

WATER PERMIT NO. 6263-3

Name of Applicant: Cedar Grove Colony

Address: 36926 266th St, Platte SD 57369

Phone: 605 337-2404

Amount of Water Claimed: 2.22 cfs

Total Acres: 160 acres

Source of Water Supply: runoff & lagoons

Water to be used for: irrigation

County: Brule

Type of Waste Disposal System:

Location: 9 miles northeast of Platte

PRIORITY

Date Received: 5-17-2001

Fee: \$250

Corrected Application Received::

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: NE ¼ Sec 14-T101N-R67W

Depth of Well: NA

Well Driller:

Remarks:

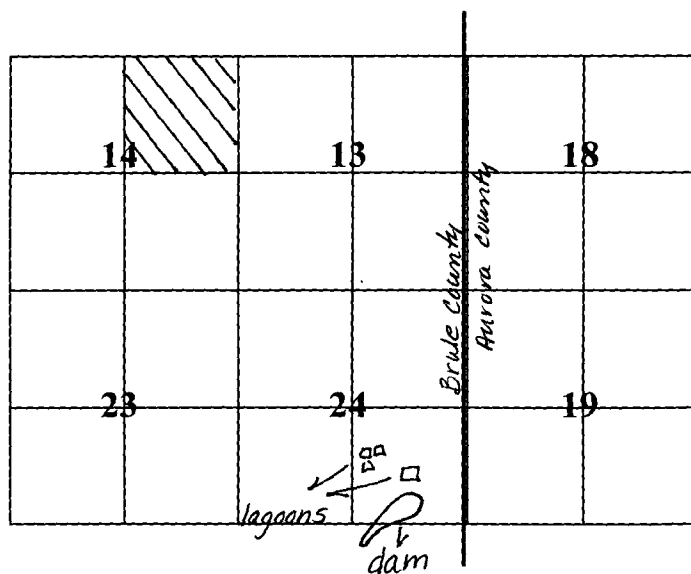
Type of Map: county plat map

Prepared by: Stacy Turgeon, NRCS

Reviewed and the Number Assigned on: 5-22-2001

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SOUTH DAKOTA

WATER PERMIT NO. 6263-3 FOR IRRIGATION

Date of first receipt of application May 17, 2001.

The Water Management Board approved Water Permit Application No. 6263-3 on December 5, 2001 for Cedar Grove Colony, 36926 266th St, 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. 6263-3 appropriates 2.22 cubic feet of water per second from a 52 acre-feet storage dam and wastewater lagoons to irrigate 160 acres located in the NE $\frac{1}{4}$ Section 14-T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation or to a proposed 40 acre foot dugout, prior to being land applied. The existing storage dam and proposed dugout are located in the SE $\frac{1}{4}$ Section 24 with impoundments in the 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).
3. The date from which applicant may claim right is May 17, 2001.
4. One-fifth of the construction is to be completed on or before June 5, 2004.
5. All construction is to be completed on or before December 5, 2006.
6. Water is to be put to beneficial use on or before December 5, 2010.
7. 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 Nos. 6138-3 and 6263-3 authorize a dam with storage capacity of 52 acre feet of water and sufficient water annually to maintain the water to the outlet level.
2. Water Permit No. 6263-3 authorizes a dugout with a storage capacity of 40 acre feet of water. Diversion of water from the dam may take place to maintain the water level in the dugout.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed from the dam.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

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

JAN 15 2002

date



Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6263-3</u>	(office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Brule County News, Kimball</u>	



Application For Permit To Appropriate Water For Irrigation

Type of Application: X 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.)

- Name of Applicant Cedar Grove Colony Phone 605-337-2404
(check one) X Owner Tenant/lessee
Mailing Address 36926-266th St. Platte State S.D. 57369
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 2.22 *CFS or 1000 **GPM ***AF Total Acreage 160
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply 52 acre-Feet Dam & 3 Livestock Lagoons 1,570,000 cu. Ft.
each
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) Dam is in S 1/2 SE 1/4 Section
24 & Lagoons are in SE 1/4 Section 24 all in T101N-R67W
County Brule
- County or counties where water will be used Brule
- Annual period during which water is to be used June 1 to Sept. 30
- 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
NE 1/4 Section 14 T101N-R67W	160		

8. Give a description of the project. (Attach sheet if more space is needed) Pump water from Lagoons
to pivot #1 #2 #3 & #4 also from Dam and other reservoir as needed

STATE OF SOUTH DAKOTA) SS
County of Brule

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, George G. 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.

Applicant's signature George G. Hofer

Subscribed and sworn to before me this 16 day of May 20 01

Judith Busack, Reg. of Deeds
Notary Public signature

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) Logoon's
- b) System Capacity (gallons) 14,159,100 c) Year Constructed 1972 new logoon's 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

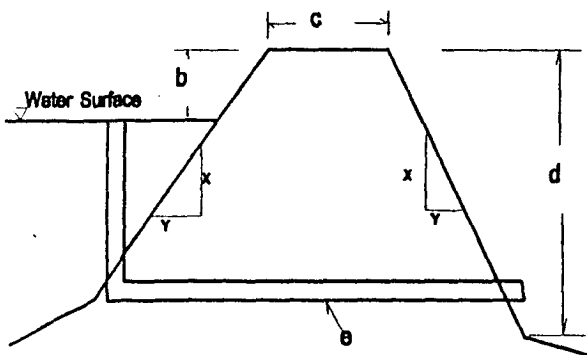
Upstream 3:1

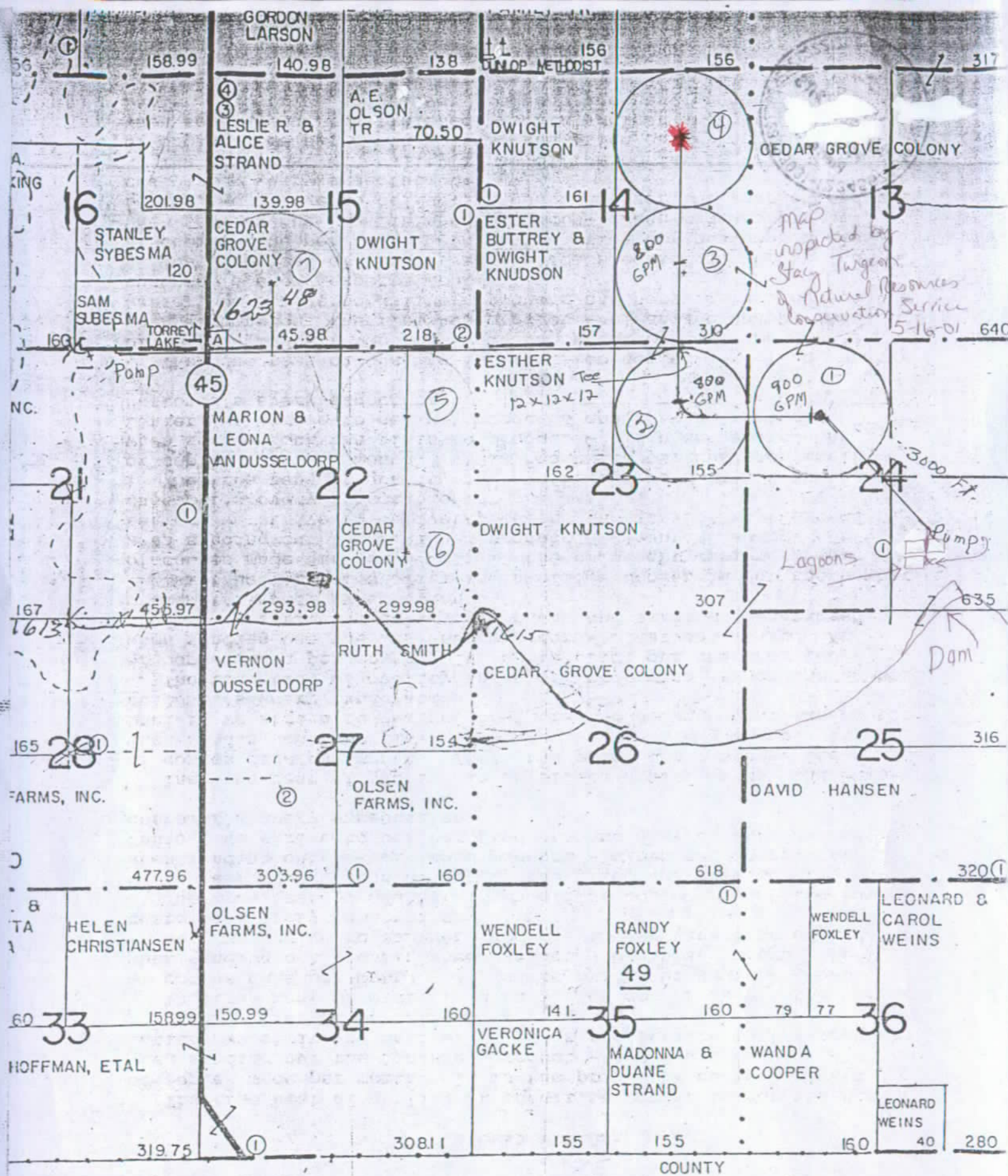
Downstream 3:1

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

i) Storage 52 Acre Feet

j) Drainage Area Above Dam _____ Acres





3500 acre ft.

