

WATER PERMIT NO. 6034-3

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: **40**

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

Water to be used for: **irrigation**

County: **Hutchinson**

Type of Waste Disposal System:

Location: **8 miles northwest of Freeman**

PRIORITY

Date Received: **1-15-1998**

Fee: **\$150.00**

Corrected Application Received:

Period of Annual Use: **April 1 - October 31**

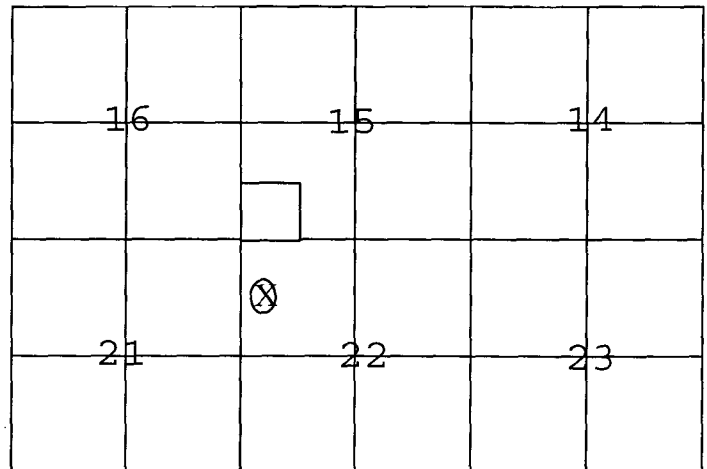
Remarks: **Well authorized by No. 5020-3**

Diversion Point: **W 1/2 NW 1/4**

Sec 22-T99N-R57W

Land to be Irrigated: **SW 1/4 SW 1/4**

Sec 15-T99N-R57W



Depth of Well: **242 feet deep**

Well Driller: **Pullman Well Drilling**

Remarks:

Type of Map: **aerial**

Prepared by: **Lynn Beck**

Reviewed and the Number Assigned on: **1-15-1998**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 6034-3

Date of first receipt of application January 15, 1998.

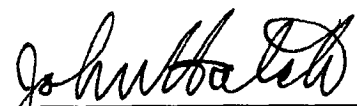
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6034-3 to Lynell Hofer, 27618 431st Ave, Freeman SD 57029 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6034-3 authorizes irrigation of 40 additional acres. Water Right No. 5020-3 appropriates 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 ½ NW ¼ Section 22 and the SE ¼ SW ¼ Section 16; all in T99N-R57W to irrigate 368 acres. This permit authorizes irrigation of 40 additional acres located in the SW ¼ SW ¼ Section 15 from the well authorized in the W ½ NW ¼ Section 22; all in T99N-R57W.
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: April 1 – October 31.
3. The date from which applicant may claim right is January 15, 1998.
4. The date of approval of Permit No. 6034-3 is April 6, 1998.
5. One-fifth of the construction is to be completed on or before October 6, 2000.
6. All construction is to be completed on or before April 6, 2003.
7. Water is to be put to beneficial use on or before April 6, 2007.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

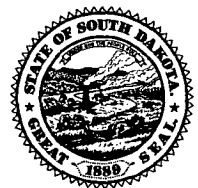
1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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 17 1998

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6034-3</u>	(office use only) Hydrologic Unit <u>10/60011</u>
	Basin <u>James 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.
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) add land
to be irrigated no more water to be used
will use existing well in sec 22

1. Name of Applicant Lynell Hofer Phone 925-7140
(check one) Owner Tenant/lessee
Mailing Address 27618 431st Freeman State SD 57029
(Street, RR. or Box) (Zip Code)

2. Amount of water claimed No. add'l *CFS or **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
Well authorized by No. 5020-3 W1/2NW Section 22, T99N, R57W
County

5. County or counties where water will be used Hutchinson

6. Annual period during which water is to be used April 1 to October 31

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>SW1/4 of SW1/4 of 15</u>	<u>40</u>		
<u>T99N, R57W</u>			

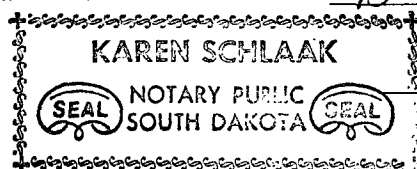
8. Give a description of the project. (Attach sheet if more space is needed)
acquired land so pivot can make full circle.

