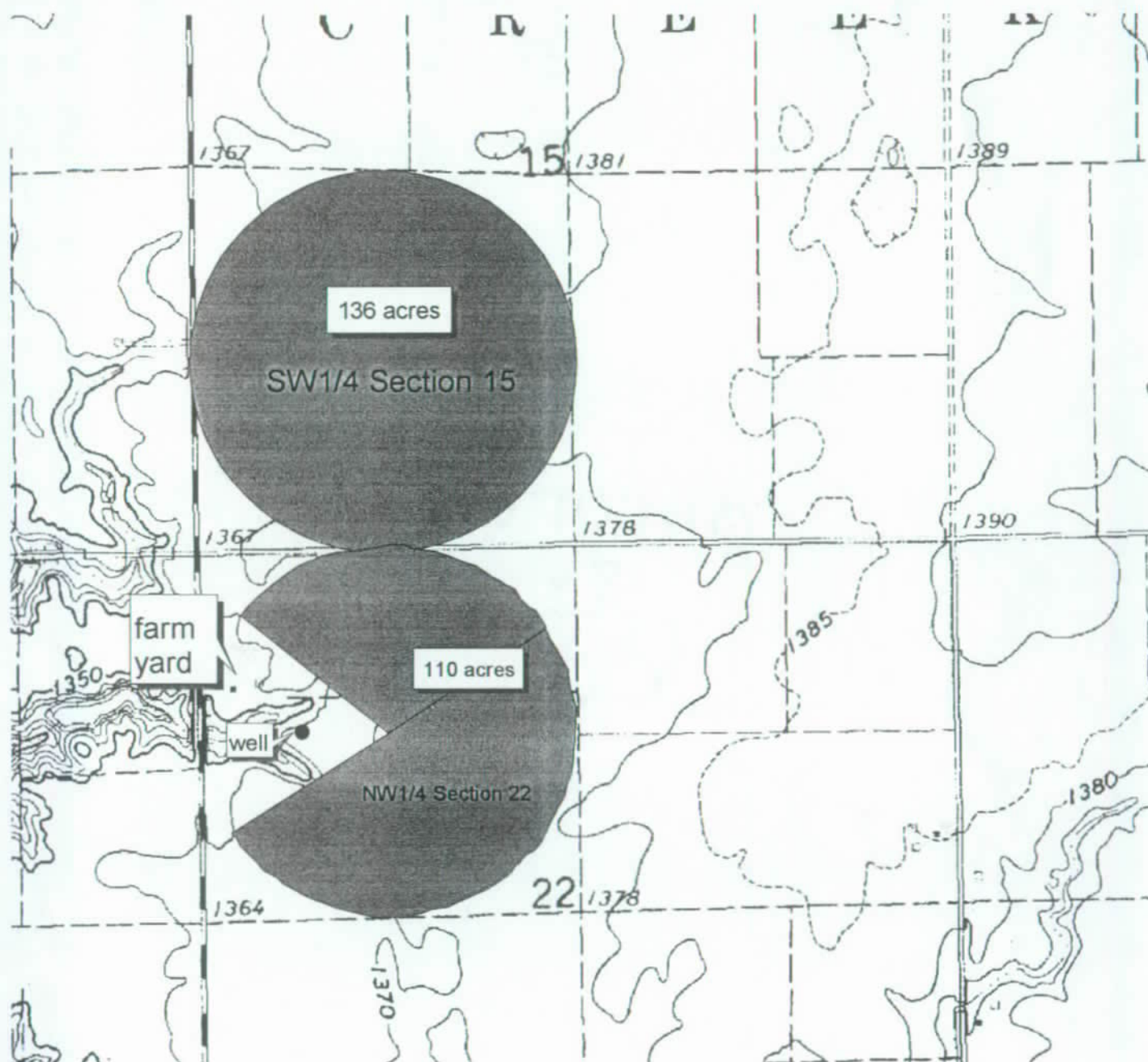
The well in the NW 1/4 NW 1/4 of Section 21 is used for the two pivots located in the NW NW Section 21 (32 acres) and the SW 1/4 Section 16 (110 acres). Based on my on-site visit you indicated the pump in the well produced approximately 800 gpm