Map Range - Cedar Grove Colony 6263-3



September 1, 1988

Page 2 of 2

CUSTOMER VISION

The true test of quality in an office copier is not the number of copies made per month. It is the pride our customer feels when sending out the finished product - clean and sharp. At Lanier, we strive to deliver products and service that exceed the customer's every expectation.

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RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

416833

Pierre, May 17, 20 01

RECEIVED OF Oscar Grove Collett, 3694 166th St., Jellison, SD 57369

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

Fee for Application for Permit No. <u>16683-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	250	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>203-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	300 00

By David Erbele
Chief Engineer
gm

Bill

Cedar Grove Hutterian Brethren, Inc.
36926 266th. St.
Platte, SD. 57369-7103
Ph. (605)-337-2404 Fax 337-9712

DATE	P.O. NO.
5/14/2001	62850

Vendor

SHIP TO

Dept. of Enviroment & Natural Resources
Water Rights Program
Joe Foss Building
523 East Capitol,
Pierre, SD. 57501-3181

Cedar Grove Hutterian Brethren Inc.
36926 266th. St.
Platte, SD. 57369-9519
Ph. (605)-337-2404 Fax. 337-9712

Invoice #	TERMS	DUE DATE	SHIP VIA	FOB	Driver	
52850	Check in advance	5/14/2001				
ITEM	DESCRIPTION	QTY	RATE	CLASS	AMOUNT	
Licence & Per...	Filing Fee for Irrigating 160 Acres	160	1.5625		250.00	
Licence & Per...	Inspection Fee	1	50.00		50.00	
				Total	\$300.00	



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 29, 2000

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

Dear Mr. Hofer:

As requested in our phone conversation, enclosed are the Application for Permit to Appropriate Water forms.

If you are proposing to change the location of the acres to be irrigated from the SW $\frac{1}{4}$ Sections 14 (160 acres) and the NE $\frac{1}{4}$ Section 23 (160 acres) to locations in Section 12 & 13, then the application filing fee will be \$50 plus the \$50 licensing fee (\$100 total).

If you are proposing to irrigate portions of Section 12 & 13 in addition to those acres authorized by Water Permit No. 6138-3, then the application fee will be based on the number of additional acreage to be irrigated.

A map outlining the location of the lands to be irrigated signed by a qualified person as outlined on the instruction sheet will be required also.

You indicated you will not be requesting any additional water and will be using the same diversion points as authorized by Water Permit No. 6138-3.

If you have any questions, please contact me.

Sincerely,

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

Karen Schlaak
Water Rights Program
605 773-3352

enclosures

Schaal, Tim

From: Woodmansey, Kent
Sent: Friday, May 18, 2001 8:56 AM
To: Gronlund, Eric
Cc: Schaal, Tim
Subject: RE: Cedar Grove Colony

Looks like the system is approved and should have permit coverage soon.

-----Original Message-----

From: Gronlund, Eric
Sent: Thursday, May 17, 2001 10:45 AM
To: Woodmansey, Kent
Cc: Schaal, Tim
Subject: Cedar Grove Colony

We received a WR permit application from the Colony to add the irrigation of NE 1/4 Section 14, T101N, R67W from a 52 acre foot dam and their three livestock waste lagoons. They previously obtained a permit from these sources to run 3 other center pivots.

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Cedar Grove Colony

ADDRESS: XXXXXXXXXXXXXX

COUNTY: Brule

DATE: June 14, 2001

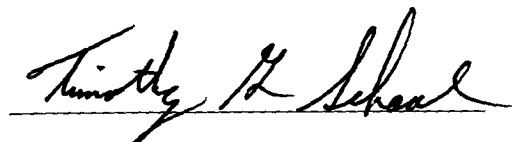
TELEPHONE: (605) 337-2404

RE: Diversion from Torrey Lake

Today, I met with Mark Heisinger from the USF&WS in Lake Andes, Wayne Vander Vorste and Dave Konechne from the NRCS in Pierre and Steve Auch from the NRCS in Chamberlain to discuss and investigate the Colony's request to pump irrigation water from Torrey Lake. We also talked to Oscar Olson, a local landowner, and Tom Hofer from the Colony. Both the NRCS and USF&WS felt that Torrey Lake and the USFWS Freeland Lake National Waterfowl Production Area located in Section 20, 28 & 29-T102N-R67W were connected both by surface water and hydric soils. The Torrey Lake water level was about 1 foot below the road between Sec. 9 & 16-T101N-R67W, and both agencies felt that it would be inappropriate to allow withdrawal of water for irrigation. They did indicate that if the water level of Torrey Lake increased to an elevation greater than what it was today (about 1 foot lower than the road) they would allow temporary emergency pumping to lower the level. There is a temporary DOT bench mark (CP #11) located in the NE corner of Sec. 21-T101N-R67W and I sent DOT an e-mail to get that elevation. I told Tom Hofer that we all did not think diversion for irrigation should take place, due to interference to the wetland policies, and would talk to George Hofer about this in several days. The 4th center pivot (located in the NE 1/4 of Sec. 14-T101N-R67W, was in place and it looked like the Colony installed new pipe line to all the center pivots.

July 21, 2001

Talked to George Hofer with the Colony today and he indicated that they did not intent to irrigate with Torrey Lake water with Water Permit Application No. 6263-3. They may construct another dugout (about 40 Ac-Ft), to pump extra flows from the storage dam into during high runoff periods. Received info from DOT on the elevation of CP#11 and the culverts through Hwy 45. The elevation of CP#11 is 1628.49, the 24 inch culverts is 1621.24 and the buried 36 inch culverts is 1619.86.



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

FACSIMILE TRANSMITTAL

DATE: June 20, 2001

TO: Tim Schaal

FAX NUMBER: 605- 773- 4068

FROM: Ron Gillen - Mitchell Area DOT

FAX NUMBER: 605/995-8121

NUMBER OF PAGES: 1

(Including this cover transmittal)

If not properly received please
call: 605- 995- 8120

- Torrey Lake buried 36" pipe elevation is 1619.86
Existing 24" pipe elevation is 1621.24

Schaal, Tim

From: Gengler, Joel
Sent: Sunday, June 17, 2001 5:36 PM
To: Schaal, Tim
Subject: RE: Hwy 45 and Torrey Lake (Brule Co.)

Ron Gillen for the Department contact said he will get a hold of you if he hasn't already. The elevations will need to be provided by his staff.

-----Original Message-----

From: Schaal, Tim
Sent: Sunday, June 17, 2001 5:32 PM
To: Jordan, Michael; Gengler, Joel
Cc: Letcher, Brad
Subject: RE: Hwy 45 and Torrey Lake (Brule Co.)

Thanks for the info. Any elevation on the culverts ?? The landowner is Oscar Olson, who lives about 1/2 mile to the SW of there. The Cedar Grove Colony has filed a Water Permit Application to irrigate with Torrey Lake water. I was out there investigating it with NRCS and USFWS.

-----Original Message-----

From: Jordan, Michael
Sent: Friday, June 15, 2001 7:40 AM
To: Gengler, Joel; Schaal, Tim
Subject: RE: Hwy 45 and Torrey Lake (Brule Co.)

Elev of CP 11 Located at Mile Post 38.2 = 496.365 Meters = 1628.49 Survey Feet

-----Original Message-----

From: Gengler, Joel
Sent: Friday, June 15, 2001 6:10 AM
To: Schaal, Tim; Jordan, Michael; Letcher, Brad
Subject: FW: Hwy 45 and Torrey Lake (Brule Co.)

Tim, who is this local land owner so Brad can contact them if necessary about the pipe.