STATE OF SOUTH DAKOTA) SS
County of Hughes

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)

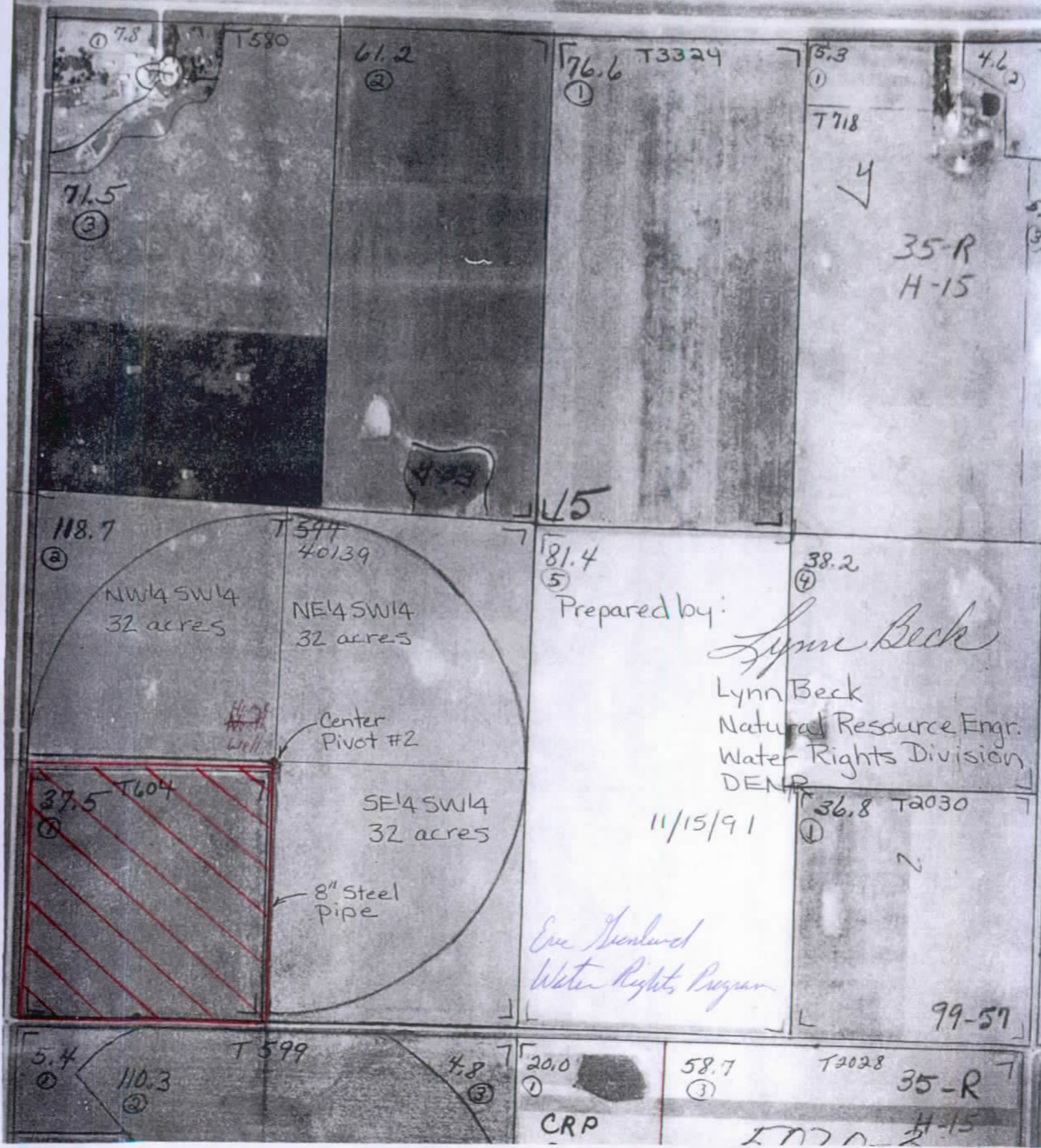
I, Lynell Hofer,
the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Signed Lynell Hofer
Subscribed and sworn to before me this 15th day of January, 19 98

