

WATER PERMIT NO. 6758-3

Name of Applicant: Maxwell Colony

Address: 42805 Maxwell Rd, Scotland SD 57059

Phone: 065 583-2861

Amount of Water Claimed: 4.89 cfs

Total Acres: 980 acres

Source of Water Supply: groundwater (two wells)

Water to be used for: irrigation

County: Bon Homme, Hutchinson and Yankton

Type of Waste Disposal System:

Location: 4 miles northeast of Scotland

PRIORITY Date Received: 9-11-06

Application/License Fee: \$650

Corrected Application Received: 9-25-06

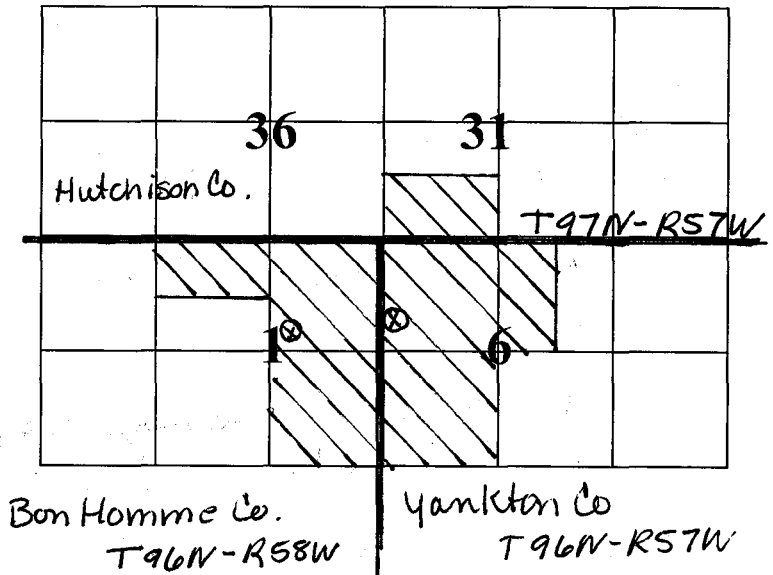
Period of Annual Use: May 1 – September 30

Remarks:

Diversion Point: SW ¼ NW ¼ Sec 6-T96N-R57W

and SW ¼ NE ¼ Sec 1-T96N-R58W

Land to be Irrigated: S ½ SW ¼ Sec 31-T97N-R57W, W ½, W ½ NE ¼ Sec 6-T96N-R57W and Sec 1-T96N-R58W



Depth of Well: 240 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

Type of Map:

Prepared by: Vernon Arends, PE

Reviewed and the Number Assigned on: XX

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>6758-3</u> (office use only)
	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>See list</u>

RECEIVED

SEP 11 2006

WATER RIGHTS
PROGRAM

RECEIVED

SEP 25 2006

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
 (Use predates Mar 2, 1955)

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

- Name of Applicant Maxwell Colony Phone 605-583-2861
 (check one) Owner ☒ Tenant/lessee ☐
 Mailing Address 42805 Maxwell Road, Scotland State SD 57059
 (Street, RR, or Box and City) (City and State)
- Amount of water claimed 4.89 *CFS or 2,200 **GPM ***AF Total Acreage 980
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Two groundwater wells for irrigation
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) (1) SW1/4, NW1/4, Section 6, T96N, R57W, Yankton County & (2) SW1/4, NE1/4 Section 1, T96N, R58W
 County Bon Homme
- County or counties where water will be used Bon Homme, Hutchinson & Yankton
- Annual period during which water is to be used May 1 to September 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
<u>S1/2, SW1/4, Sec. 31, T97N, R57W 7D</u>	<u>120</u>	<u>NE1/4, Sec 1, T96N, R58W</u>	<u>150</u>
<u>NW1/4, Sec. 6, T96N, R57W</u>	<u>120</u>	<u>SE 1/4, Sec 1, T96N, R58W</u>	<u>160</u>
<u>SW1/4, Sec 6, T96N, R57W</u>	<u>160</u>	<u>SW 1/4, Sec 1, T96N, R58W</u>	<u>160</u>
<u>W1/2, NE1/4, Sec 6, T96N, R57W</u>	<u>80</u>	<u>S1/2, NW1/4 Sec 1, T96N, R58W</u>	<u>80</u>

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

Maxwell Colony proposed irrigation of the New Hay Field, Petzel Field, Sand Field, Spring Field, Shoe Field & Guss Field, see attached maps showing fields & proposed well locations.

STATE OF SOUTH DAKOTA) SS

County of Bon Homme)

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, Mark Hoffer, 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 Mark Hoffer
 Subscribed and sworn to before me this 21 day of September 20 06

Notary Public signature

Commis. Expires: 05-05-08

SOUTH DAKOTA
WATER PERMIT NO. 6758-3

Date of first receipt of application September 11, 2006.

Date of return to applicant for corrections, amendments or changes September 12, 2006.

Date of receipt of corrected application September 25, 2006.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6758-3 to Maxwell Colony, 42805 Maxwell Road, Scotland SD 57059 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. 6758-3 appropriates 4.89 cubic feet of water per second from two wells to be completed into the Lower James Missouri Scotland Aquifer (approximately 240 feet deep) located in the SW 1/4 NW 1/4 Section 6-T96N-R57W and SW 1/4 NE 1/4 Section 1-T96N-R58W to irrigate 980 acres. The acres to be irrigated are located in S 1/2 SW 1/4 Section 31-T97N-R57W (Hutchinson County), W 1/2, W 1/2 NE 1/4 Section 6-T96N-R57W (Yankton County) and E 1/2, SW 1/4, S 1/2 NW 1/4 Section 1-T96N-R58W (Bon Homme County).
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is September 11, 2006.
4. The date of approval of Permit No. 6758-3 is December 4, 2006.
5. One-fifth of the construction is to be completed on or before June 4, 2009.
6. All construction is to be completed on or before December 4, 2011.
7. Water is to be put to beneficial use on or before December 4, 2015.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The wells authorized by Permit No. 6758-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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

DEC 22 2006

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction (Each Well)