Mike, please get the elevations that Tim Schaal is requesting from the survey if possible.

Brad, please investigate the two additional culverts that are supposedly buried.

-----Original Message-----

From: Schaal, Tim
Sent: Thursday, June 14, 2001 5:11 PM
To: Gengler, Joel; Phillips, Rich
Subject: Hwy 45 and Torrey Lake (Brule Co.)

Could you guys help me out ?? I'm looking for an elevation on CP #11 located in the NE corner of Sec. 21-T101N-R67W, just south of the Torrey Lake school house and the elevation of two culverts (24 inch ??) through the reconstructed Hwy 45 a mile south of there (about 300 to 400 ft. north of the Sec. 21-22-27-28 intersection). Also a local landowner swears up and down that DOT placed two additional culverts at this location, but at a lower elevation and buried them, to be used later incase Torrey Lake caused more flooding problems. Do you know anything about that ??

REPORT ON
WATER PERMIT APPLICATION NO. 6263-3
CEDAR GROVE COLONY
June 22, 2001

Water Permit Application No. 6263-3 has been filed by Cedar Grove Colony to appropriate 2.22 cubic feet of water per second (cfs) from existing wastewater lagoons and a 52 acre-foot storage dam, and a proposed 40 acre-foot dugout to irrigate 160 acres. The existing dam and wastewater lagoons, and the proposed dugout are located in the SE ¼ of Section 24-T101N-R67W and the irrigated acres will be located in the NE ¼ of Section 14-T101N-R67W, in Brule County.

Discussion:

The Cedar Grove Colony also holds Water Permit No. 6138-3. The priority date for Water Permit No. 6138-3 is April 21, 1999. It appropriates 6.67 cfs from the same 52 acre-foot storage dam and wastewater lagoons to irrigate 480 acres located in the SE 1/4 of Section 14; NE 1/4 Section 23 and NW 1/4 Section 24: all in T101N-R67W.

The existing dam is classified as a small size Category 3, Low hazard dam. It has 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. The dam was constructed by the WPA in 1937, before the Water Management Board Safety of Dams Rules became effective in October 1986, and 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 has a drainage area of approximately three square miles. This drainage area would produce a 25-year frequency event peak of 183 cfs. In the past, the dam has also received discharges from Torrey Lake, which is located about three miles upstream of the existing 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.

page 2

Water Permit Application No. 6263-3

Conclusions:

1. Water Permit Application No. 6263-3 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. 6263-3.



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

Approved by:



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6263-3, 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. 6263-3, Cedar Grove Colony, c/o George Hofer, 36926 266th Street, Platte SD 57369..

The Chief Engineer is recommending APPROVAL of Application No. 6263-3 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 Nos. 6138-3 and 6263-3 authorizes a dam with storage capacity of 52 acre feet of water and sufficient water annually to maintain the water to the outlet level.
2. Water Permit No. 6263-3 authorizes a dugout with a storage capacity of 40 acre feet of water. Diversion of water from the dam may take place to maintain the water level in the dugout.
3. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed from the dam.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 3, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 3, 2001

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

Dear Mr. Hofer:

Water Permit Application No. 6263-3 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 /KS
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 57501-3182
www.state.sd.us/denr

July 3, 2001

Brule County News
Box 46
Kimball, SD 57355-0046

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6263-3 to Appropriate Water to be published twice. Please publish the first notice on July 12, 2001 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 George G. Hofer, Cedar Grove Colony, 36926 266th St. 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 / KLS
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6263-3

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

Date _____

We are in receipt of your letter of July 3, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 6263-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

AFFIDAVIT OF PUBLICATION

State of South Dakota

39

County of Brule

Darla J Viereck of said county, being first duly sworn, on oath, says: That he/she is the publisher or an employee of the publisher of The Brule-Buffalo County News, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated: that said newspaper is a legal newspaper as defined in SDCL 17-2-21 through 17-2-24 inclusive; that said newspaper has been published within the said County of Brule and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the Notice of Application

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 3 successive week(s) to wit:

<u>July 12</u>	<u>2001</u>	<u>20</u>
<u>July 19</u>	<u>2001</u>	<u>20</u>
<u>20</u>	<u>20</u>	<u>20</u>

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

37.39

Signed: Darla J Viereck
Subscribed and sworn to before me this
____ day of _____
20

Notary Public in and for the County of Brule,
South Dakota

X NOTICE OF APPLICATION

NO. 6263-3 to Appropriate Water

Notice is given that Cedar Grove Colony, 36926 266th St., Platte, SD 57369 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from a 52 acre-foot storage dam and wastewater lagoons to irrigate 160 acres located in the NE 1/4 Section of 14-T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons, which are part of the colony's animal confinement operation or to a proposed 40 acre foot dugout, prior to being land applied. The existing storage dam and proposed dugout are located in the SE 1/4 Section 24 with impoundments in the 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. 6263-3 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 East Capitol, Pierre, SD 57501, 605-773-3352" and the applicant's address is given above. A petition filed by either an interested person or the applicant must be filed by July 30, 2001.

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.

Steven M. Pimer,

Secretary, Department of Environment and Natural Resources

(July 12, July 19, 2001)

Instruction to Newspaper - Publish first Notice on July 12, 2001 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6263-3 to Appropriate Water

Notice is given that Cedar Grove Colony, 36926 266th St., Platte, SD 57369 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second from a 52 acre-foot storage dam and wastewater lagoons to irrigate 160 acres located in the NE ¼ Section 14-T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation or to a proposed 40 acre foot dugout, prior to being land applied. The existing storage dam, and proposed dugout are located in the SE ¼ Section 24 with impoundments in the 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. 6263-3 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 July 30, 2001.

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

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES



JOEL OLSON

Petitioner,

vs.

**PETITION IN OPPOSITION TO
APPLICATION NO. 6263-3**

CEDAR GROVE COLONY

Respondent

An application having been filed by Cedar Grove Colony of Platte, South Dakota, for a water permit to appropriate water for use in irrigation, the Petitioner sets forth the following statements in opposition to approval of said permit.

Petitioner is a resident of the State of South Dakota, County of Brule, whose property is located in a close proximity to the applicant.

Applicant currently conducts irrigation with a mixture of manure and water, this mixture being highly noxious and constituting a nuisance under SDCL 21-10-1. Petitioner has expressed his concern to the Applicant, who has given Petitioner the following assurances;

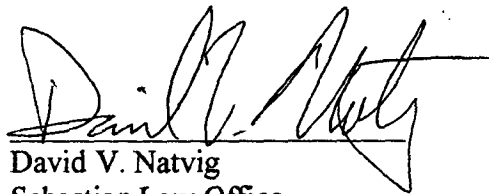
1. The Applicant is currently cleaning out a lagoon by pumping a mixture of animal waste and water through an irrigation system.
2. Once the lagoon is "cleaned out" the Applicant will utilize the solid animal waste/protein products for livestock feed.
3. This will eliminate the offensive odors which have deprived the Petitioner enjoyment of his property.

The Petitioner objects to the granting of application No. 6263-3 by the Department of Environment and Natural Resources if the remedies proposed by the Petitioner are not implemented or do not prove to be effective for the following reasons:

1. This is not a beneficial use of the water as claimed in the application.
2. It is not in the public interest to allow applicant to utilize a greater amount of water thereby creating an increased public nuisance.

If the application is granted, Petitioner would request the Department of Environment and Natural Resources to make approval of said permit contingent upon Applicant's agreement to abide by those assurances set forth above and their agreement to continue to use every available means to abate the nuisance created by this process.

Dated this the 26th day of July, 2001.



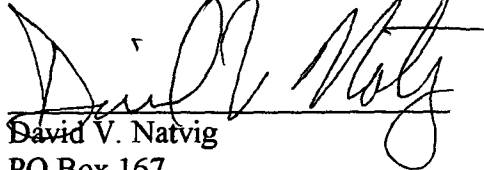
David V. Natvig
Sebastian Law Office
PO Box 167
Kimball, SD 57355
605-778-6316
Attorney for Petitioner Joel Olson

CERTIFICATE OF SERVICE

The undersigned certifies that on July 26th, 2001 a correct copy of the foregoing document was mailed by first-class mail, postage prepaid, to the following parties, Cedar Grove Colony, 36926 266th St., Platte, SD 57369 and the Chief Engineer at Water Rights Program, Foss Building, 523 East Capitol, Pierre, SD 57501.