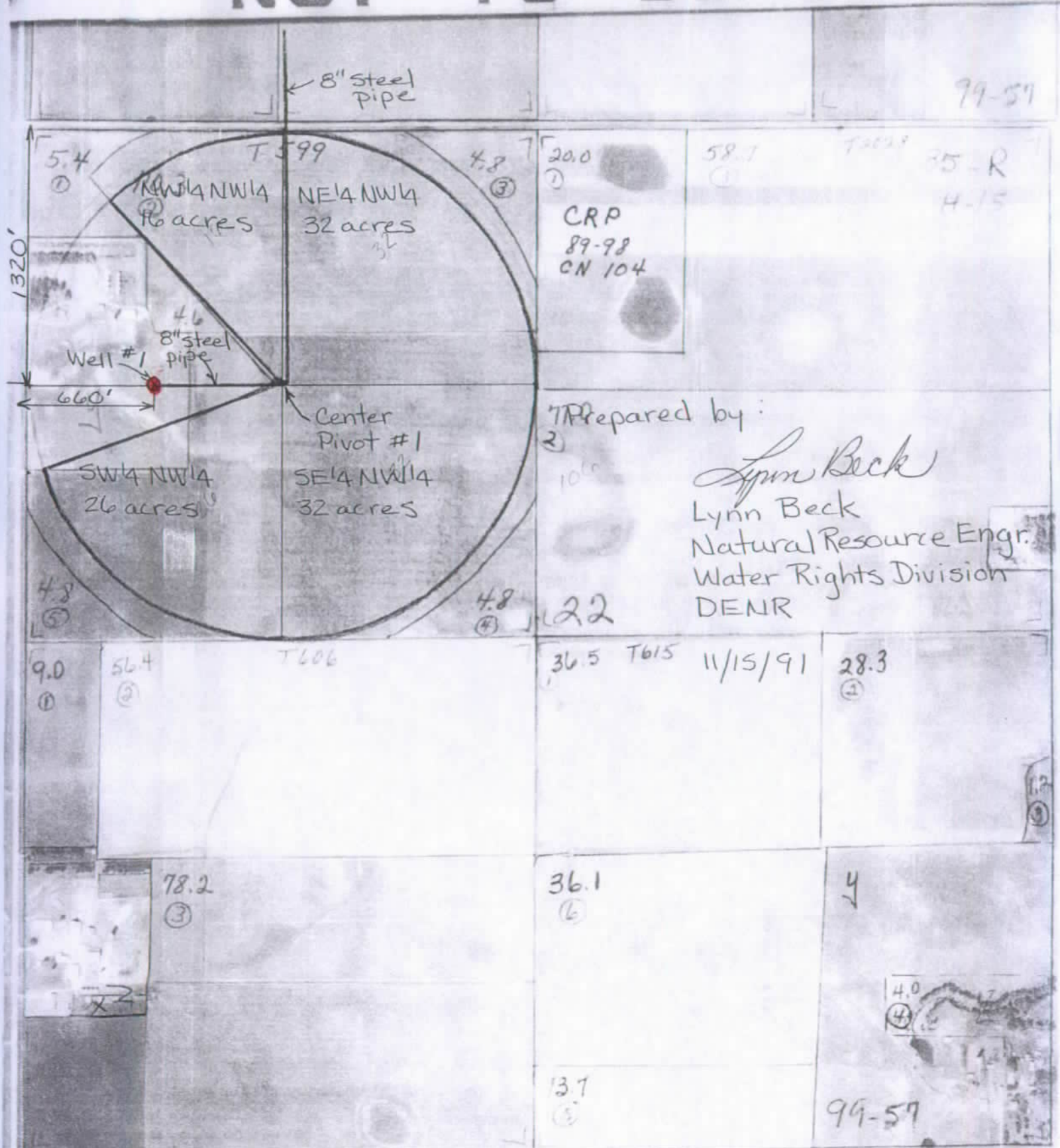


Karen Schlaack
Notary Public Karen Schlaack, Notary Public
My Commission Expires April 1, 2001

NOT TO SCALE



NOT TO SCALE



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

42 415599

Pierre, January 15, 1998

RECEIVED OF Lynell Hofer, 27618 - 431st Ave., Freeman, SD 57029
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6034-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By _____
Chief Engineer

REPORT ON WATER PERMIT APPLICATION NOS. 6034-3 & 6035-3
for Lynell Hofer
February 18, 1998

Application No. 6034-3 proposes to irrigate an additional 40 acres. Water Right No. 5020-3 appropriates 3.78 cfs from two wells 242 and 275 feet deep located in the W 1/2 NW 1/4 of Section 22 and the SE 1/4 SW 1/4 of Section 16; all in T99N-R57W to irrigate 368 acres. This application is to irrigate 40 additional acres located in the SW 1/4 SW 1/4 of Section 15 from the well authorized in the W 1/2 NW 1/4 of Section 22, all in T99N-R57W in Hutchinson County.

Application No. 6035-3 proposes to appropriate 1.77 cfs from one additional well approximately 245 feet deep located in the NW 1/4 NW 1/4 of Section 21 and to irrigate 40 additional acres located in the SW 1/4 SE 1/4 of Section 16; all in T99N-R57W. This new well will be connected with the existing pipeline used to irrigate portions of Sections 16, and 21 along with the existing well located in the S 1/2 SW 1/4 of Section 16; all in T99N-R57W which are authorized by Water Right/Water Permit Nos. 5020-3, 5900-3, 5917-3 and 5980-3.

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 under water table conditions even though it is buried. The aquifer underlies 268 square miles and contains an estimated 2.357 million acre feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer extends into Hanson County to the north, Yankton County to the south and may be hydraulically connected to the Choteau aquifer to the west. The aquifer is also hydraulically connected to the James River which probably acts as a recharge area in northern Hutchinson County and as a discharge area over the rest of the county. Ground water movement is toward the James River on both sides of the James River. In the area of this application ground water movement is from northeast to southwest and toward the James River.