- a) Drill Hole Diameter 25" Depth 240'
- b) Casing Type PVC Diameter 16" Thickness 1"
- c) Screen Type Stainless Steel Diameter 16" Thickness Johnson Screen
- d) Gravel Pack 4" Length of Gravel Pack Screen + 20 feet
- e) Depth to Top of Water Bearing Material 180'
- f) Depth to Water (ground surface to water level) 180'
- g) Distance to nearest existing domestic well:

On applicants property 1/2 MileOn property owned by others 2 Miles**2. Wastewater Disposal System Information**

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

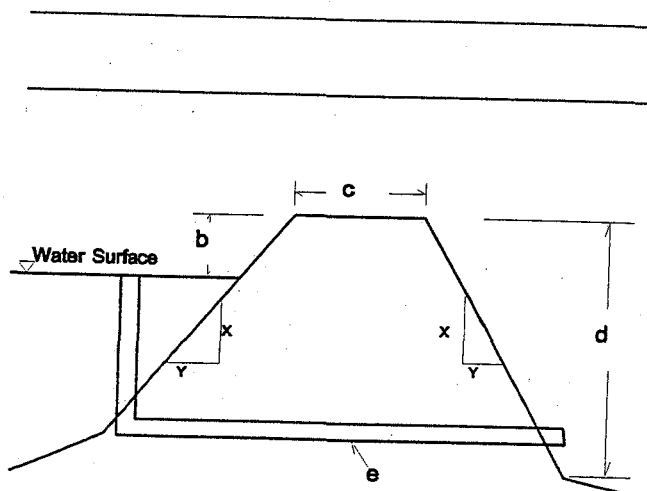
3. Dugout Information

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

4. Water Storage Dams

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

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date September 11, 20 06

RECEIVED OF Maxwell Hutterian Brethren Inc., 42805 Maxwell Rd, Scotland SD 57059

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

Fee for Application for Permit No. <u>6758-3</u> to Appropriate Water, to construct and to put water to beneficial use	600	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>6758-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	650.00

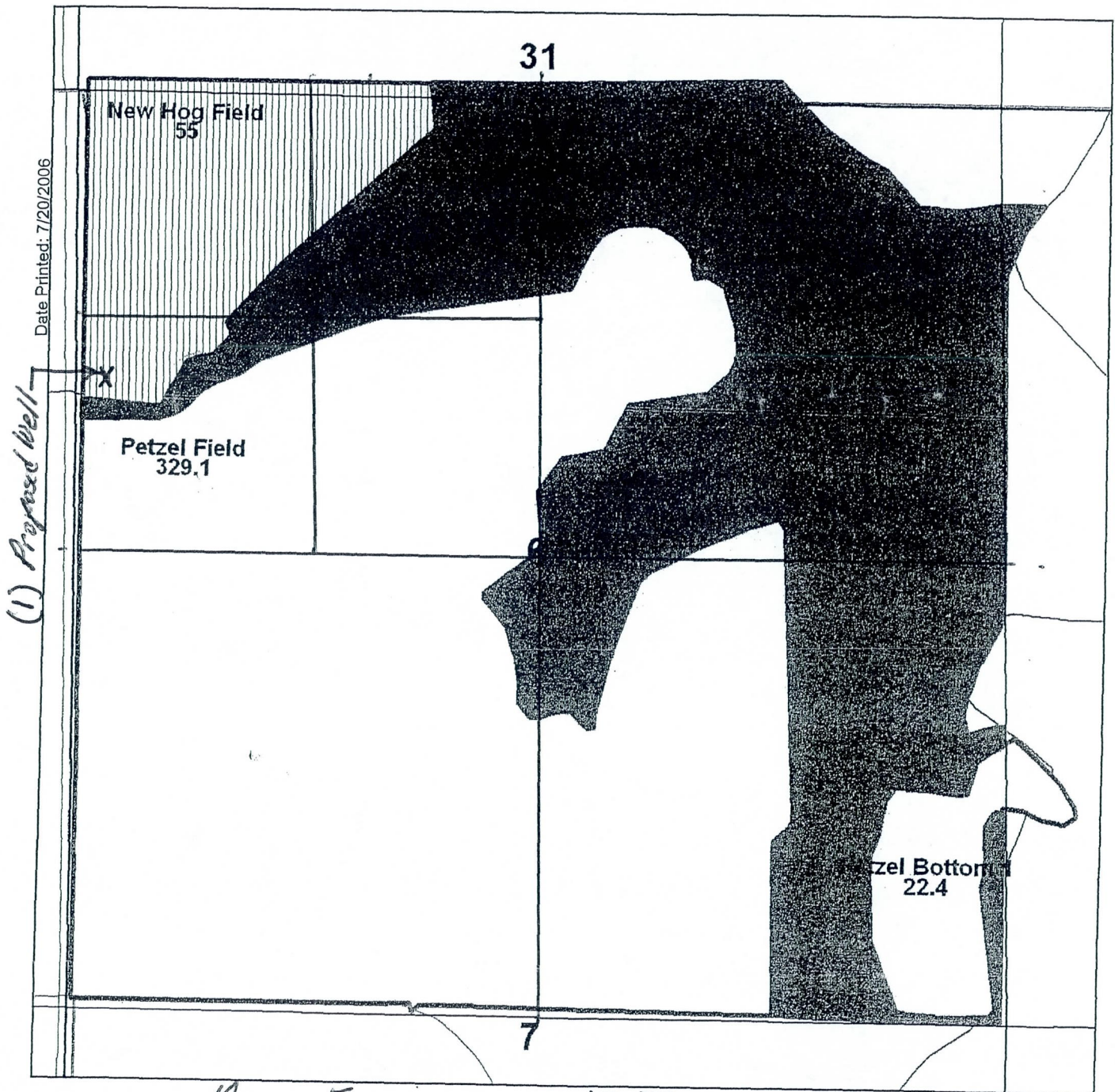
No.