Dated this 26th day of July 2001.

SEBASTIAN LAW OFFICES



David V. Natvig
PO Box 167
Kimball, SD 57355



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

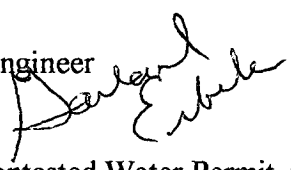
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

August 1, 2001

NOTICE

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

David V. Natvig
Sebastian Law Office
PO Box 167
Kimball SD 57355

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Notice of Hearing on Contested Water Permit Application No. 6263-3, Cedar Grove Colony

Mr. David Natvig, representing Joel Olson, has filed a petition opposing Water Permit Application No. 6263-3 in response to the Notice of Application to appropriate water published July 12 and 19, 2001, in the Brule-Buffalo County News.

As specified in the publication notice, Application No. 6263-3 proposes to appropriate 2.22 cubic feet of water per second from a 52 acre-feet storage dam and wastewater lagoons to irrigate 160 acres located in the NE $\frac{1}{4}$ Section 14-T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation or to a proposed 40 acre foot dugout, prior to being land applied. The existing storage dam and proposed dugout are located in the SE $\frac{1}{4}$ Section 24 with impoundments in the 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. A copy of the Water Rights Program's report and recommendation prepared on this application is enclosed to counsel for the petitioner. A copy of this information and the submitted petition is also enclosed to Jeff Sveen.

The Water Management Board will conduct a hearing to consider Application No. 6263-3 at 10:00 AM, on September 5, 2001, in the Conference Room, Kelly Inn, 1607 E. Hwy 50, Yankton SD. Pursuant to SDCL 46-2-9, 46-2-11, and 46-2A-23, the Board has legal authority and jurisdiction to conduct this hearing. The hearing time is an estimate and may be delayed due to prior agenda items.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6263-3 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. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the evidence presented at the public hearing.

The September 5, 2001, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 27, 2001.

This hearing is an adversary proceeding. Any party of record and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Notice is further given to persons with disabilities that this hearing is being held in a physically accessible place and that interpreter services will be provided, upon request, during the hearing. Please notify Eric Gronlund at (605) 773-3352 by August 27, 2001, if you have any questions about the hearing process or have special needs for which the department will make arrangements.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-23; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Enclosure

c: Diane Best, Assistant Attorney General
Jeff Sveen, Siegel, Barnett & Schutz, PO Box 490 Aberdeen SD 57402

CERTIFICATION

I hereby certify that on August 1, 2001 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 1, 2001 regarding Notice of Hearing on Contested Water Permit Application #6263-3 addressed as stated below:

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

David Natvig
Sebastian Law Office
PO Box 167
Kimball, SD 57355

Jeff Sveen
Siegel, Barnett & Schutz
PO Box 490
Aberdeen, SD 57402

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



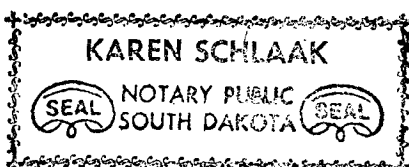
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 2nd day of August, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 7, 2001

George Hofer
Cedar Grove Colony
RR1, Box 132
Platte, SD 57369-9519

RE: Cedar Grove Colony Revised Nutrient Management Plan

Dear Mr. Hofer:

The Department of Environment and Natural Resources received your nutrient management plan (NMP) revisions on July 27, 2001. Your existing NMP is part of your application for coverage under the *General Water Pollution Control Permits for Concentrated Swine and Animal Feeding Operations*. Your facility was permitted on June 8, 2001 (permit numbers SDG-0109103 and SDG-0449103).

Your proposal to change your NMP consists of the following items:

1. Your NMP indicates the application method for the liquid swine and dairy manure is "**injection**". Currently, you spray irrigate liquid manure to fields in your NMP using your pivot irrigation system, and would like to change the liquid manure application method from "**injection**" to "**pivot irrigation**".
2. Your proposal identifies the locations of four irrigation pivots and confirms that the fields irrigated by these pivots are included in your NMP. Your proposal also indicates that you have a *South Dakota Water Permit* (permit number 6138-3) for three of the pivots. You have submitted an application for a water permit for the fourth pivot. If the fourth pivot has already been constructed, you cannot irrigate liquid through that pivot until your water permit application has been approved.
3. Your NMP indicates manure will be applied in autumn. You would like to revise this statement to indicate that manure will be applied during the growing season, or summer months, and may continue into fall.

You indicated that you are willing to apply waste on days with little to no wind. This would reduce the possibility of odors being carried to any neighbors. You explained that on one occasion you stopped spray-irrigating manure when a neighbor contacted you and mentioned that wind was carrying odor to their residence. The department encourages you to continue to try to minimize odors by applying manure on days with little to no wind.

We are hereby approving these revisions to your NMP and including the revisions in your NMP in your general permits. **Please put one copy of the revised NMP information in Appendix C of your copies of your permits.** You are required to comply with the terms and conditions of your *General Water Pollution Control Permits for Concentrated Swine and Animal Feeding Operations* and your *South Dakota Water Permits*. You are responsible for contacting the local planning and zoning office in the counties where manure application will take place to determine if there are any local ordinances or requirements with which you need to comply.

George Hofer
August 7, 2001
Page 2

You explained on the phone that all the swine and dairy manure at your facility is transferred to a solids separator building where the solid manure is removed. The solids are then mixed with additional feed and are fed to the dairy cattle. The remaining liquid is routed to a holding pond and is eventually spray irrigated through your pivot irrigation system.

You indicated that since this liquid is separated manure flush water, you do not think a significant amount of nutrients is present in the liquid. I would like to remind you that you must take annual samples of any land applied manure, including separated manure flush water, in order to accurately determine the nutrient content and calculate an appropriate manure land application rate. You must apply liquid in a manner that does not exceed the water holding capacity of the soil. You cannot irrigate manure or process wastewater on frozen ground. You must follow all permit requirements when applying separated manure flush water. Please see *Item # 3 on Page 17* of the animal general permit for a complete list of spray irrigation requirements.

Your original NMP was reviewed without considering any nutrient removal from separating the solid manure. The NMP was also reviewed based on the assumption that the liquid swine and dairy manure could be applied to all of the fields included in your NMP. You are now indicating that the liquid swine and dairy manure will only be applied to a few fields in your NMP (those with irrigation pivots). DENR will review your manure application records during your regularly scheduled Operation and Maintenance inspections to ensure enough irrigated acreage is available to apply the liquid swine and dairy manure. If sufficient acreage is not available with your current irrigated fields, you may have to use other fields in your NMP to apply the liquid manure.

The application site(s) must be located at least 150 feet from a private well owned by you, 250 feet from a private well not owned by you, and 1,000 feet from any public supply well. These buffer areas must not be included as part of the acreage available for land application of manure.

Buffer zones are required around any natural or manmade drainages or wetlands. A 200-foot wide buffer zone between the spray irrigation area and any natural or manmade drainage must be maintained when applying to a cropped field, alfalfa, grass, or pasture land. Please review the buffer zone requirements on the land application maps included with the nutrient management plan in Appendix C of your permit prior to land applying manure.

If you have any questions regarding the content of this letter, please feel free to contact Jason Roggow or myself at 605-773-3351. Thank you for your cooperation.

Sincerely,



Kent R. Woodmansey, PE
Natural Resources Engineering Director
Department of Environment and Natural Resources

cc: James Hodgens, PE, Hodgens Engineering, Huron, SD
Brule County Commissioners
✓Garland Erbele, Water Rights Program

SEBASTIAN & NATVIG LAW OFFICE

Lawyers and Counselors

MICHAEL E. SEBASTIAN
DAVID V. NATVIG

P.O. BOX 167
KIMBALL, SD 57355
(605) 778-6316

FAX
778-6981

August 13, 2001

Mr. Garland Erbele, Chief Engineer
DENR
523 East Capitol
Pierre, SD 57501-3182

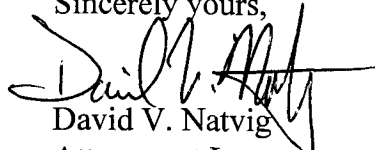
Dear Mr. Erbele:

re: Application Number 6263-3

As Counsel for Petitioner Joel Olson I would respectfully request a postponement of the hearing scheduled for 10:00 A.M. September the 5th, 2001. We would ask for this postponement to allow time to discuss the matter with the Applicant's Counsel and to possibly reach some agreement.