The Water Rights Program does monitor observation wells in this area. Two of these observation wells, HT-81D and HT-82C, are completed into the Lower James Missouri aquifer and located immediately adjacent to and three miles west of this application respectively. Water levels for these wells show good response to climatic conditions, that is, rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 1998). Hydrographs for these two observation wells are included with this report.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing irrigation well (Water Right No. 5020-3) controlled by the applicant which is located about 1000 feet north and east of the proposed well for this application. Interference will occur. That is, drawdown created by pumping will overlap. Because of the thickness of the aquifer and the observation well record which indicates about four to eight feet of fluctuation at this same distance, interference is not expected to be adverse. It may become necessary to lower the pumps or to control the withdrawals. Since the applicant has control over both wells this should be a manageable problem.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is under confined conditions at this site. Drawdown will be created by pumping but this is not expected to be significant or cause any adverse effects. This has been demonstrated by the observation well record of HT-81D which is located very near the proposed well site.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Application No. 6034-3 simply adds 40 acres of irrigated land (allows a center pivot to make a full circle) in the SW 1/4 of Section 15. There will be no change in the diversion rate of 800 gpm allowed from Well #1 (located in the NW 1/4 of Section 22).
5. Application No. 6035-3 adds another diversion point (1.77 cfs, 795 gpm) and an additional 40 acres of irrigated lands. The total lands potentially irrigated by Well #3 (called well #3 on inspection of 5020-3) and this proposed well will be 341 acres. The total water diversion rate for these acres will be 3.77 cfs. All the irrigated lands are located in Section 16 and Section 21. Water from either well can be placed upon any of these lands.
6. When these additional permits are licensed this system should be split into two licenses. Because of the way water is diverted the lands in Sections 15 and 22 should be licensed separately from the lands in Sections 16 and 21.


James A Goodman
Natural Resources Engineer

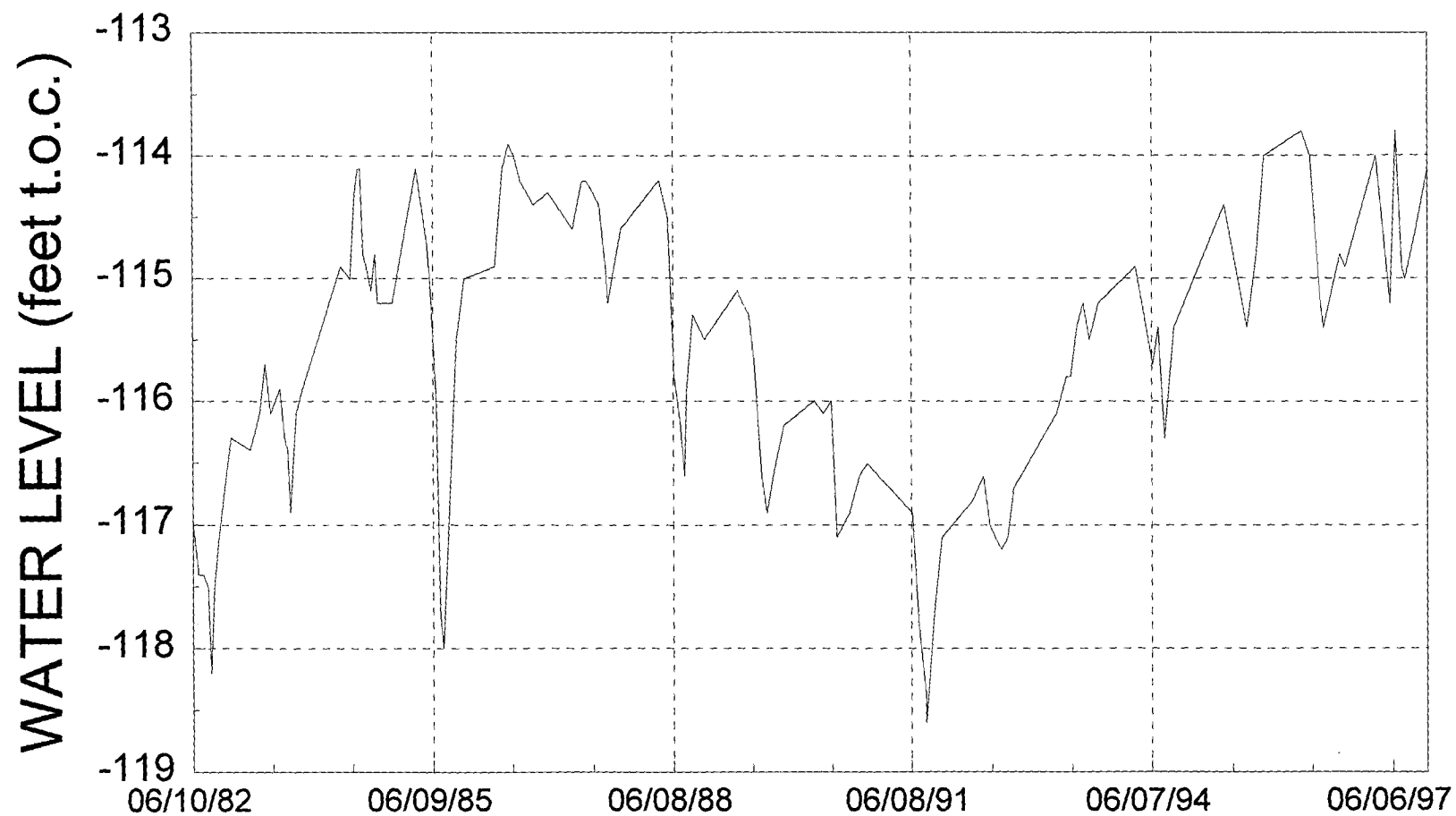
BIBLIOGRAPHY

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, 1998, Unpublished Observation Well Data for Hutchinson County, SD, DENR, Division of Environmental Services, Water Rights Program, Pierre, SD, 57501.