02581

By Darland Erbele
Chief Engineer gm

MAXWELL HUTTERIAN BRETHREN INC

YANKTON COUNTY, SD
T96N R57W SECTION 6



FSA Acres

Arens Engineering C-1357
W. Arens

	Pasture 234.7
	corn 351.5
	Wheat 55.0

PROVIDED COURTESY OF

FCS OF AMERICA - YANKTON

124 WALNUT STREET PO BOX 196
YANKTON, SD
605-665-9675

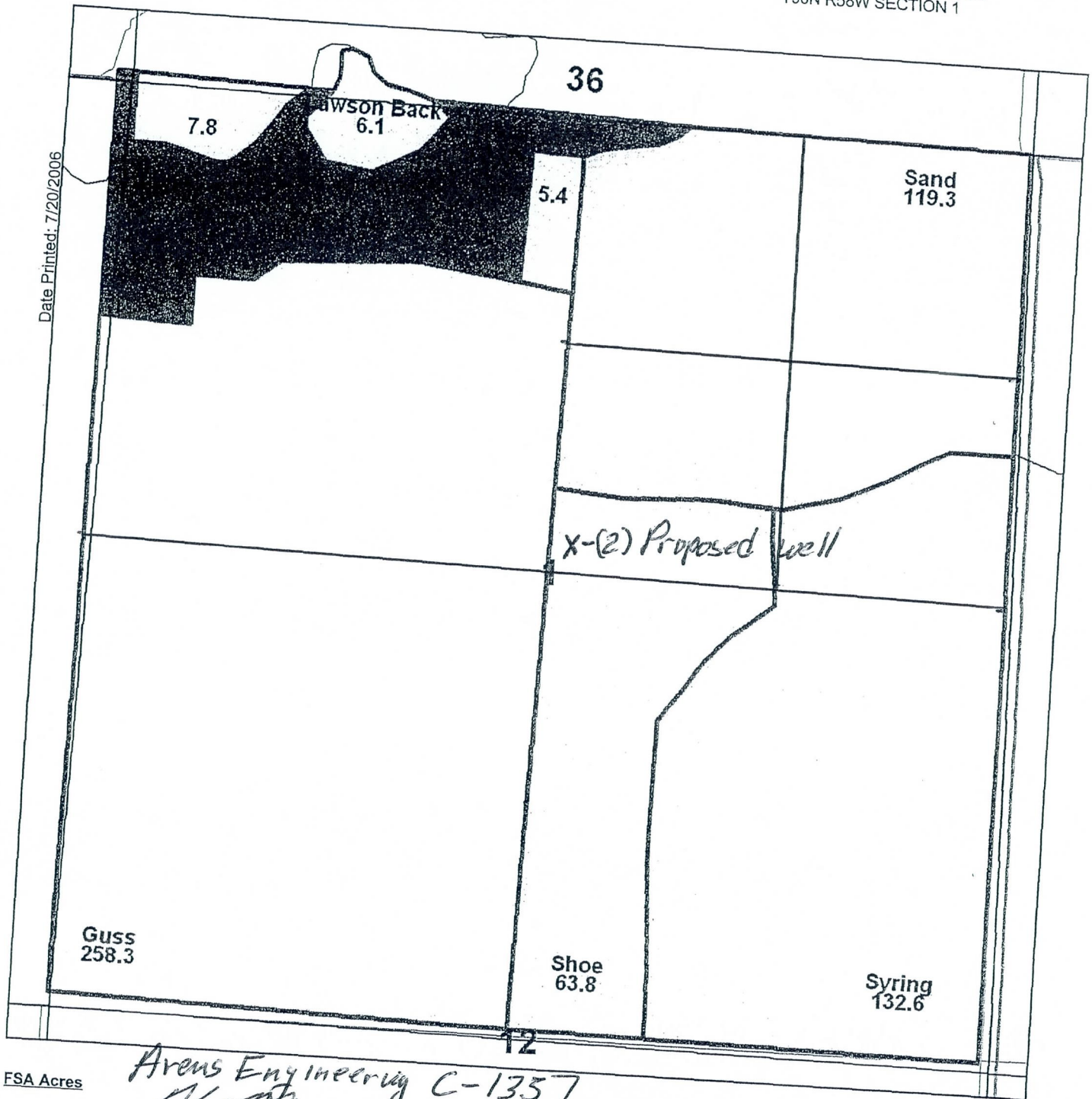


Standing Strong in Crop Insurance

MAXWELL HUTTERIAN BRETHERN INC

BON HOMME COUNTY, SD
T96N R58W SECTION 1

Date Printed: 7/20/2006



FSA Acres

Arens Engineering C-1357
V. Arens PE

- ☒ Pasture 49.4
- ☐ soybeans 323.5