I would appreciate being notified of proposed dates for the rescheduled hearing.

Sincerely yours,


David V. Natvig
Attorney at Law

cc: Mr. Joel Olson





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 14, 2001

NOTICE

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

David V. Natvig
Sebastian Law Office
PO Box 167
Kimball SD 57355

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

SUBJECT: Automatic Delay of Water Permit Application No. 6263-3, Cedar Grove Colony

In response to the notice of hearing, dated August 7th, Mr. David Natvig, attorney for the petitioner, requested an automatic delay of the September 5, 2001, hearing before the Water Management Board on Water Permit Application No. 6263-3. Therefore, the hearing on Application No. 6263-3 is automatically delayed pursuant to SDCL 46-2A-4 and 46-2A-5 and will not be held on September 5, 2001 in Yankton. A copy of the request for postponement of the hearing is enclosed.

The hearing on this application will be scheduled for the December 5 and 6, 2001 Water Management Board meeting. Future notice of the exact date, time and place of the hearing for Application No. 6263-3 will be provided to all parties of record.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

enclosure

c: Diane Best, Assistant Attorney General
Jeff Sveen, Siegel, Barnett & Schutz, PO Box 490 Aberdeen SD 57402

CERTIFICATION

I hereby certify that on August 14, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated August 14, 2001 regarding Automatic Delay of Water Permit Application #6263-3 addressed as stated below:

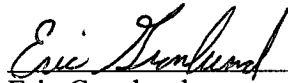
George Hofer
Cedar Grove Colony
36926 266th St.
Platte SD 57369

David V. Natvig
Sebastian Law Office
PO Box 167
Kimball SD 57355

Jeff Sveen
Siegel, Barnett & Schutz
PO Box 490
Aberdeen, SD 57402

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



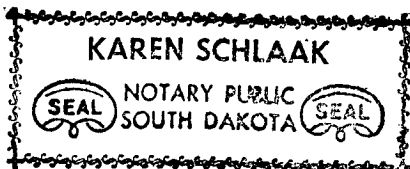
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of August, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MEMO TO: Cedar Grove Colony File

FROM: Jason A. Roggow, Surface Water Quality Program *JL*

DATE: August 21, 2001

RE: August 20, 2001, Cedar Grove Colony Inspection
Southwest ¼ of Section 24, Township 101 North, Range 67 West, Brule County

On August 20, 2001, Ben Myers and Jason Roggow conducted an inspection at Cedar Grove Colony. The purpose of the inspection was to determine if any new unapproved holding ponds for the animal manure management system had been constructed. The approved manure management system for this facility includes three separate holding ponds.

DENR inspectors met with George Hofer, business manager for the colony. George stated that the colony has not constructed any new unapproved holding ponds for the animal manure management system. George explained that the colony is currently constructing two new holding ponds for the domestic containment system. The approximate location of the domestic and animal ponds is shown in Figure 1.

DENR inspectors and Mr. Hofer drove around the colony and viewed the holding ponds for the animal manure containment system, the new domestic holding ponds, and the stock dam. No new unapproved holding ponds or stock dams were noted.

George indicated that the fourth irrigation pivot at their facility has been constructed, but that they have not used that pivot because the Water Permit for that pivot has not yet been approved. When observing the fourth pivot, it was noted that the major structural components of the pivot were constructed. The sprinklers for this pivot were not installed. The locations of the irrigation pivots are shown in Figure 2.

cc: Ray Birchem, Staff Engineer, SD DENR
Tim Schaal, Water Rights Program, SD DENR



Figure 1

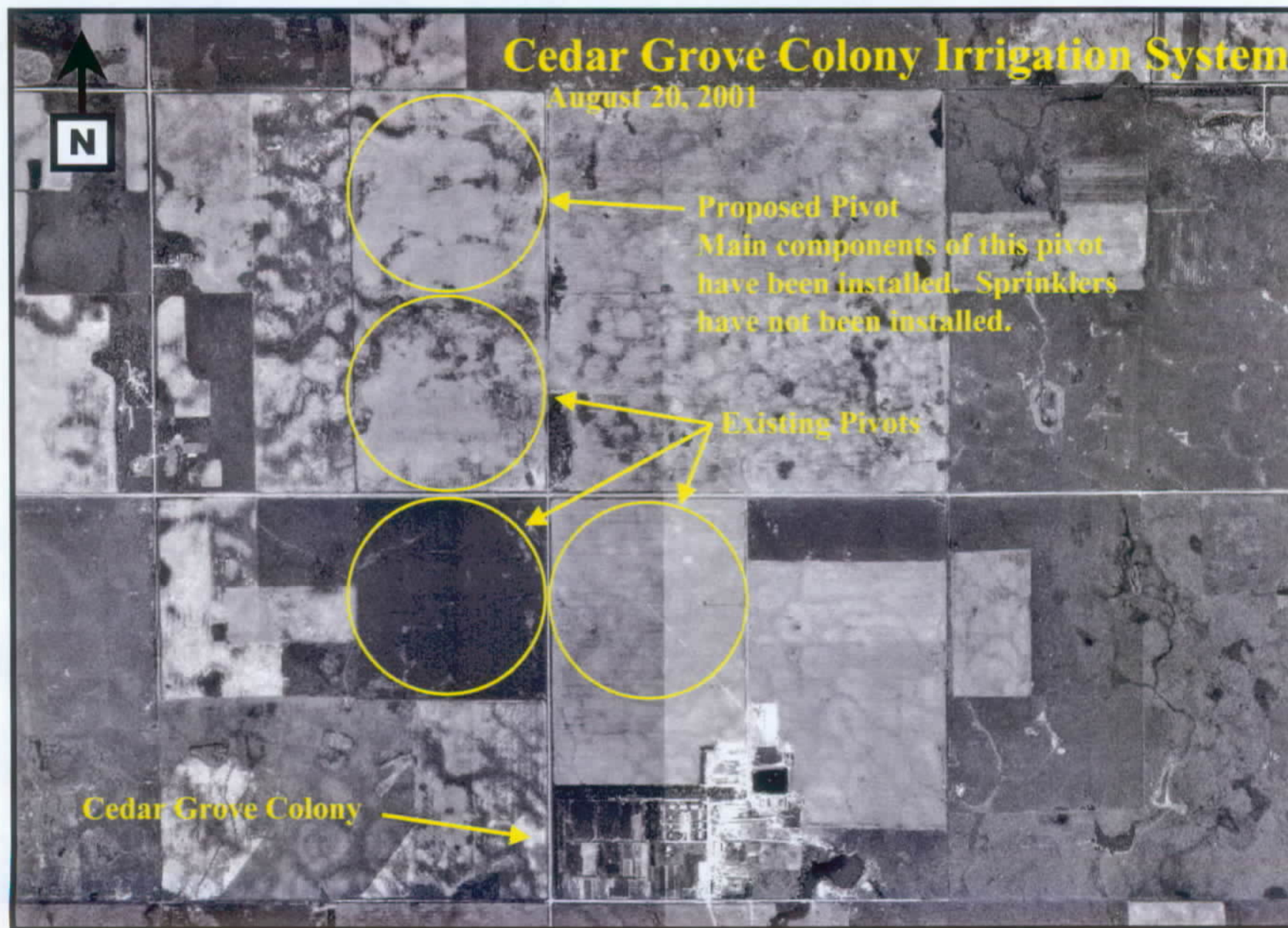
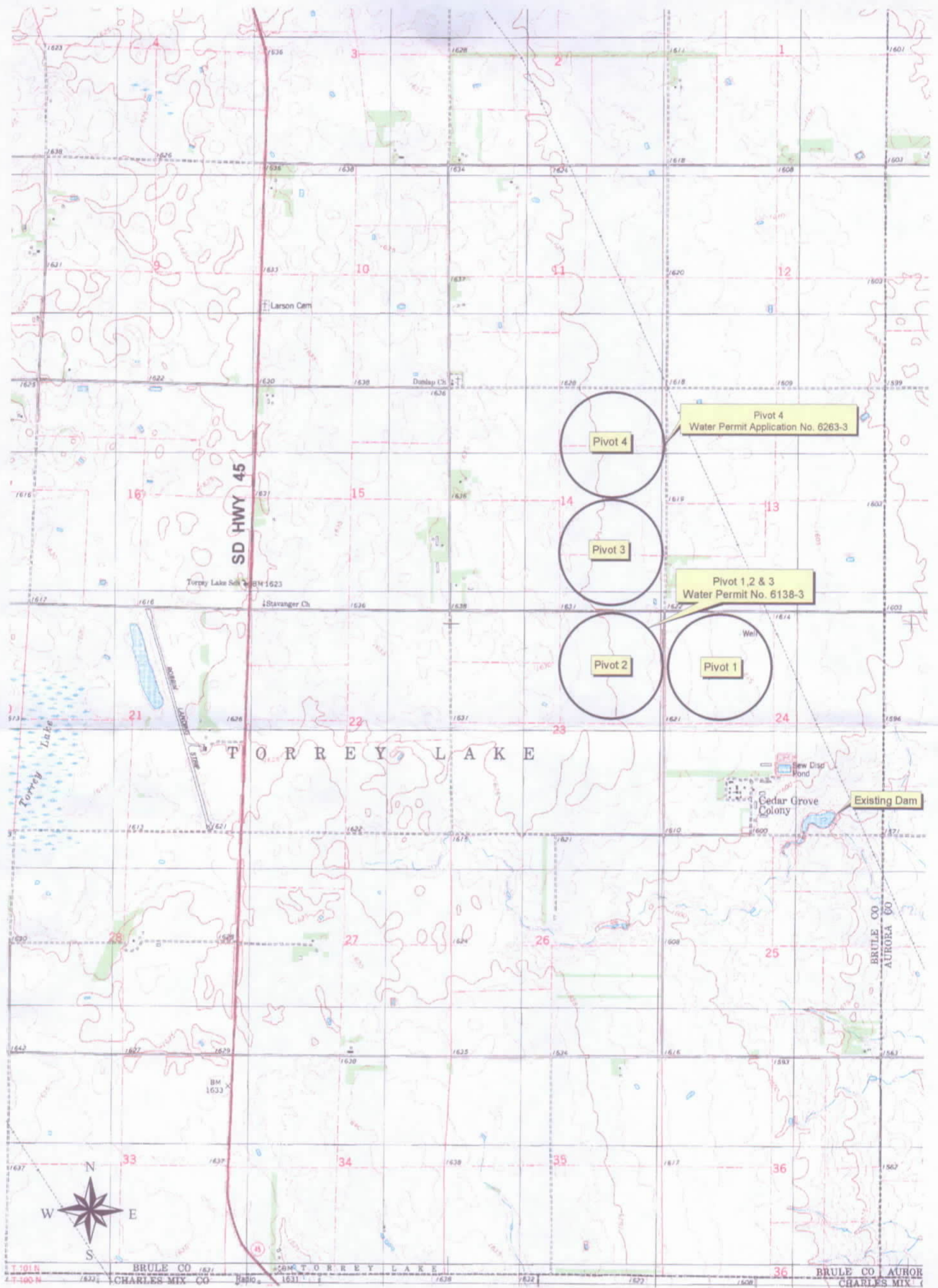