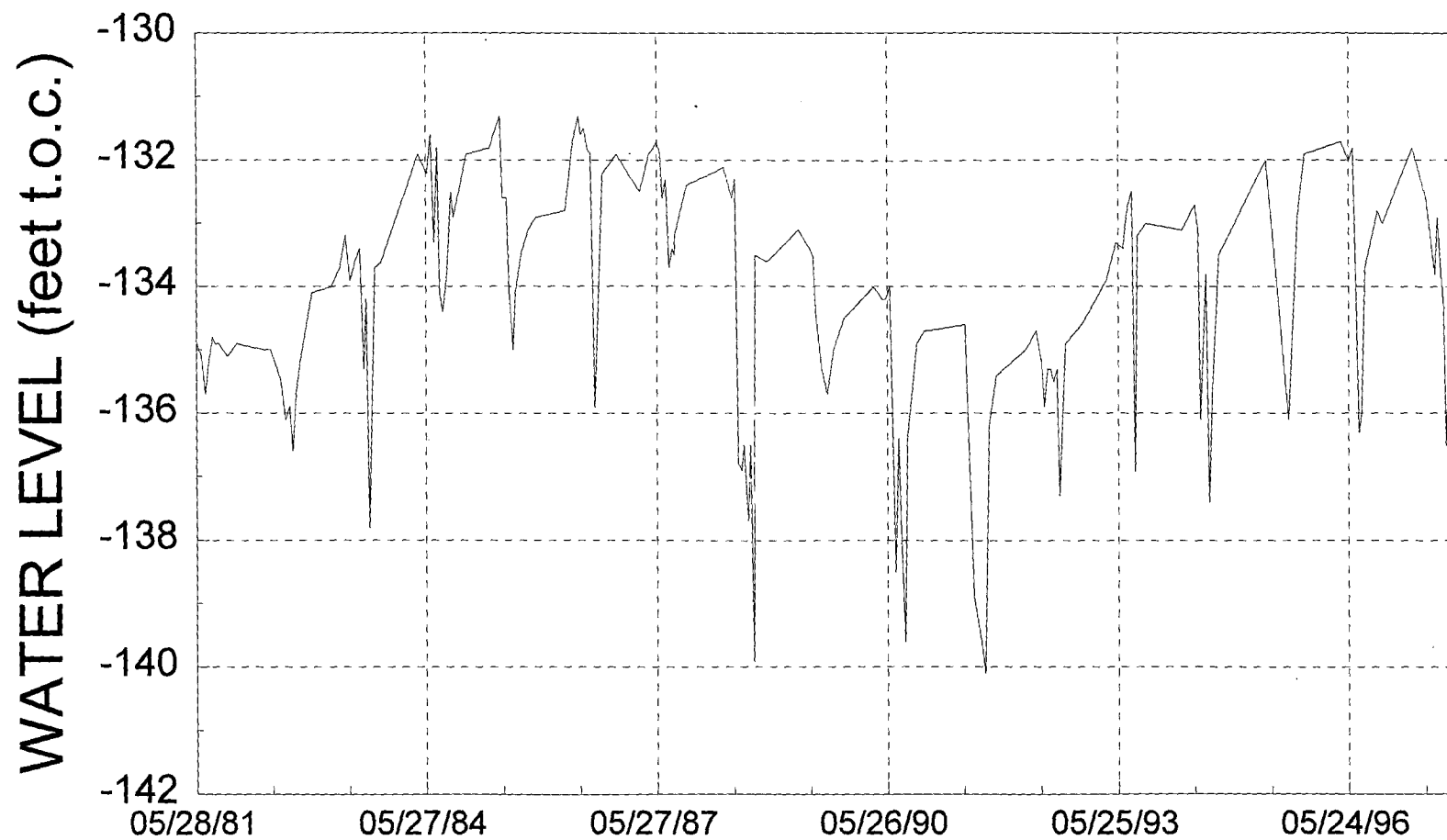
WATER RIGHTS OBSERVATION WELL

HT-82C



WATER RIGHTS OBSERVATION WELL

HT-81D



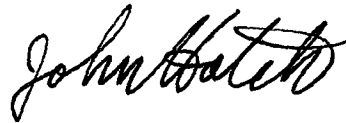
**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6034-3, Lynell Hofer**

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. 6034-3, Lynell Hofer, 27618 431st, Freeman, SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 6034-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

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

JOHN HATCH, Chief Engineer
February 20, 1998



**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.

February 24, 1998

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

Dear Mr. Hofer:

Water Permit Application Nos. 6034-3 and 6035-3 for irrigation use have 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 recommendations of the Chief Engineer and a report on the applications 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 applications.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendations, 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 applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 24, 1998

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 6034-3 and 6035-3 to be published twice. Please publish the first notice on March 4, 1998, 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 applications until proof of publication has been received.