- ☐ corn 269.8

PROVIDED COURTESY OF

FCS OF AMERICA - YANKTON

124 WALNUT STREET PO BOX 196
YANKTON, SD
605-665-9675

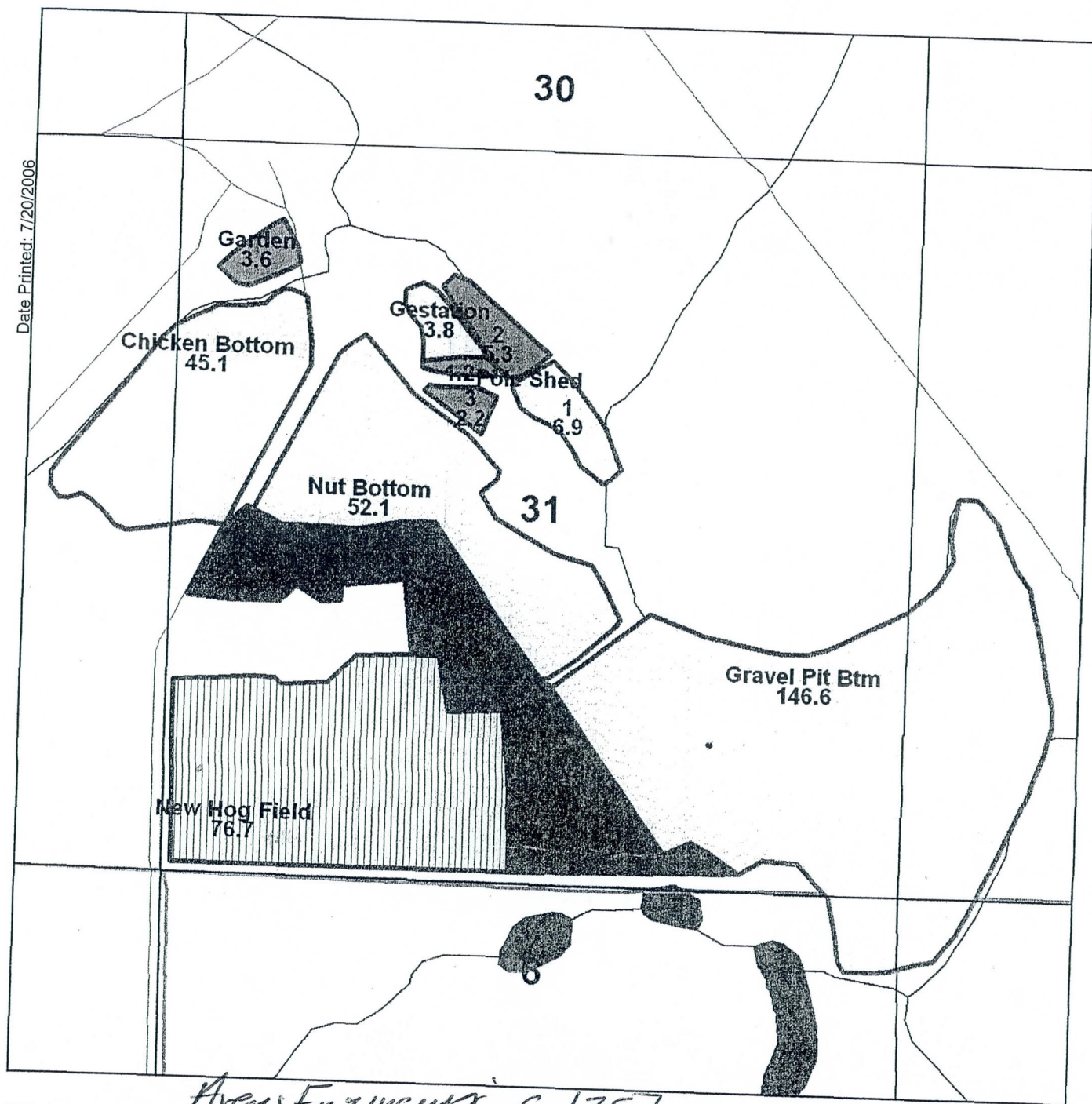


Standing Strong in Crop Insurance

MAXWELL HUTTERIAN BRETHREN INC

HUTCHINSON COUNTY, SD
T97N R57W SECTION 31

Date Printed: 7/20/2006



FSA Acres

Arens Engineering C-1357
Maxwell PE

- Undesignated 12.3
- Pasture 59.6
- soybeans 45.1
- corn 209.4
- Wheat 76.7

PROVIDED COURTESY OF

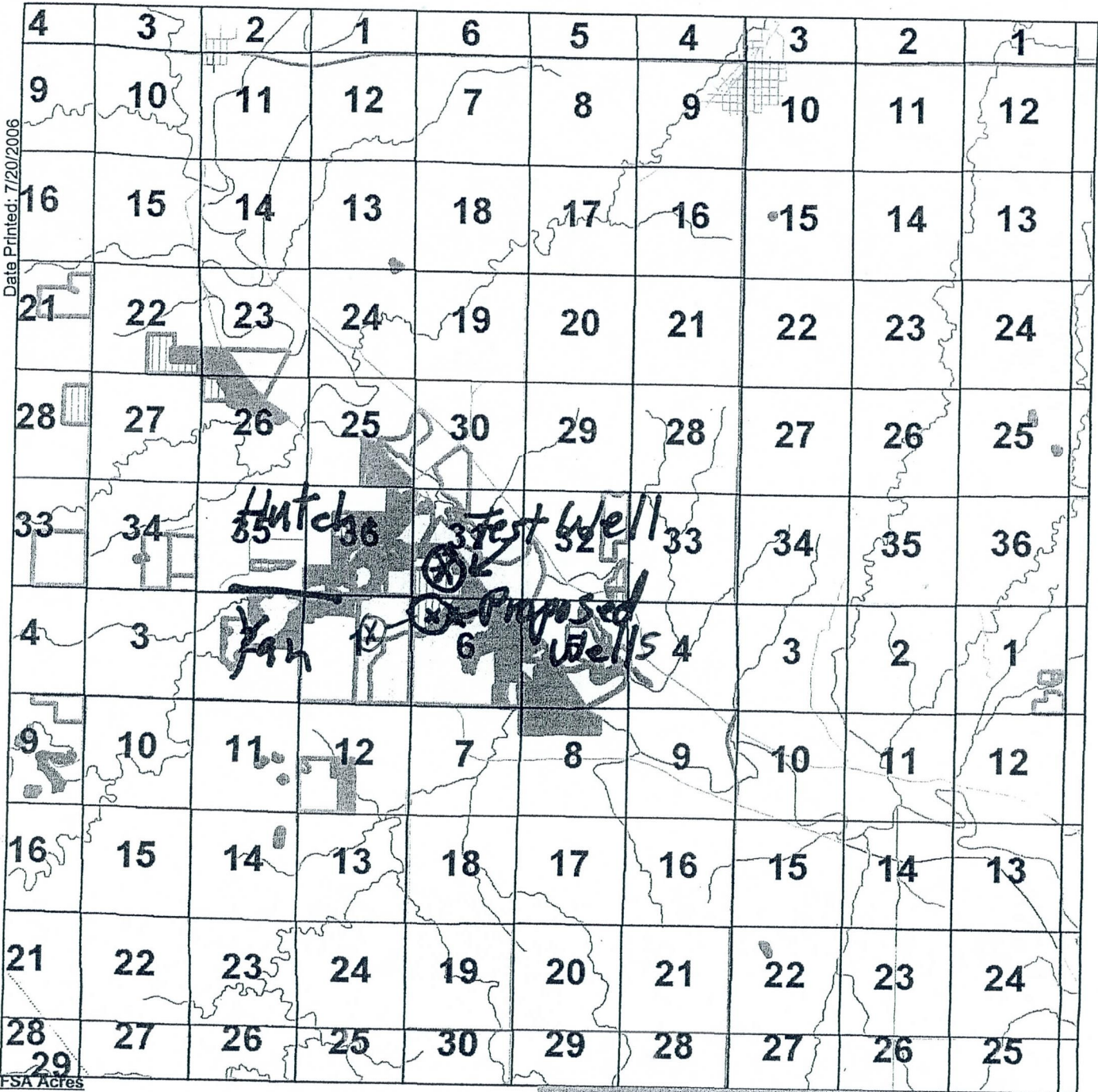
FCS OF AMERICA - YANKTON
124 WALNUT STREET PO BOX 196
YANKTON, SD
605-665-9675



Standing Strong in Crop Insurance

YANKTON COUNTY, SD
 196N R57W
 T96N R58W
 T97N R57W
 T98N R58W

Date Printed: 7/20/2006



PROVIDED COURTESY OF

- Undesignated 27.2
- Pasture 1204.2
- soybeans 1093.6
- corn 1440.1
- Wheat 264.4

FCS OF AMERICA - YANKTON
 124 WALNUT STREET PO BOX 196
 YANKTON, SD
 605-665-9675



Standing Strong in Crop Insurance™

MAXWELL DRILLING — DRILLERS LOG

MAXWELL Colony

T 97N-R 57-W

Hutchinson Co.

Phone: 1-800-451-4884

JOB NAME-

Sec 31 LOCATION

1-22-90 DATE

7 RIG NO.

JDP FOREMAN

Jr No.	DEPTH	TIME	REMARKS
1	20		0-20 yellow clay
2	40		20-26 yellow clay 26-40 Blue Clay
3	60		40-60 Blue Clay
4	80		60-80 Blue Clay
5	100		80-100 Brown sand
6	120		100-110 B.C. w/ streaks 110-120 Fair to Good
7	140		120-140 Blue Clay w/ sand streaks
8	160		140-160 Blue Clay w/ sand streaks
9	180		160-180 B.C. w/ streaks 170-180 Fair to Good
10	200		180-200 Sand w/ bits of Clay Breaks
11	220		200-220 Sand + Gravel w/ Clay Breaks
12	240	T.D.	220-240 "
13			
14			
15			
16			
17			2-3 grain sand
18			23 " "
19			
20			240 T.D.
21			40' Slotted
22			Pumps 25-2 P.M.
23			2500 # Sand
24			5" top to Bottom
25			M.H. 100'
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N 1/2 of NW

15.00 G. J.

MARKS:

New Hog Barn



August 14, 2006

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Maxwell Colony
c/o Mark Hofer
42805 Maxwell Road
Scotland SD 57059

Dear Mr. Hofer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Hutchinson and Yankton Counties. In order to complete the application the following is required.

- Enclosed is the map submitted with the application. On the map, please outline the land to be irrigated.
- The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties. Our suggestion would be to contact the local Natural Resource Conservation Service office.
- From the map submitted it appears the proposed well will be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 6-T96N-R57W (Yankton County). Do you agree with this location?
- The application/license filing fee will be \$400.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*resubmitted application
9/11/06*

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2006

Maxwell Colony
42805 Maxwell Rd
Scotland SD 57059

Dear Sir:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Bon Homme, Hutchinson and Yankton Counties.

- The application is being returned because the bottom portion must be signed by the applicant and notarized.

Upon receipt of the signed and notarized application, further processing of your application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure

REPORT ON WATER PERMIT APPLICATION NO. 6758-3

For Maxwell Colony

October 31, 2006

Application No. 6758-3 proposes to appropriate 4.89 cfs (2,200 gpm) from two wells approximately 240 feet deep located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 6, T96N R57W and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of section 1, T96N R58W to irrigate 980 acres. The acres to be irrigated are located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of section 6, T96N R57W in Hutchinson County, the W $\frac{1}{2}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of section 6, T96N R57W in Yankton County and the E $\frac{1}{2}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ of section 1, T96N R58W in Bon Homme County.

AQUIFER – LOWER JAMES MISSOURI SCOTLAND (LJM-S)

The Lower James Missouri Scotland is buried outwash (sand and gravel) that appears to be under artesian conditions at this site. The aquifer underlies 1,800 acres in Hutchinson County, 33,300 acres in Bon Homme County and 37,700 acres in Yankton County and contains an estimated 1.1 million acre feet of recoverable water in storage in those three counties (Hedges, 1982). The aquifer is hydraulically connected to the Lower James Missouri in Hutchinson County to the north and into Yankton County to the east and south. Ground water movement is from southwest to northeast in this area (Jorgenson, 1971). The combined aquifer system in Hutchinson County (Lindgen, 1990), Yankton County (Bugliosi, 1986) and Bon Homme County (Jorgenson, 1971) indicates a very large mostly buried aquifer that responds to pumping as if under water table conditions. This conclusion is confirmed by the observation well record.

A test well completed by the Colony indicates sand and gravel beginning at a depth of about 80 feet but the best aquifer material appears to begin about 170 feet and extends to about 240 feet below land surface. The entire sequence of aquifer material appears to be interbedded with clay. This log fits well with existing test well and observation well information available for this area.

The Water Rights Program monitors three observation wells within a three mile radius of this application and completed into either the Lower James Missouri aquifer or the Lower James Missouri Scotland aquifer. One of the observation wells HT-80C is located within one half mile of the proposed irrigation wells for this application. Water levels for these wells show good response to climatic conditions that is rising water levels during wet years (recharge) and gradually declining water levels during dry years. In general, the water level record indicates that the aquifer is capable of sustaining additional withdrawals (Water Rights, 2006).

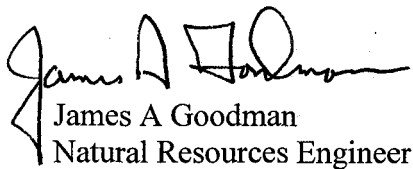
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other nearby water permits/rights that obtain water from either the Lower James Missouri Scotland or the Lower James Missouri aquifers. The nearest permitted user from this water source is about three miles to the northeast and in Hutchinson

County. Interference is not a concern. At this distance between wells drawdown will not be significant. This is shown by the observation well hydrographs.

CONCLUSIONS

1. Water is available from the Lower James Missouri Scotland aquifer.
2. The aquifer is under confined conditions at this site but the water levels appear to behave more like water table conditions. Drawdown created by pumping is not expected to be significant. Interference is not expected to be a problem or a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

Bugliosi, E.F., 1986, Water Resources of Yankton County, South Dakota, Water Resources Investigations Report 84-4241, USGS, Huron, SD, 57350.

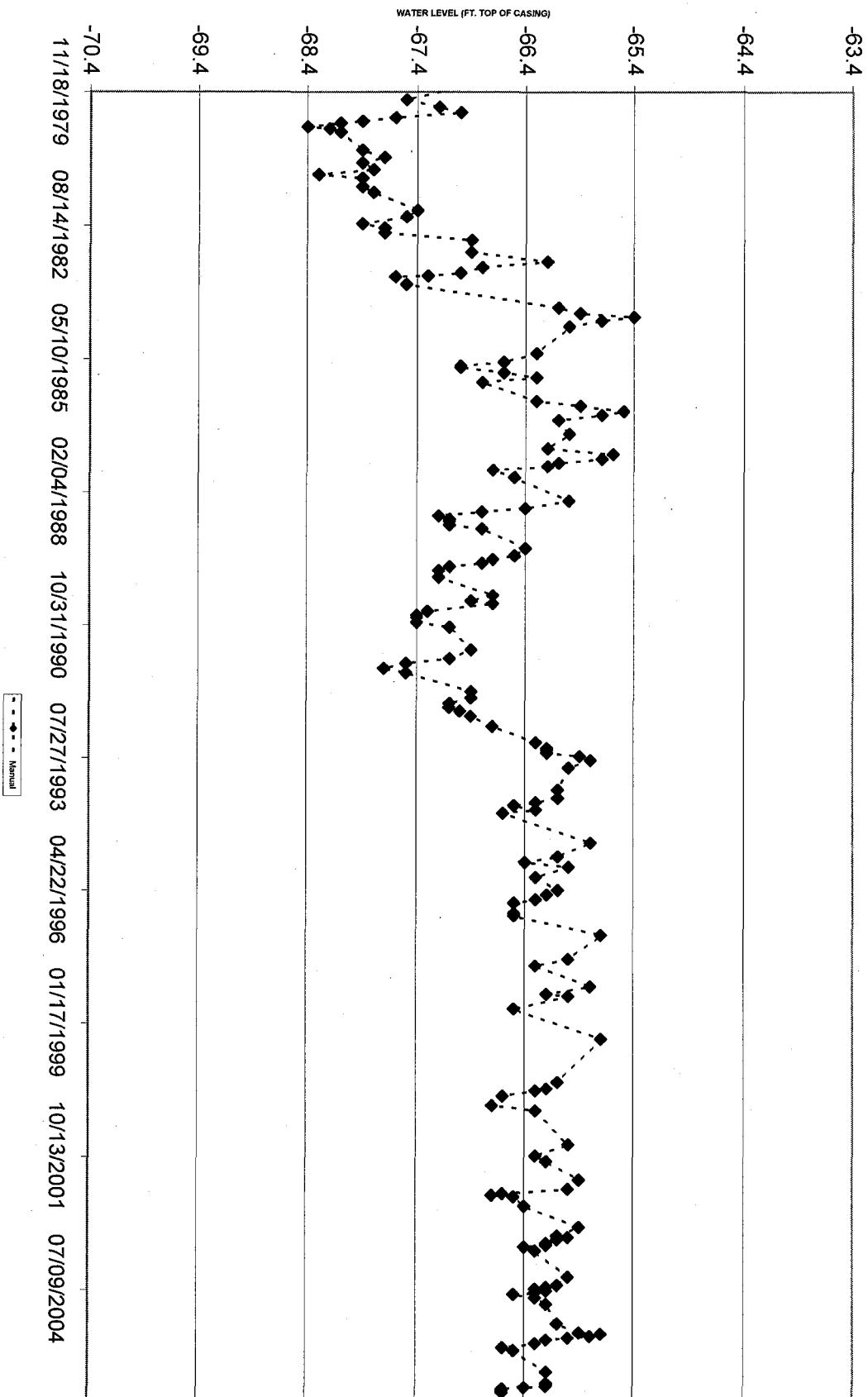
Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Jorgensen, D.G., 1971, Geology and Water Resources of Bon Homme County, South Dakota, Bulletin 21, SDGS, Vermillion, SD, 57069.

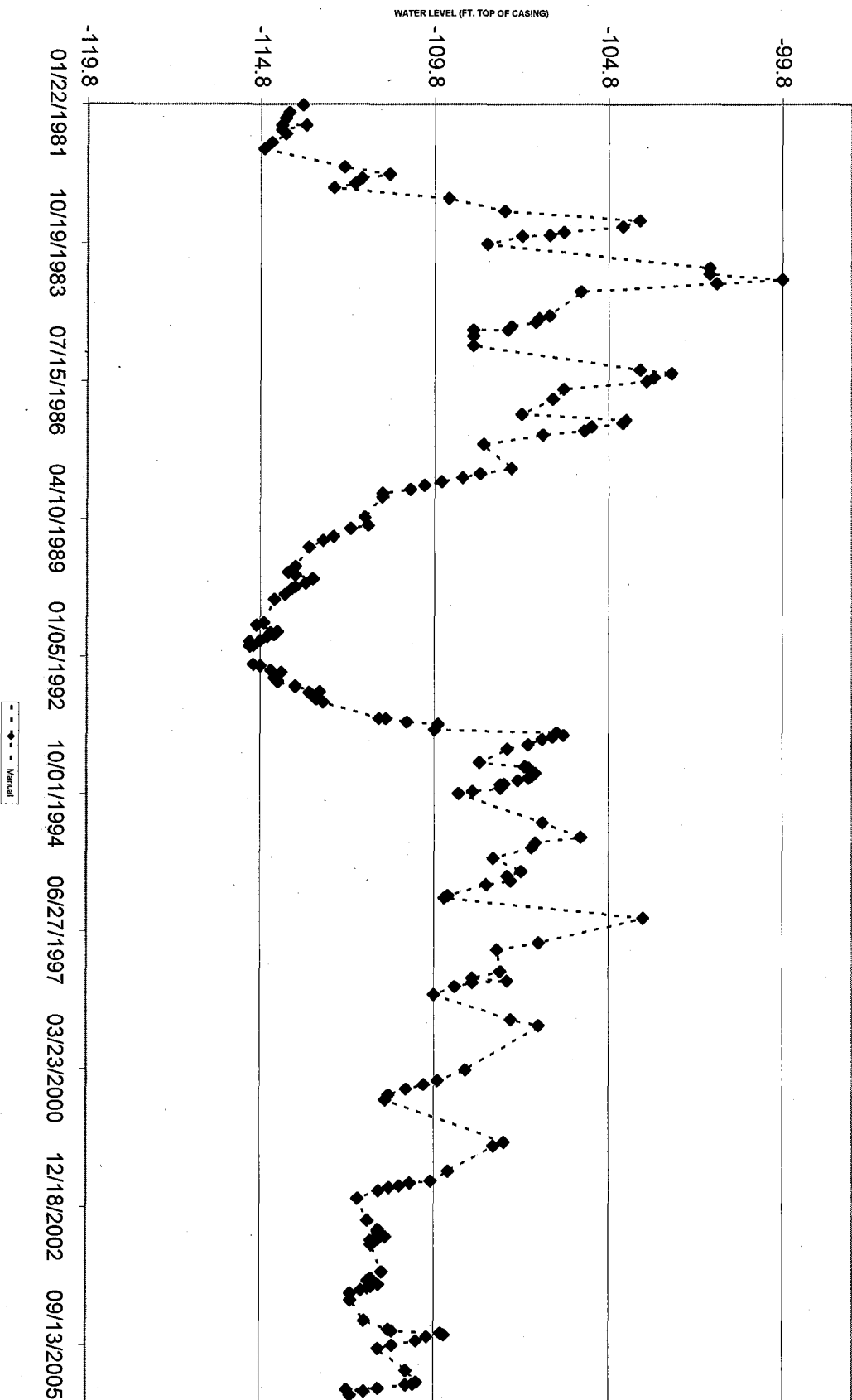
Lindgren, R.J., D.S. Hansen, 1990, Water Resources of Hutchinson and Turner Counties, South Dakota, Water Resources Investigations Report 90-4093, USGS, Huron, SD, 57350.

Water Rights, 2006, Unpublished Observation Well Data for Hutchinson, Yankton and Bon Homme Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

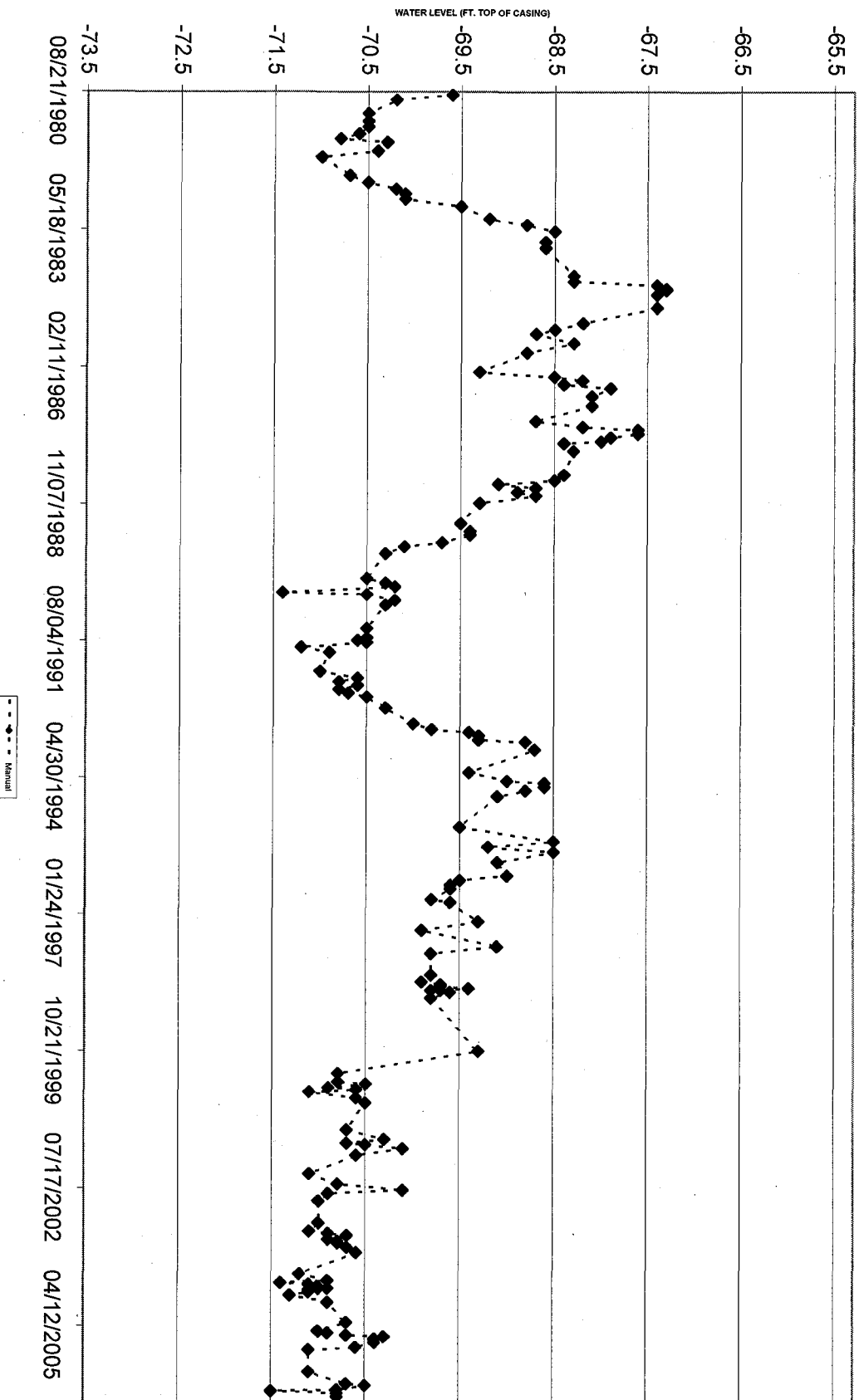
WATER RIGHTS' OBSERVATION WELL YA-79A



WATER RIGHTS' OBSERVATION WELL
YA-80Q



WATER RIGHTS' OBSERVATION WELL
HT-80C





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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. 6758-3, Maxwell 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. 6758-3, Maxwell Colony, c/o Mark Hofer, 42805 Maxwell Road, Scotland SD 57059.