Figure 2

Water Permit Application No. 6263-3





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

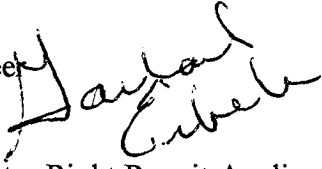
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

September 18, 2001

NOTICE

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

David V. Natvig
Sebastian Law Office
PO Box 167
Kimball SD 57355

FROM: Garland Erbele, Chief Engineer
Water Rights Program 

SUBJECT: Scheduling of Hearing on Water Right Permit Application No. 6263-3, Cedar Grove Colony

Application No. 6263-3 proposes to appropriate 2.22 cubic feet of water per second from a 52 acre-foot storage dam and wastewater lagoons to irrigate 160 acres located in the NE $\frac{1}{4}$ Section 14-T101N-R67W. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation or to a proposed 40 acre foot dugout, prior to being land applied. The existing storage dam and proposed dugout are located in the SE $\frac{1}{4}$ Section 24 with impoundments in the 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. The September 5, 2001 hearing before the Water Management Board was automatically delayed as requested by Mr. David Natvig on behalf of his client, Joel Olson.

The Water Management Board will now consider Application No. 6263-3 on December 5, 2001, at 10:30 AM (Central Standard Time), in the Conference Room, Floyd Matthew Training Center, Joe Foss Building, 523 E. Capitol Avenue, Pierre, SD. The agenda time is an estimate and may be delayed due to prior agenda items.

Applicable provisions of the Notice of Application published July 12 and 19, 2001, in the Brule-Buffalo County News and the Notice of Hearing sent to parties on August 1, 2001 will still apply at the December 5th hearing before the Water Management Board. This hearing is an adversary proceeding. Any party of record has the right to be present and 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 State Supreme Court as provided by law.

Please contact Eric Gronlund at (605) 773-3352, if you have any questions.

c: Diane Best, Assistant Attorney General
Jeff Sveen, Siegel, Barnett & Schutz, PO Box 490 Aberdeen SD 57402

CERTIFICATION

I hereby certify that on September 18, 2001, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 18, 2001 regarding Notice Scheduling Hearing on Water Right Permit Application #6263-3 addressed as stated below:

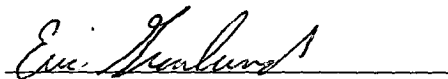
George Hofer
Cedar Grove Colony
36926 266th St.
Platte, SD 57369

David Natvig
Sebastian Law Office
PO Box 167
Kimball, SD 57355

Jeff Sveen
Siegel, Barnett & Schutz
PO Box 490
Aberdeen, SD 57402

A copy of the above described Notice was sent Inter-office to:

Diane Best, Assistant Attorney General, Capitol Building



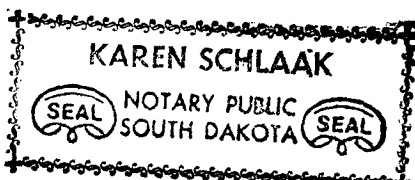
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 19th day of September, 2001.



Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 27, 2001

Jeff Sveen
PO Box 490
Aberdeen, SD 57402

Dear Mr. Sveen:

Enclosed please find a copy of the file for Application No. 6263-3, Cedar Grove Colony,
as per your telephone conversation with Diane Best.

Thank you,

Glenda Marks
Water Rights
(605) 773-3352

DEC 4 2001

SIEGEL, BARNETT & SCHUTZ, L.L.P.
Attorneys at Law
500 Capitol Building
P.O. Box 490
Aberdeen, South Dakota 57402-0490
Telephone: 605-225-5420
Fax: 605-226-1911

TELECOPIER COVER LETTER

Date: December 4, 2001 Time: 2:40 PM

PLEASE DELIVER THE FOLLOWING PAGES TO:

Name: Mr. Charles D. McGuigan

FAX Number: 605-773-4106

Phone Number: 605-773-3215

Firm: Attorney General's Office

City: Pierre, SD

FROM: Jeffrey T. Sveen

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COMMENTS: _____

SIEGEL, BARNETT & SCHUTZ, L.L.P.

ATTORNEYS AT LAW
415 S. MAIN STREET, 400 CAPITOL BUILDING
POST OFFICE BOX 490
ABERDEEN, SOUTH DAKOTA 57402-0490
TELEPHONE (605) 225-5420
FAX (605) 226-1911
(E-mail: siegel@lawabrd@midco.net)

RAYMOND M. SCHUTZ
HARVEY C. JEWETT
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JEFFREY T. SVEN
JOSEPH V. BARNETT
PAUL T. BARNETT
REED BARNUSSEN
GREGG C. MALICKA
KATHRYN J. HOSKINS
JULIA M. EVENSEN*

STAN SIEGEL (1928-1996)
JOSEPH M. BARNETT (1921-1985)
TERENCE A. O'NEILL (1926-1999)

SIOUX FALLS OFFICE
300 NORTH DAKOTA AVENUE, SUITE 600
SIOUX FALLS, SD 57104
PHONE (605) 335-0200
FAX (605) 335-0200
E-MAIL: sjewett@midco.net

*Also Licensed in North Dakota

December 4, 2001

VIA FACSIMILE

Mr. Charles D. McGuigan
South Dakota Attorney
General's Office
500 East Capitol
Pierre, SD 57501

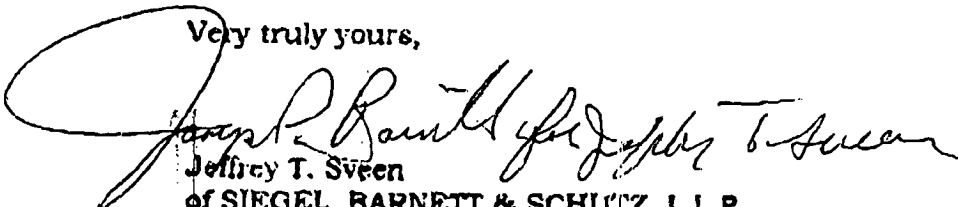
RE: Cedar Grove Colony
Water Permit Application No. 6263-3

Dear Charlie:

By this letter, both Attorney David Narvig and I are indicating to you that the objection of the Complainants has been withdrawn pursuant to an agreement of the parties. The agreement of the parties itself does not need to be a condition of the permit, but is an independent agreement.

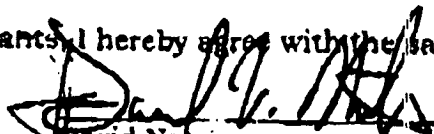
If you have any questions, please give me a call.

Very truly yours,


Jeffrey T. Sween
of SIEGEL, BARNETT & SCHUTZ, L.L.P.

JTS:kls

On behalf of the Complainants, I hereby agree with the same.


David Narvig
Attorney for Complainants



JAN 15 2002

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Cedar Grove Colony
Attn: George Hofer
36926 266th St.
Platte, SD 57369

Dear Mr. Hofer:

Enclosed is Water Permit No. 6263-3 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.

Sincerely,

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

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 11, 2002

George Hofer
Cedar Grove Colony
36926 266th Street
Platte, SD 57369-7103

RE: Cedar Grove Colony Water Permit

Dear Mr. Hofer:

Our August 7, 2001, letter approving revisions to your nutrient management plan indicated that you could not irrigate liquid through the irrigation pivot in the Northeast $\frac{1}{4}$ of Section 14, Township 101 North, Range 67 West, until your water permit application for that pivot was approved.

Your water permit application for this pivot was approved on December 5, 2001. A copy of your Water Permit is enclosed. You may now irrigate liquid through this irrigation pivot. You are required to comply with the terms and conditions of your *General Water Pollution Control Permit for Concentrated Swine and Animal Feeding Operations* and your *South Dakota Water Permits*. You are responsible for contacting the local planning and zoning office to determine if there are any local ordinances or requirements with which you need to comply.

If you have any questions or comments, please feel free to contact me at (605) 773-3351.

Sincerely,

Kent R. Woodmansey, PE
Natural Resources Engineering Director
Surface Water Quality Program

Enclosure

cc: ~~Garland Erbele~~, Water Rights Program
Brule County Commissioners



6263-3
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.



6263-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 5461

Your item was delivered at 11:32 am on January 18, 2003 in PLATTE, SD 57369. The item was signed for by G HOEER.

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PLATTE SD 57369

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PS Form 153, February 2001



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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

Permit No. 6263-3 & 6138-3
Missouri River - Water District

Contact Person & Address: **George Hofer, Cedar Grove Colony 36926 266th St, Platte SD**

Report Of Examination Of Works

On, **March 11, 2015**, I made a thorough examination of the water use system constructed by **Cedar Grove** holder of Permit No. **6138-3**, bearing the priority of **April 21, 1999** authorizing the diversion of **2.22** cu. ft. per second and Permit No. **6236-3**, bearing the priority of **May 17, 2001** authorizing the diversion of **6.67** cu. ft. per second of the waters of **surface water** for **irrigation** purposes, in **Brule** County.

The system is in the following condition **good**. The point of diversion for the dam is located **from the SE corner of Sec 24 T101N-R67W; 210 feet N and 1160 feet W** with latitude of **43.52869** and a longitude of **-98.79902** and the point of diversion for the pump from the dam to the holding ponds is located **from the SE corner of Sec 24 T101N-R67W; 580 feet N and 1500 feet W** with latitude of **43.52975** and a longitude of **-98.80029**; and the point of diversion for the pump from the holding ponds to the pivots is located **from the SE corner of Sec 24 T101N-R67W; 1990 feet N and 2500 feet W** with latitude of **43.53385** and a longitude of **-98.80389** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **7.78** 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:

All land is located in **Sec 14 T101N-R67W**

NW ¼ NE ¼ - 33.5 ac NE ¼ NE ¼ - 33.5 ac SE ¼ NE ¼ - 33.5 ac SW ¼ NE ¼ - 33.5 ac
NW ¼ SE ¼ - 33.5 ac NE ¼ SE ¼ - 33.5 ac SE ¼ SE ¼ - 33.5 ac SW ¼ SE ¼ - 33.5 ac

All land is located in **Sec 23 T101N-R67W**

NW ¼ NE ¼ - 33.5 ac NE ¼ NE ¼ - 33.5 ac SE ¼ NE ¼ - 33.5 ac SW ¼ NE ¼ - 33.5 ac

All land is located in **Sec 24 T101N-R67W**

NW ¼ NW ¼ - 33.5 ac NE ¼ NW ¼ - 33.5 ac SE ¼ NW ¼ - 33.5 ac SW ¼ NW ¼ - 33.5 ac

comprising a total of **536** acres of land and the license should be issued for **7.78** cfs. *7.65 Strict Limit*

Review of Permit Qualifications And Regulations:

- 1) Special qualifications to permit being abided by **yes except extra 40 ac-ft storage dugout not constructed**
- 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**.
- 4) Exceptions to compliance are: **none**

Report On the Specifics of the System

Pump: Dam to Ponds

- 1) Make Cornell 2) Model 6HH26B4-2 3) Size 6 4) Capacity 3500 GPM

Motor:

- 1) Make John Deere 2) Model No. 466 diesel 3) Horsepower rating 160 hp

Pump: Ponds to Pivots

- 1) Make Cornell 2) Model 6HHEM1806-3PK 3) Size 6 4) Capacity 4000 GPM

Motor:

- 1) Make Izuzu 2) Model No. 6HKIXDHA 3) Horsepower rating 285 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 18 inches 3) Length 500 feet
1) Type PVC 2) Size 10 inches 3) Length 9500 feet

SYSTEM TYPE:

Center pivot: NW ¼ Sec 24 T101N-R67W

- 1) Make Zimmatic 2) Overall length 1280 feet
3) Number of towers 10 4) End gun yes
5) High or low pressure low 6) Capacity 900 GPM

Center pivot: NE ¼ Sec 23 T101N-R67W

- 1) Make T-L 2) Overall length 1280 feet
3) Number of towers 8 4) End gun yes
5) High or low pressure low 6) Capacity 900 GPM

Center pivot: SE ¼ Sec 14 T101N-R67W

- 1) Make T-L 2) Overall length 1280 feet
3) Number of towers 8 4) End gun yes
5) High or low pressure low 6) Capacity 900 GPM

Center pivot: NE ¼ Sec 14 T101N-R67W

- 1) Make T-L 2) Overall length 1280 feet
3) Number of towers 8 4) End gun yes
5) High or low pressure low 6) Capacity 900 GPM

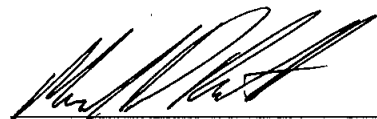
DAM INFORMATION:

- 1) Height to crest 20 feet
- 2) Height to primary spillway 13 feet
- 3) Crest width 20 feet
- 5) Crest length 790 feet
- 6) Spillway length 165 feet
- 7) Spillway width 55 feet
- 8) Approx. storage 52 ac-ft
- 9) Approx. storage to crest 80 ac-ft
- 10) Date constructed: 1937
- 11) Outlet tubes: No outlet pipe
- 12) Category of Dam 3

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

Comments : none

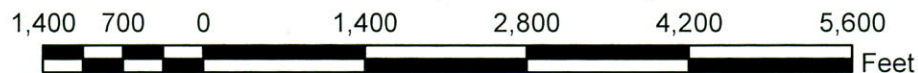
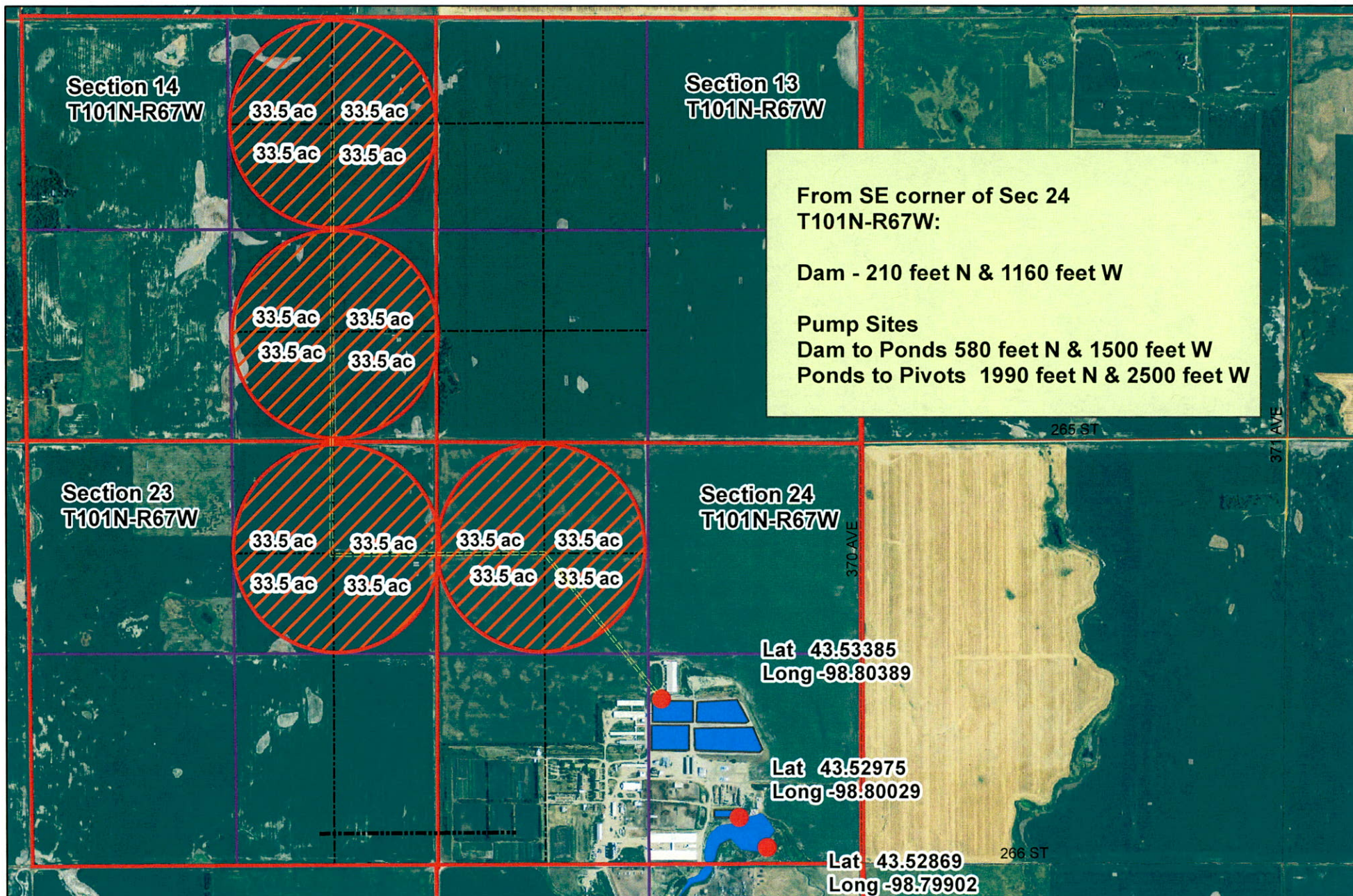


Mark D. Rath
Natural Resources Engineer III
DENR, Water Rights Program



Date

6263-3



Mark D Rath 4-8-15

Mark D Rath
Natural Resources Engineer

6263-3



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

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 6263-3

(1) Cedar Grove Colony, 36926 266th St, Platte SD 57369 made Application No. 6263-3, May 17, 2001 for a water permit to divert 2.22 cubic feet of water per second (cfs) from runoff into an existing 52 acre-feet storage dam and wastewater lagoons, in Brule County, South Dakota for irrigation purposes. Permit No. 6263-3, with a priority date of May 17, 2001 was approved December 5, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 5, 2006 and for the application to beneficial use of said water on or before December 5, 2010.

Water Permit No. 6138-3, with a priority date of April 21, 1999, authorizes diversion of 6.67 cfs from a 52 acre-feet storage dam and wastewater lagoons for irrigation of 480 acres. The lagoons are also part of the colony's animal confinement system. Water Permit No. 6263-3 authorized additional acreage and diversion authority to the existing system. The applicable portions of Water Permit No. 6138-3 are incorporated into Water License No. 6263-3. Priority dates of April 21, 1999 (6.67 cfs and 402 acres) and May 17, 2001 (0.98 cfs and 134 acres) are retained.

The system is capable of diverting from the storage dam to the wastewater lagoons prior to being land applied. Application of water to the land for irrigation purposes is limited to the statutory limit of 7.65 cfs.

(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 7.65 cubic feet of water per second for beneficial use. The location of the diversion points are:

- **Storage dam:** 210 feet N and 1,160 feet W of the SE corner of Section 24, T101N, R67W (SE $\frac{1}{4}$ SE $\frac{1}{4}$);
- **Dam to holding ponds:** 580 feet N and 1,500 feet W of the SE corner of Section 24, T101N, R67W (SW $\frac{1}{4}$ SE $\frac{1}{4}$)
- **Holding ponds to the pivots:** 1,990 feet N and 2,500 feet W of the SE corner of Section 24, T101N, R67W (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

(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:

Section 14, T101N, R67W	Section 23, T101N, R67W	Section 24, T101N, R67W
NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	NE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33.5 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$ 33.5 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.5 acres		
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.5 acres		
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 33.5 acres		
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 33.5 acres		
Each quarter section irrigated as a 134 acre circle		
Total irrigated: 536 acres		

Priority date of May 17, 2001 (established under Water Permit No. 6263-3) is retained for the NE $\frac{1}{4}$ Section 14, T101N, R67W;

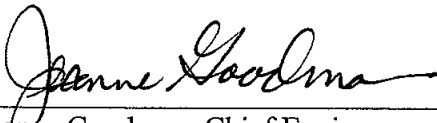
Priority date of April 21, 1999 (established under Water Permit No. 6138-3) is retained for remaining land

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Cedar Grove Colony, 36926 266th St, Platte SD 57369 the holder and/or owner of Incorporated Water Right No. 6263-3 is issued a license to appropriate water, the right to use 7.65 cubic feet of water per second from runoff into 52 acre-feet storage dam and wastewater lagoons with priority dates of April 21, 1999 (6.67 cfs) and May 17, 2001 (0.98 cfs) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Incorporated Water Right No. 6263-3 and subject to the following qualifications:

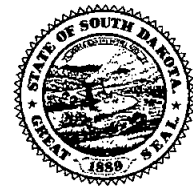
- Water Permit Nos. 6138-3 and 6263-3 authorize a dam with a storage capacity of 52 acre-feet of water and sufficient water annually to maintain the water to the outlet level.
- Water Permit No. 6263-3 authorizes a dugout with a storage capacity of 40 acre feet of water. Diversion of water from the dam may take place to maintain the water level in the dugout. ***The dugout component of the system was not constructed and is not applicable to this water license.***
- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- This Permit is subject to the irrigation water use questionnaire being submitted each year.



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

JUN 18 2015

date



6263-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: CEDAR GROVE COLONY, GEORGE G HOFER, 36926 266TH ST, PLATTE, SD 57369
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6263-3 & 8041-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 6263-3 & 8041-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 6263-3 & 8041-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: TTOEUC**

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

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Jan 21	7:59 AM	Platte, SD, United States	Out for delivery
Jan 21	7:48 AM	Platte, SD, United States	Arrived at post office
Jan 21	1:31 AM	Huron Sd Distribution Center	Departed USPS regional facility
Jan 20	10:23 PM	Huron Sd Distribution Center	Arrived at USPS regional facility

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6263-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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PIERRE SD 57501-3182
danr.sd.gov

March 3, 2022

NOTICE

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

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 6263-3 and Water Permit No. 8041-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right No. 6263-3 and Water Permit No. 8041-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaires are received prior to April 4, 2022, the suspensions will not take effect.

The 2021 irrigation questionnaires for Cedar Grove Colony were received March 3rd. Since the questionnaires are now on file, no violations have occurred, and the suspensions will not take effect.

“Notices” concerning late questionnaires and Board actions are made part of the administrative file for each water right. Please try to submit future irrigation questionnaires by the deadline.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220


 Genny McMath
 Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2022.


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2025