Sincerely,

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

Nos. 6034-3 & 6035-3

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 March 4, 1998, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NOS. 6034-3 and 6035-3 to Appropriate Water

Notice is given that Lynell Hofer, 27618 431 Ave, Freeman SD 57029 has filed the following applications for water permit.

Application No. 6034-3 is to irrigate 40 additional acres. Water Right No. 5020-3 appropriates 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 40 additional acres located in the SW 1/4 SW 1/4 Section 15 from the well authorized in the W 1/2 NW 1/4 Section 22, all in T99N, R57W.

Application No. 6035-3 appropriates 1.77 cfs from one additional well 245 feet deep (Lower James Missouri Aquifer) located in the NW 1/4 NW 1/4 Section 21 and to irrigate 40 additional acres located in the SW 1/4 SE 1/4 Section 16; all in T99N-R57W. This new well will be connected with the existing pipeline used to irrigate portions of Sections 16 and 21 along with the existing well located in S 1/2 SW 1/4 Section 16; all in T99N-R57W which are authorized by Water Right/Permit Nos. 5020-3, 5900-3, 5917-3 and 5980-3.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6034-3 and 6035-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. 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 March 23, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 11, 1998

Freeman Courier
Box 950
Freeman, SD 57029-0950

ATTENTION: Tim

Enclosed is a Notice of Hearing on Application Nos. 6034-3 and 6035-3 for Lynell Hofer. Please publish the first notice on March 18, 1998, with the second publication on March 25, 1998.

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 applications until proof of publication has been received.

Sincerely,

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

Nos. 6034-3 & 6035-3

Date _____

We are in receipt of your letter of March 11, 1998, enclosing Notice of Hearing to Appropriate Water by Application Nos. 6034-3 & 6035-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 12, 1998

Lynell Hofer
27618 431st Ave
Freeman SD 57029

Lynell
Dear ~~Mr. Hofer~~:

The Freeman Courier has contacted us regarding the public notice for Water Permit Application Nos. 6034-3 and 6035-3. The Freeman Courier has indicated the notice was published on March 4, 1998, only. State statutes require the notice be published once a week for two successive weeks. To meet the statute requirements, the notice will need to be published again for two successive weeks. This will ensure that the permits are free from legal problems due to inadequate public notice.

For your information, enclosed is a copy of the notice which has been resent to the Freeman Courier. The newspaper has been instructed to publish the notice on March 18 and 25, 1998.

If you have any questions, please contact me.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosure

c: Freeman Courier

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 6034-3 and 6035-3 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 applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider the applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications or recommendations must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendations. 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 6, 1998.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

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AFFIDAVIT OF PUBLICATION

County of Hutchinson)
) ss.
State of South Dakota)

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Notice of Application No. 6034-3 & 6035-3** a printed copy of which is hereto attached, was printed and published in the said newspaper for **two** successive issues to-wit:

The first publication on:
March 18, 1998
the second publication on:
March 25, 1998
and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$26.17** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$26.17** is the rate for publishing legal notices.

Tim L. Waltner

Subscribed and sworn to before me this 26th day of
March, 1998:

Mary Ann Leheim

Notary Public
Commission expires: 3/7/04

Publication fee: **\$26.17**

Notary fee:

Total: **\$26.17**



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 17 1998

Lynell Hofer
27618 431st Ave.
Freeman, SD 57029

Dear Mr. Hofer:

Enclosed are Water Permit Nos. 6034-3 and 6035-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Also enclosed are Form 10's, 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 systems and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water Licenses 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 permits 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.

Water Right No. 5020-3 and Permit No. 6034-3
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 Water Right No. 5020-3 and Permit No. 6035-3, bearing the priority of April 2, 1981 (No. 5020-3) and January 15, 1998 (No. 6034-3) authorizing the diversion of 3.78 cfs (No. 5020-3) 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 275 foot deep well with a U.S. Electric motor & Western Land Roller pump
- B. Works used to transport water to place of use:
Underground 8" steel 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 7 tower and an 8 tower center pivot. Both center pivots are Valley.

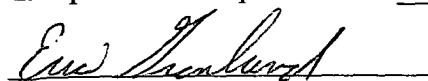
The system is in the following condition good. The point of diversion is located approximately 660 east and 1320 feet south of the NW Corner (W½ NW¼) of Section 22, T99N, R57W. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

SW¼ SW¼ Section 15, T99N, R57W	34 acres	January 15, 1998
NE¼ SW¼ Section 15, T99N, R57W	34 acres	April 2, 1981
NW¼ SW¼ Section 15, T99N, R57W	34 acres	April 2, 1981
SE¼ SW¼ Section 15, T99N, R57W	34 acres	April 2, 1981
SW¼ NW¼ Section 22, T99N, R57W	26 acres	April 2, 1981
NE¼ NW¼ Section 22, T99N, R57W	34 acres	April 2, 1981
NW¼ NW¼ Section 22, T99N, R57W	16 acres	April 2, 1981
SE¼ NW¼ Section 22, T99N, R57W	34 acres	April 2, 1981

comprising a total of 246 acres of land and the license should be issued for 1.78 cfs (800 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