Lynell Hofer - Irrigation System No. 2



The well in the SE 1/4 SW 1/4 of Section 16 is used for the two pivots located in the SW NW Section 16 (34 acres) and the S1/2 NE 1/4 & N1/2 SE1/4 Section 16 (110 acres). Based on my on-site visit you indicated the pump in the well produced approximately 900 gpm

Lynell Hofer - Irrigation System No. 3



The well in the SE 1/4 SW 1/4 of Section 16 is used for the two pivots located in the SW 1/4 Section 15 (136 acres) and the NW1/4 Section 22 (110 acres). Based on my on-site visit you indicated the pump in the well produced approximately 800 gpm

Lynell Hofer's irrigation system – color matches well to the acreage irrigated

Permit No.	Well location	cfs	Acreage/developed	Legal description	Explanation
6034-3	Well under 5020-3	No add'l	40 / 34	SW ¼ SW ¼ Sec. 15	Well authorized by 5020-3
6035-3	NW ¼ NW ¼ Sec. 21	1.77	40 add'l / 34	SW ¼ SE ¼ Sec. 16	Used to irrigate portion of Sec. 16 & 21
5917-3	Well under 5020-3	No add'l	40 add'l / 34	NE ¼ SE ¼ Sec. 16	From well under WR No. 5020-3
5980-3	Well under 5020-3	No add'l	40 / 34 20 / 14 75 / 68	NW ¼ SE ¼ Sec. 16 SW ¼ SW ¼ Sec. 16 S ½ NE ¼ Sec. 16	From well under WR No. 5020-3
5900-3	NE ¼ SE ¼ Sec. 16	0.57	40	NE ¼ SE ¼ Sec. 16	Well not developed
5020-3	W ½ NW ¼ Sec 22 SE ¼ SW ¼ Sec 16	3.78	32/34	NW ¼ SW ¼ Sec 15	This is a licensed water right
			32 / 34	NE ¼ SW ¼ Sec 15	
			32 / 34	SE ¼ SW ¼ Sec 15	
			32 / 32	NW ¼ SW ¼ Sec 16	
			32 / 32	NE ¼ SW ¼ Sec 16	
			32 / 32	SE ¼ SW ¼ Sec 16	
			30 / 32	NW ¼ NW ¼ Sec 21	
			16 / 16	NW ¼ NW ¼ Sec 22	
			32 / 34	NE ¼ NW ¼ Sec 22	
			32 / 34	SE ¼ NW ¼ Sec 22	
			26 / 26	SW ¼ NW ¼ Sec 22	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 28, 1999

Lynell Hofer
27618 431st Avenue
Freeman SD 57029

Dear Mr. Hofer:

On November 24th, I sent you maps of each of your three irrigation systems and an irrigation questionnaire for you to complete for each system. The breakdown of the three systems was based on the acreage irrigated from each well. To date, we have not received the three completed irrigation questionnaires.

Please remember to submit the irrigation questionnaires. If we do not receive the questionnaires by the second week in January, you will receive a notice scheduling the permits for a March 1st hearing before the Water Management Board. This may lead to suspension of the permits for failure to submit the irrigation questionnaires and this is something neither of us want to happen.

The water use information submitted by irrigators is valuable to us in the management of aquifers throughout the state. If you have questions about how to complete the questionnaires, please contact Genny McMath or myself at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 4, 2000

Lynell Hofer
27618 431st Avenue
Freeman SD 57029

Dear Mr. Hofer:

As per our phone conversation, I am enclosing irrigation questionnaire forms for you to complete. Attached to each questionnaire is a map which references the irrigation system that is to be reported on the form. Since I lost some of my computer files, two of the maps are just copies. I have also enclosed a copy of my November 24th letter to you.

Please complete the questionnaires and return to me as soon as possible. If you have any questions, contact Genny McMath or myself at (605) 773-3352.

Sincerely,

Eric Gronlund
Water Rights Program
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

January 5, 2000

5980-3
6034-3
6035-3

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

Dear Mr. Hofer:

The investigation of your water use systems was conducted on August 9, 1999, by Eric Gronlund, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 5980-3, 6034-3 and 6035-3. Your final water right documents, the Water Licenses, can now be issued.

Statutes require that we charge a \$50.00 fee per license (\$150.00 total) for the investigation and issuance of the Water Licenses. Upon receipt of the \$50.00 fee per license (\$150.00 total) from you, we will begin processing your Water Licenses.

**Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181**

Sincerely,

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

NOTE: On check or money order, please specify your permit numbers. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 26, 2000

Permit Nos. 5980-3
6034-3
6035-3

REMINDER NOTICE

TO: Lynell Hofer
57618 431st Ave.
Freeman, SD 57029

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Water License/Investigation Fee Requirement

On January 5, 2000, we advised you that a \$50.00 fee per license (\$150.00 total) is due for the completed investigation of Water Permit Nos. 5980-3, 6034-3 and 6035-3. The fee also covers issuance of your water licenses which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee per license (\$150.00 total); therefore, we can not issue the water licenses. Your licensed water rights will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water licenses. In addition, South Dakota water law does not allow water to be diverted until the license fees are paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

4a. Article Number

P 422 707 502

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

4-27-00

5. Received By: (Print Name)

LYNELL HOFER

6. Signature: (Addressee or Agent)

[Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416489

Pierre, May 1, 2000

RECEIVED OF Lynell Hofer, 27618 431st Ave., Freeman, SD 57029--6022
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. 59EG-S

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Harland Ebel
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5980-3

(1) Lynell Hofer, 27618 431st Ave, Freeman SD 57029 made Application No. 5980-3, February 10, 1997 for a water permit to irrigate 135 additional acres from one existing well, Hutchinson County, South Dakota for irrigation purposes. Permit No. 5980-3, with a priority date of February 10, 1997 was approved April 21, 1997 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 10, 2002 and for the application to beneficial use of said water on or before February 10, 2006.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 19, 1997. The *Notice* stated the diversion system was completed on June 12, 1997 and the water placed to beneficial use on June 12, 1997.

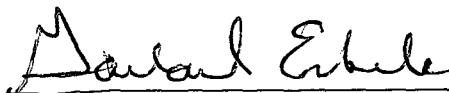
Water Right No. 5020-3 authorized two wells. One well is used to irrigate the lands covered by this permit and portions of the land authorized by No. 5917-3 and 6035-3. The applicable portions of Nos. 5020-3, 5917-3 and 6035-3 that pertain to this water use system are incorporated into this water license. The priority dates are described below.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.0 cubic feet of water per second for beneficial use. The location of the diversion point is 1,496 feet east and 944 feet north of the southwest corner Section 16-T99N-R57W (SE ¼ SW ¼).

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

			Priority date
Section 16-T99N-R57W	SW ¼ SE ¼	34 acres	January 15, 1998
	NE ¼ SE ¼	34 acres	March 19, 1996
	NW ¼ SE ¼	34 acres	February 10, 1997
	SE ¼ NE ¼	34 acres	February 10, 1997
	SW ¼ NE ¼	34 acres	February 10, 1997
	Total 170 acres		

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lynell Hofer, 27618 431st Ave, Freeman SD 57029 the holder and/or owner of Incorporated Water Right No. 5980-3 is issued a license to appropriate water, the right to use 2.0 cubic feet of water per second from groundwater (one well) with priority dates of March 19, 1996, February 10, 1997, January 15, 1998 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 Incorporated Water Right No. 5980-3 and subject to South Dakota State Law.

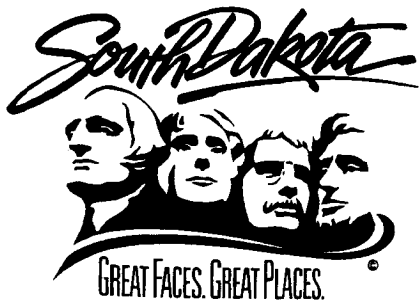


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 13 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

AUG 13 2001

Lynell Hofer
27618 431 st Ave
Freeman SD 57029

Dear Mr. Hofer:

Enclosed are Water License Nos. 5980-3, 6034-3 and 6035-3. These are the final water right documents completing your process of obtaining a Water Right. Receipts for the investigation and issuance of the Water Licenses are also enclosed.

The applicable portions of Nos. 5020-3, 5917-3 and 6035-3 have been incorporated into No. 5980-3. The applicable portions of No. 5020-3 have been incorporated into No. 6034-3. The applicable portions of Nos. 5020-3 and 5980-3 have been incorporated into No. 6035-3.

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

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

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures