

WATER PERMIT NO. 6138-3

Name of Applicant: Cedar Grove Colony

Address: RR 1 Box 132, Platte SD 57369

Phone: 605 337-2404

Amount of Water Claimed: 6.67 cfs Total Acres: 480

Source of Water Supply: runoff and lagoons

Water to be used for: irrigation County: Brule

Type of Waste Disposal System: NA

Location: 9 miles northeast of Platte

PRIORITY Date Received: 4-21-1999

Fee: \$375

Corrected Application Received: 4-26-1999

Period of Annual Use: June 1 – September 30

Remarks:

Diversion Point: dam – S ½ SE ¼ Sec 24;
lagoons – SE ¼ Sec 24; all in T101N-R67W

Land to be Irrigated: NW ¼ Sec 24; NE ¼ Sec 23;
SE ¼ Sec 14; all in T101N-R67W

Depth of Well: NA

Well Driller:

Remarks:

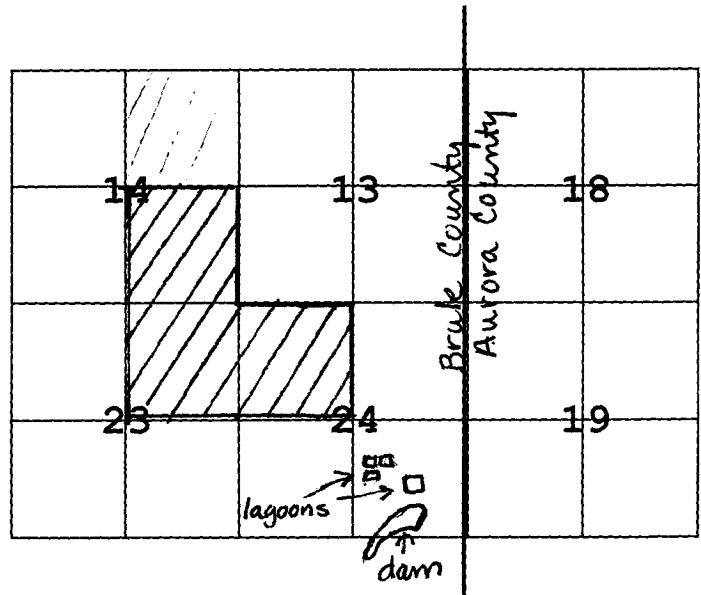
Type of Map: topo

Prepared by: James Hodgens, RLS

Reviewed and the Number Assigned on: 4-27-1999

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA
WATER PERMIT NO. 6138-3

Date of first receipt of application April 21, 1999.

Date of return to applicant for corrections, amendments or changes April 22, 1999.

Date of receipt of corrected application April 26, 1999.

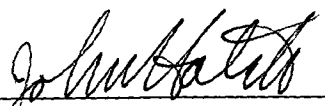
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6138-3 to Cedar Grove Colony, RR 1 Box 132, Platte SD 57369 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6138-3 appropriates 6.67 cubic feet of water per second from a 52 acre-feet storage dam and wastewater lagoons to irrigate 480 acres located in the NW $\frac{1}{4}$ Section 24; NE $\frac{1}{4}$ Section 23 and SE $\frac{1}{4}$ Section 14; all located in T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or the wastewater lagoons which are part of the colony's animal confinement operation prior to being land applied. The storage dam is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24 with water impounded in the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 24 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25; and the lagoons are located in the SE $\frac{1}{4}$ Section 24; all in T101N-R67W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 – September 30 (irrigation) and January 1 – December 31 (storage dam).
3. The date from which applicant may claim right is April 21, 1999.
4. The date of approval of Permit No. 6138-3 is August 30, 1999.
5. One-fifth of the construction is to be completed on or before February 28, 2002.
6. All construction is to be completed on or before August 30, 2004.
7. Water is to be put to beneficial use on or before August 30, 2008.
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. Water Permit No. 6138-3 authorizes a dam with storage capacity of 52 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
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

SEP 7 1999

date





Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	(office use only)	
	No. <u>6138-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Brule County News, Kimball, SD</u>	

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name of Applicant Cedar Grove Colony ☐ Owner ☐ Tenant/Lessee Phone 337-2404
Mailing Address R.R. 1 Box 132 Platte State S.D. 57369
(Street, RR, or Box) (Zip Code)
2. Amount of water claimed 6.67 *CFS or 3000 **GPM 52 ***AF Total Acreage 480
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout if applicable)
3. Source of water supply Dam on Section 24
4. Location of point of diversion (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W) From Dam or Reservoir
on $5\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24 Torrey Lake township 101 North
Range 67 West (number 1 2 & 3 / 900015-SE $\frac{1}{4}$ sec. 24) County Brule
Water impoundment from dam: $5\frac{1}{2}$ SE $\frac{1}{4}$ sec. 24; NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 25; all T101N-R67W
5. County or counties where water will be used Brule
6. Annual period during which water is to be used possibly all year except winter
June July August Sept. pumping into reservoir
7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each. all Year except Winter
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NW 1/4 Section 24 Torrey Lake Township 101 North Range 67 West	160		
NE 1/4 Section 23	160		
SE 1/4 Section 14	160		

8. Give a description of the project. (Attach sheet if more space is needed) Pump water from Dam or Reservoir
or Lagoons to Pivots as needed or as water supply lasts.

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) ss
County of Brule)

I, Cedar Grove Colony George G. Hofen 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.

Cedar Grove Colony
Signed By George G. Hofen Sec. Treas

Subscribed and sworn to before me this 27 day of August 19 97
THOMAS L. TRAVIS
NOTARY PUBLIC
SOUTH DAKOTA
My commission Expires 2-25-99

Supplemental Information

(type or print in ink)

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) Logoons
- b) System Capacity (gallons) 14,159,100 c) Year Constructed 1972 new logoons to be built
1997 - 98
- d) Connected to the City of NA Sanitary System.

3. Dugout Information

Reservoir

- a) Surface Dimensions _____ Depth _____ estimated size 1000 X 1000 X 25' ^{Dept}
- 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 6'

c) Crest Width 10'

Crest Length 800'

d) Height ~~25~~ 19'

e) Primary Outlet Capacity est. 8000 GPM

If pipe, diameter _____

f) Secondary Spillway Capacity NA

Spillway Width _____

g) X & Y Slope

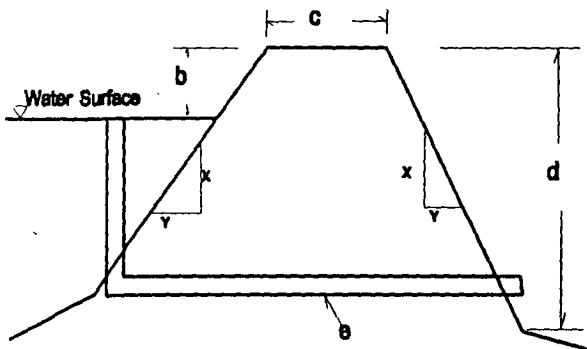
Upstream 3:1

Downstream 3:1

h) Surface Area of Impoundment ~~NA~~ 10

i) Storage 52 Acre Feet

j) Drainage Area Above Dam _____ Acres



RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416104

Pierre, April 21, 1999, 19

Cedar Grove Hutterian Brethren, Inc., RR 1 Box 132, Platte SD 57369

RECEIVED OF

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

Fee for Application for Permit No. 6138-3 to Appropriate Water, to construct
and to put water to beneficial use

~~#67~~
375 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. 6138-3

50 00

Fee for Filing Transfer Form

Fee for Filing Extension Request

Fee for

(Any Other Work Provided by Law)

Total

425 00

By

Chief Engineer

JOHN HATCH

ks

NOT TO SCALE

L-10

101-67

2120

7

142.9

(7A)

corn

24

NHEL

69.1

40 yd. cane

(7B)

NHEL

same as
91 miles.

(2A) 11.2 ac. pears

4.0

(5)

2

8

ACK 337

+3

(5B)

sugar

NHEL

NHEL

14.0 ac.

39.0 (3A)

Room (8)

st. 1

sugar

9 ac.

.7 trees (9)

50.1 NHEL

NHEL

(3B)

10.4

NHEL

*1 Dam

38

garden

27.2 NHEL

(6A)

11.4

with

2

c.c.

(6B)

101-67

73.9

3

NHEL

11.8

NHEL

Inspected by Section 24, T101N R6W

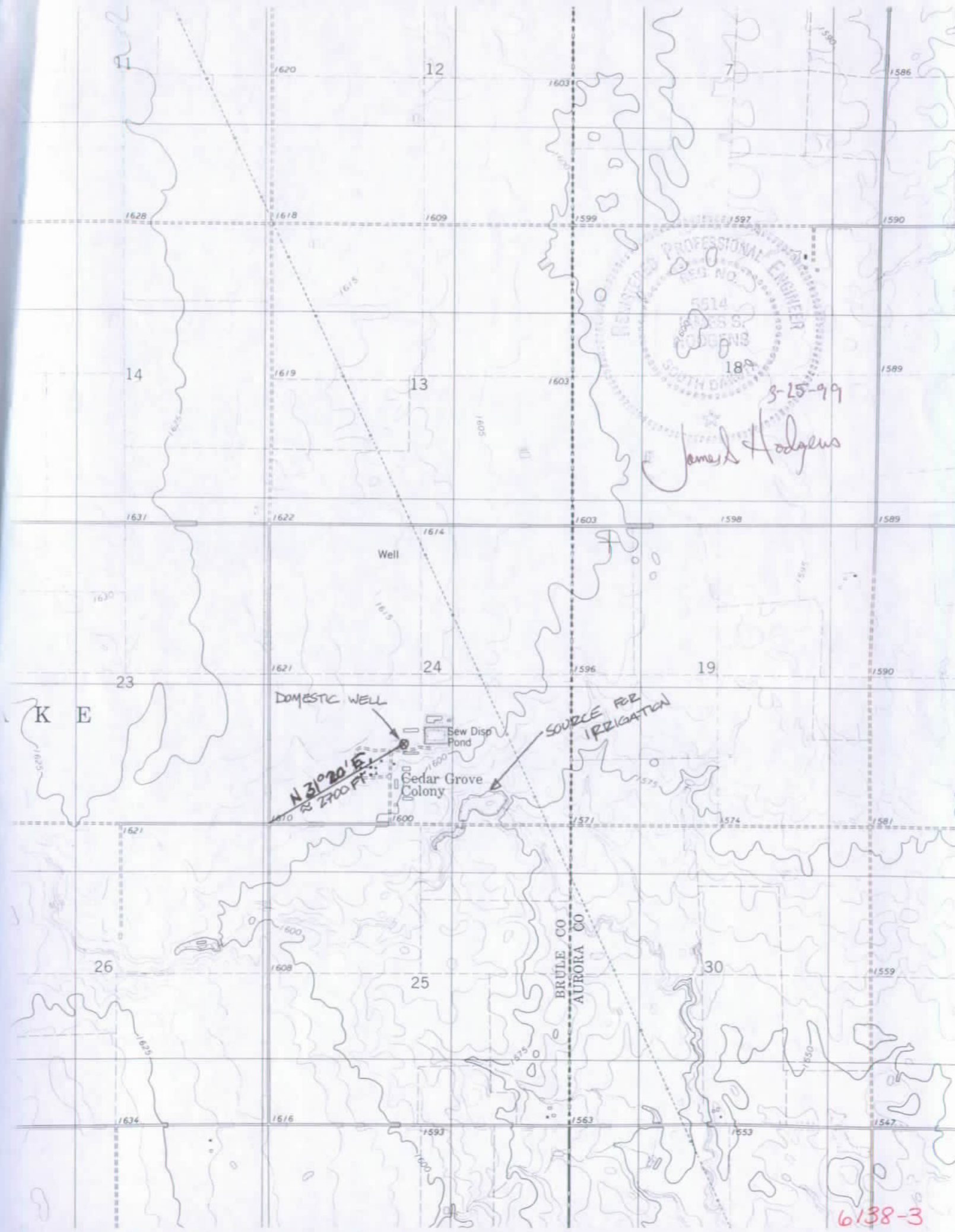
Inspected by

John J. Leach

District Conservationist

6138-3

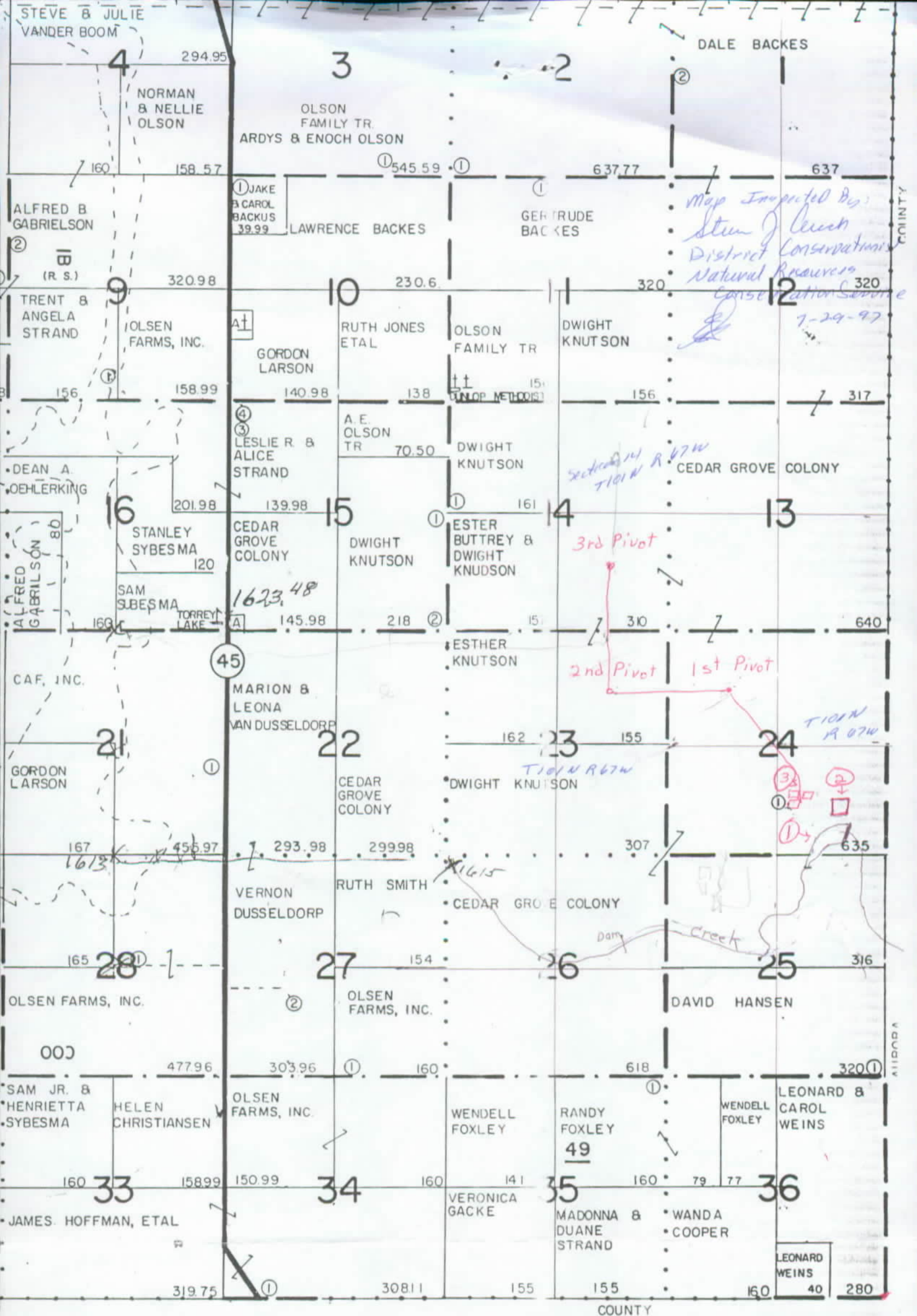
7-29-97



PROFESSIONAL ENGINEER
REG. NO. 5514
JAMES L. HODGINS
SOUTH DAKOTA
8-15-99
James L. Hodgins

DOMESTIC WELL
N 31° 20' E
2700 FT
Sew Disp Pond
Cedar Grove Colony
SOURCE FOR IRRIGATION

6138-3



① = Dam where water is to be pumped from

② = Reservoir to be built to be filled from Dam

③ = Lagoons in place and 2 to be built for pumping on crops

7/15/99 TGS

Water Permit Application #6138-3 Cedar Grove Colony

Dam Height = 15 ft
Framboard = $\frac{6 \text{ ft}}{13}$

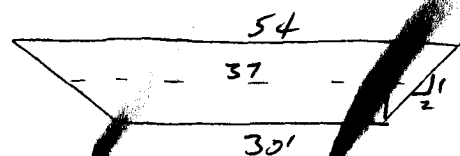
Normal Capacity = $13 \times 10 \times .4 = \underline{52 \text{ Ac-Ft}}$

Surface Area = 10 Ac

Max. Capacity = $52 + 6 \times 12 \times .4 = \underline{80 \text{ Ac-Ft}}$

Spillway Capacity: $Q = CLH^{3/2}$

$= 2.8(37)(6)^{3/2}$
 $= \underline{1500 \text{ cfs}}$



From USGS WRI 80-80 "Tech. for Est Flood Peaks ... in SD"

DA = 3.4 mi²
Slope = 20 ft/mi
SE = 3.16

$Q_{100} = 83.4 A^{.65} S^{.46} SE^{-.67}$
 $= 83.4(3.4)^{.65} (20)^{.46} (3.16)^{-.67}$
 $= 83.4(2.08)(3.74)(0.44)$
 $= \underline{285 \text{ cfs}}$

$Q_{100} = 132 A^{.65} S^{.46} SE^{-.67}$
 $= 132(3.4)^{.65} (20)^{.46} (3.16)^{-.67}$
 $= 132(2.21)(3.97)(0.46)$
 $= \underline{536 \text{ cfs}}$



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 22, 1999

Cedar Grove Colony
George G Hofer
RR 1 Box 132
Platte SD 57369

Dear Mr. Hofer:

Thank you for submitting the *Application for a Permit to Appropriate Water for Irrigation*. In order to complete the application, more information is required regarding the dam.

Enclosed is the Supplemental Information sheet submitted with the application. Under Item No. 4. Water Storage Dams, please complete h) Surface Area of Impoundment and I) Storage in Acre Feet.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352

enclosure

c: James S Hodgens

Water Rights Program - File Documentation

NAME: Chad Hanson, Hodgens Engineering

ADDRESS: Huron

DATE: 4-26-1999 **TELEPHONE:** 352-4367

RE: Pending application for Cedar Grove Colony

COMMENTS:

Chad Hanson called regarding my letter dated April 22, 1999 to Cedar Grove Colony. Mr. Hanson stated the **surface area of impoundment for the dam is 23 acres** and the **storage capacity is 491 acre feet**. Mr. Hanson stated these figures are estimates based on the surface dimensions of 1000 x 1000 x 25' as listed on application.

Karen Schlaak
Karen Schlaak
Environmental Scientist

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Cedar Grove Colony

ADDRESS: RR 1 Box 132, Platte SD, 57369

COUNTY: Brule

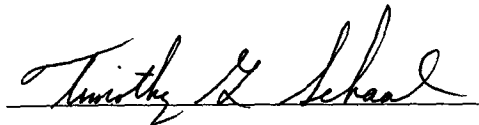
DATE: July 15, 1999

TELEPHONE: 337-2404

RE: Water Permit Application No. 6138-3

On July 9, 1999, I met with George Hofer, Secretary/Treasure for the Cedar Grove Colony, to talk about Water Permit Application No. 6138-3. My main concern was the amount of storage in the existing dam. The existing dam is a small WPA dam, an only stores about 52 acre-feet of water. It is about 19 feet high with 6 feet of freeboard and about 10 surface acres, so $13 \times 10 \times 0.4 = 52$ acre feet. Since this is a WPA dam, I checked with the County Register of Deeds, but found no easements granting the dam to the State. I told Mr. Hofer we would change the application to reflect 52 acre-feet of storage in the dam. He asked if they would be limited to only 52 acre-feet of water, since water from upstream Torrey Lake is currently (and for some time) flowing through the existing dam's spillway. I said no, they would be limited to their diversion rate of 6.67 cfs. We also discussed their plan to pump water from the dam into one of their existing lagoons for additional storage and dilution water, and I said we would just describe the permit as doing that. We also discussed the possibility of them constructing a new larger lagoon, and possible adding a forth center pivot. I said we would need to adjust the permit or make another application at that time, but it would be best to wait until then, since it still sounded like a possibility.

The dam will be added to our inventory as a small size Category 3 dam, with a dam height of 19 feet and a normal storage capacity of 52 acre-feet and a maximum storage capacity of 80 acre-feet.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program

REPORT ON
WATER PERMIT APPLICATION NO. 6138-3
CEDAR GROVE COLONY
June 24, 1999

Water Permit Application No. 6138-3 has been filed by Cedar Grove Colony to appropriate 6.67 cfs of water from an existing 52 acre-feet storage dam and wastewater lagoons to irrigate 480 acres. The dam is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24-T101N-R67W and the irrigated acres will be located in the NW $\frac{1}{4}$ of Section 24; the NE $\frac{1}{4}$ Section 23; and the SE $\frac{1}{4}$ of Section 14; all in T101N-R67W, in Brule County.

Discussion:

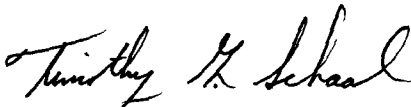
The existing dam will be classified as a small size Category 3, Low hazard dam with a dam height of 19 feet and normal storage capacity of 52 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 80 acre-feet with a reservoir level at the top of dam elevation. Since this dam was constructed by the WPA in 1937, before the Water Management Board Safety of Dams Rules became effective in October 1986, it is exempt from specific spillway capacity requirements. A dam of this size and hazard classification would normally be required to have a minimum spillway design capable of passing a 25 year frequency event.

The Cedar Grove Colony Dam has an earthcut spillway with a trapezoidal concrete weir section with a base width of 30 feet with approximately 6 feet of freeboard. The spillway has a capacity of approximately 1500 cfs. The dam normally has drainage area of about 3 square miles. This drainage area would produce a 25-year frequency event peak of 285 cfs and a 100-year frequency event peak of 536 cfs. Torrey Lake is located about three miles upstream of the existing dam. It is usually a small lake/slough with a surface area of several hundred acres and now has a surface area of several thousand acres and discharges into the drainage above the Colony's dam.

The Cedar Grove Colony Dam is located on an unnamed tributary to Platte Creek approximately five miles upstream of the confluence of the unnamed tributary and Platte Creek. There are no existing Water Permits/Rights on the unnamed tributary between the dam and Platte Creek. The Department of Game, Fish and Parks holds Vested Water Right Claim No. 725-3 for the storage of 360 acre-feet of water in Carroll Lake, which is located on Platte Creek near the confluence with the dam's unnamed tributary.

Conclusions:

1. Water Permit Application No. 6138-3 should be approved since unappropriated water is available and approval should not have any adverse effects on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 6138-3.



Timothy G. Schaal, P.E.
Natural Resources Engineer III

Approved by:



Gale N. Selken, P.E.
Natural Resources Engineer IV

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6138-3, Cedar Grove Colony**

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. 6138-3, Cedar Grove Colony, c/o George G. Hofer, RR 1 Box 132, Platte SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 6138-3 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. Water Permit No. 6138-3 authorizes a dam with storage capacity of 52 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 24, 1999



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

August 3, 1999

Cedar Grove Colony
%George G. Hofer
RR 1, Box 132
Platte, SD 57369

Dear Mr. Hofer:

Water Permit Application No. 6138-3 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 Brule County News printed at Kimball, SD (Ph # (605) 778-6253). 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
www.state.sd.us/denr

August 3, 1999

Brule County News
Box 46
Kimball, SD 57355-0046

ATTENTION: Legal Public Notice

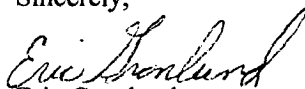
Enclosed is a Notice of Hearing on Application No. 6138-3 to Appropriate Water to be published twice. Please publish the first notice on August 12, 1999, with the second publication 7 days later.

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 Cedar Grove Colony, %George G. Hofer, RR 1, Box 132, Platte, SD 57369 (Ph # (605) 337-2404).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, please send us an affidavit or use the enclosed Proof of Publication form. The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6138-3

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

Date _____

We are in receipt of your letter of August 3, 1999, enclosing Notice of Hearing to Appropriate Water by Application No. 6138-3 which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

NOTICE OF APPLICATION NO. 6138-3 to Appropriate Water

Notice is given that Cedar Grove Colony, c/o George G Hofer, RR 1 Box 132, Platte SD 57369 has filed an application for a water permit to appropriate 6.67 cubic feet of water per second from a 52 acre-feet storage dam and wastewater lagoons to irrigate 480 acres located in the NW ¼ Section 24; NE ¼ Section 23 and SE ¼ Section 14; all located in T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or the wastewater lagoons which are part of the colony's animal confinement operation prior to being land applied.

The storage dam is located in the S ½ SE ¼ Section 24 with water impounded in the S ½ SE ¼ Section 24 and NW ¼ NE ¼ Section 25; and the lagoons are located in the SE ¼ Section 24; all in T101N-R67W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6138-3 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 August 30, 1999.

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 Brule) SS

I, Gloria Priebe

certify that the attached printed Notice was taken

from the Brule-Buffalo County

News

printed and published in Kimball

County of Brule and

state of South Dakota. The notice was published

in the newspaper on the following two dates:

8-12-99

8-19-99

Cost of Printing 35.59

Gloria Priebe
 (Signature)

Publisher
 (Title)

8/28/99
 (Date Signed)

**NOTICE OF APPLICATION NO. 6138-8
 TO APPROPRIATE WATER**

NOTICE IS GIVEN that Cedar Grove Colony, c/o George G. Hofer, RR 1 Box 132, Platte SD 57369 has filed an application for a water permit to appropriate 6.67 cubic feet of water per second from a 52 acre-foot storage dam and wastewater lagoons to irrigate 480 acres located in the NW 1/4 Section 24; NE 1/4 Section 23 and SE 1/4 Section 14; all located in T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or the wastewater lagoons which are part of the colony's animal confinement operation prior to being land applied.

The storage dam is located in the S 1/2 SE 1/4 Section 24 with water impounded in the S 1/2 SE 1/4 Section 24 and NW 1/4 NE 1/4 Section 25; and the lagoons are located in the SE 1/4 Section 24; all in T101N-R67W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6138-3 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 August 30, 1999.

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

(August 12, August 19, 1999)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

SEP 7 1999

Cedar Grove Colony
%George G. Hofer
RR 1, Box 132
Platte, SD 57369

Dear Mr. Hofer:

Enclosed is Water Permit No. 6138-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *?Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Very truly yours,

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

enclosures



6138-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: CEDAR GROVE COLONY, GEORGE G HOFER, 36926 266TH ST, PLATTE, SD 57369
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire(s)

Our records indicate that the 2002 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6138-3 & 6263-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6138-3 & 6263-3 qualification:

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

The hearing will be held at 8:30 am, March 5, 2003 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6138-3 & 6263-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is(are) received in this office on/or before February 28, 2003, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2003

6138-3
6263-3

George G Hofer
Cedar Grove Colony
36926 266th St
Platte SD 57369

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 2002 irrigation questionnaires. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Permit Nos. 6138-3 and 6263-3.

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

If you have any questions, please contact me.

Sincerely,

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



6138-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 18 2015

6138-3
6263-3

George Hofer
Cedar Grove Colony
36926 266th St
Platte SD 57369

Dear Mr. Hofer:

Enclosed is Water License No. 6263-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

The applicable portions of Water Permit No. 6138-3 were incorporated into Water License No. 6263-3. As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

enclosures