FIELD INVESTIGATION REPORT FOR RIGHT NO. 6034-3 and PERMIT NO. 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>660 east and 1320 feet south of the NW Corner (W½ NW¼) of Section 22, T99N, R57W</u>

WATER SUPPLYSource: one well developed into the Lower James Missouri Aquifer**Well Information:**

- | | |
|---------------------------------------|------------------------------------|
| 1) Well Drilling Firm: <u>Pullman</u> | 2) No. of Wells <u>one</u> |
| 3) Depth(s) <u>approx. 275</u> feet | 4) Well log is available <u>no</u> |

Casing:

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

Screen:

- | | |
|---------------------------------------|-------------------------|
| 1) Type <u>pvc</u> | 2) Length <u>?</u> feet |
| 3) Static water level <u>120</u> feet | |

Pump:

- | | |
|------------------------------------|----------------------------|
| 1) Make <u>Western Land Roller</u> | 2) Model <u></u> |
| 3) Size <u></u> | 4) Capacity <u>800</u> gpm |

Motor:

- | | |
|------------------------------------|-------------------------------|
| 1) Make <u>U. S. Electric</u> | 2) Model No. <u>494TP WPI</u> |
| 3) Horsepower rating <u>100</u> hp | |

DISTRIBUTION LINES OR CANALS:

- 1) Type steel 2) Size 8 inches 3) Length approx. 3,240 feet of underground pipe going to the two pivots

SYSTEM TYPE:**Center pivot:**

- | | |
|------------------------------------|---|
| 1) Make <u>Valley</u> | 2) Overall length <u>1,320 and 1,320</u> feet |
| 3) Number of towers <u>7 and 8</u> | 4) End gun <u>yes on both pivots</u> |
| 5) High or low pressure <u>low</u> | 6) Capacity <u>800</u> GPM |

CHEMIGATION EQUIPMENT:

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

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

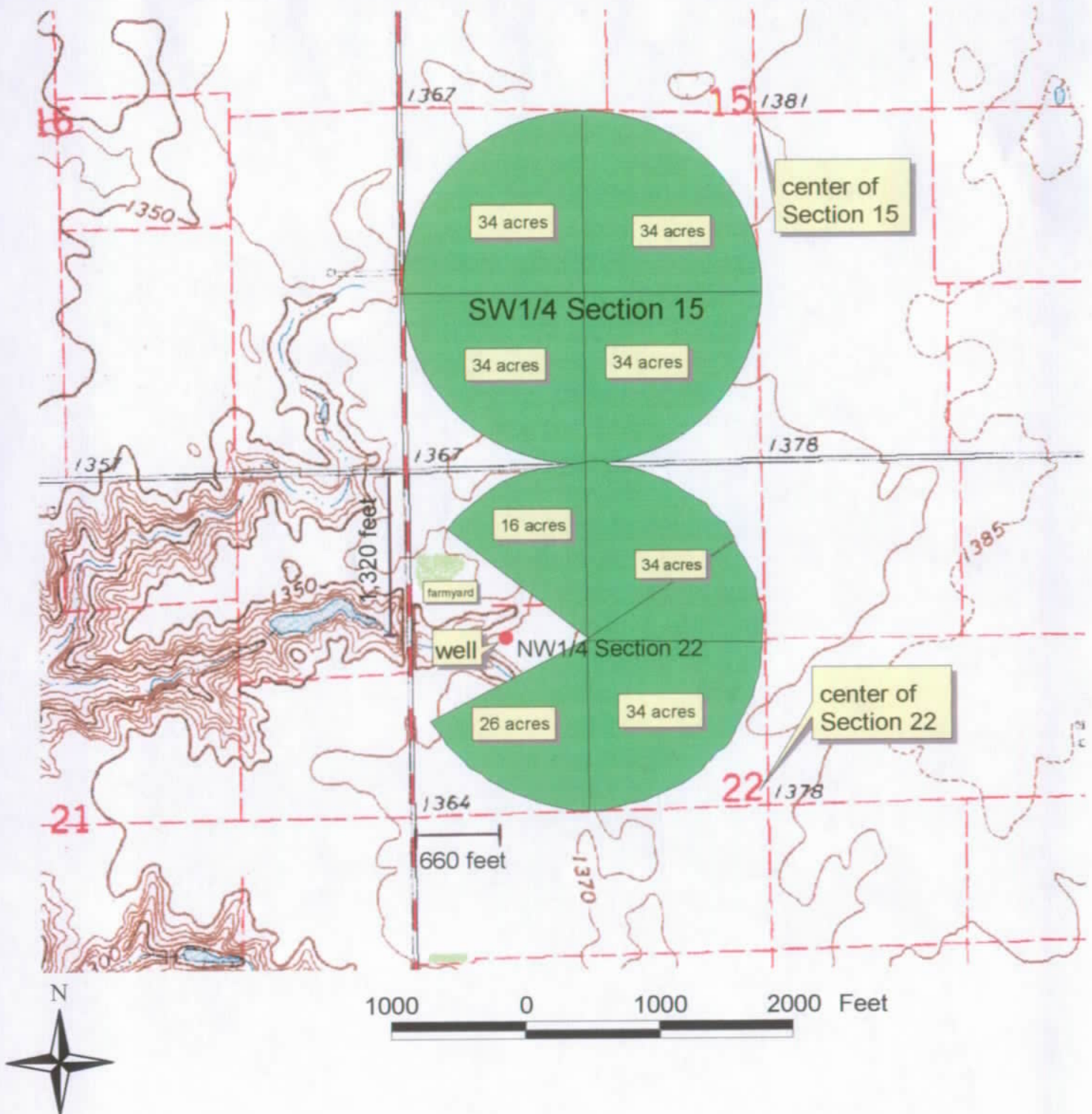
Mr. Hofer has five water right permits that I investigated on August 9, 1999 (Water Permit No. 5900-3 is not applicable to this discussion). Mr. Hofer also holds Water Right No. 5020-3 which appropriates 3.78 cfs from two wells for irrigation of 328 acres. Mr. Hofer has configured his system so that 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.

Water Right No. 5020-3 and Permit No. 6034-3 should be incorporated and issued as one water right. The portion of Water Right No. 5020-3 located in the SW $\frac{1}{4}$ Section 16 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21 will be incorporated into Water Right No. 6035-3 during licensing.

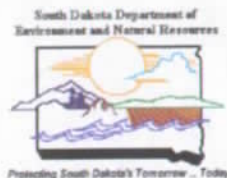
Priority dates for each water right will be assigned to the land.

6034-3

Lynell Hofer - Water Right No. 5020-3 (reissue)



Well location - 1,320 feet south &
660 feet East of NW corner of
Section 22, T99N, R57W



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

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	SW¼ SW¼ Sec. 15	Well authorized by 5020-3
6035-3	NW¼ NW¼ 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	NE¼ SE¼ Sec. 16	From well under WR No. 5020-3
5980-3	Well under 5020-3	No add'l	40 / 34	NW¼ SE¼ Sec. 16	From well under WR No. 5020-3
			20 / 14	SW¼ SW¼ Sec. 16	
			75 / 68	S½ NE¼ Sec. 16	
5900-3	NE¼ SE¼ Sec. 16	0.57	40	NE¼ SE¼ Sec. 16	Well not developed
5020-3	W½ NW¼ Sec 22 SE¼ SW¼ Sec 16	3.78	32/34	NW¼ SW¼ Sec 15	This is a licensed water right
			32 / 34	NE¼ SW¼ Sec 15	
			32 / 34	SE¼ SW¼ Sec 15	
			32 / 32	NW¼ SW¼ Sec 16	
			32 / 32	NE¼ SW¼ Sec 16	
			32 / 32	SE¼ SW¼ Sec 16	
			30 / 32	NW¼ NW¼ Sec 21	
			16 / 16	NW¼ NW¼ Sec 22	
			32 / 34	NE¼ NW¼ Sec 22	
			32 / 34	SE¼ NW¼ Sec 22	
			26 / 26	SW¼ NW¼ Sec 22	



**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.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416490

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. 6034-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By Harold E. Ebel
Chief Engineer



**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

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6034-3

(1) Lynell Hofer, 27618 431st Ave, Freeman SD 57029 made Application No. 6034-3, January 15, 1998 for a water permit to irrigate 40 additional acres and to divert no additional water from one existing well, Hutchinson County, South Dakota for irrigation purposes. Permit No. 6034-3, with a priority date of January 15, 1998 was approved April 6, 1998 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before April 6, 2003 and for the application to beneficial use of said water on or before April 6, 2007.

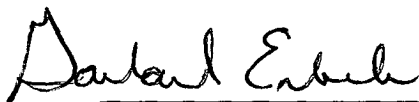
Water Right No. 5020-3 authorized two wells. One well is used to irrigate the lands covered by this permit and portions of the land authorized by No. 5020-3. The applicable portions of Water Right No. 5020-3 that pertain to this water use system are incorporated into this water license. The priority 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 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 660 feet east and 1,320 feet south of the northwest corner (W ½ NW ¼) Section 22-T99N-R57W.

(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 15-T99N-R57W	SW ¼ SW ¼	34 acres	January 15, 1998
	NE ¼ SW ¼	34 acres	April 2, 1981
	NW ¼ SW ¼	34 acres	April 2, 1981
	SE ¼ SW ¼	34 acres	April 2, 1981
Section 22-T99N-R57W	SW ¼ NW ¼	26 acres	April 2, 1981
	NE ¼ NW ¼	34 acres	April 2, 1981
	NW ¼ NW ¼	16 acres	April 2, 1981
	SE ¼ NW ¼	34 acres	April 2, 1981
Total 246 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. 6034-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with priority dates of April 2, 1981 and 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. 6034-3 and subject to South Dakota State Law.



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

AUG 13 2001

date