The Chief Engineer is recommending APPROVAL of Application No. 6758-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6758-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. 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
November 2, 2006



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
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 NEWSPAPERS RIGHT AWAY.

November 6, 2006

Maxwell Colony
% Mark Hofer
42805 Maxwell Road
Scotland SD 57059

Dear Mr. Hofer:

Water Permit Application No. 6758-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Freeman Courier printed at Freeman, SD (Ph # 605-925-7033), the Daily Press & Dakota printed at Yankton, SD (Ph #605-665-7811), and the Scotland Journal printed at Scotland, SD (Ph #605-583-4419). You will need to contact the newspapers and authorize publication of this notice. 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization, the publishers have been instructed to publish your notice once each week for two consecutive weeks. The newspapers have also 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

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

November 6, 2006

Freeman Courier
PO Box 950
Freeman SD 57029-0950

ATTENTION: Legal Public Notice

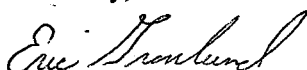
Enclosed is a Notice on Application No. 6758-3 to Appropriate Water to be published twice. Please publish the first notice on November 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Maxwell Colony, % Mark Hofer, 42805 Maxwell Road, Scotland SD 57059 (Ph # 605-583-2861).

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

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

No. 6758-3

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

Date _____

We are in receipt of your letter of November 12, 2006 enclosing Notice to Appropriate Water by Application No. 6758-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 6, 2006

Daily Press & Dakotan
PO Box 56
Yankton SD 57078-0056

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6758-3 to Appropriate Water to be published twice. Please publish the first notice on November 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

Please BILL the APPLICANT for the cost of publication. The APPLICANT is Maxwell Colony, % Mark Hofer, 42805 Maxwell Road, Scotland SD 57059 (Ph # 605-583-2861).

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.

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and NATURAL RESOURCES

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

November 6, 2006

Scotland Journal
PO Box 388
Scotland SD 57059-0388

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6758-3 to Appropriate Water to be published twice. Please publish the first notice on November 15, 2006 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Water Rights Program
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Name

Newspaper

Affidavit of Publication

State of South Dakota }
County of Bon Homme } ss

Rebecca Tyck Being first duly sworn says that The **Scotland Journal** is a legal weekly newspaper for the publication of legal and other official notices as required by the South Dakota Revised Code of Nineteen Hundred Nineteen, and any amendments thereof, printed and published in the City of Scotland, County of Bon Homme, and State of South Dakota, and has been such a legal newspaper during the time herein-after mentioned, with a bona fide circulation of at least 250 copies weekly, and published within said county for more than 52 successive weeks prior to the first time herein mentioned and is printed in the English language in whole or in part in an office maintained at the place of publication and that deponent is the publisher in charge of the advertising department of said newspaper; that the advertisement headed

Notice of Application

NO. 6758-3

70c 36.1 + 80% x 1

a printed copy of which hereto attached, was printed and published in said newspaper for ~~three~~..... successive weeks, upon the following dates:

Nov-15..... 20*06*..... 20.....

Nov-22..... 20*06*..... 20.....

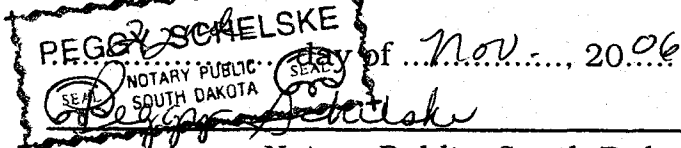
..... 20..... 20.....

..... 20..... 20.....

That the full amount of the fee charged for the publication of said notice, ~~\$45.49~~., inures to the benefit of the publisher of said newspaper, that no agreement or understanding for the division thereof has been made with any other person, and that no part has been agreed to be paid to any person whomsoever.

Rebecca Tyck, publisher

Subscribed and sworn to before me this



Notary Public, South Dakota

RECEIVED

NOV 27 2006

WATER RIGHTS
PROGRAM

My commission expires Oct. 24, 2009

NOTICE OF APPLICATION NO. 6758-3 TO APPROPRIATE WATER

Notice is given that Maxwell Colony, c/o Mark Hofer, 42805 Maxwell Road, Scotland SD 57059 has filed an application for a water permit to appropriate 4.89 cubic feet of water per second from two wells to be completed in the Lower James Missouri Scotland Aquifer (approximately 240 feet deep) located in the SW 1/4 NW 1/4 Section 6-T96N-R57W and SW 1/4 NE 1/4 Section 1-T96N-R58W to irrigate 980 acres. The acres to be irrigated are located in S 1/2 SW 1/4 Section 31-T97N-R57W (Hutchinson County), W 1/2, W 1/2 NE 1/4 Section 6-T96N-R57W (Yankton County) and E 1/2, SW 1/4, S 1/2 NW 1/4 Section 1-T96N-R58W (Bon Homme County).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6758-3 because 1) ~~un~~-appropriate 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 December 4, 2006.

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. Pirmer, Secretary,
Department of Environment
and Natural Resources

(November 15 & 22)

AFFIDAVIT OF PUBLICATION

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

RECEIVED
NOV 27 2006
WATER RIGHTS
PROGRAM

Tim L. Waltner, of said county and state, being duly sworn, on his oath, deposes and says: That the Freeman Courier is a weekly newspaper of general circulation and a legal newspaper as required by law, printed and published in the town of Freeman in said county and state by Tim L. Waltner, and has been such newspaper during the time hereinafter mentioned: That I, Tim L. Waltner, the undersigned, am publisher of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit, and that the advertisement headed **Appropriate Water**

a printed copy of which is hereto attached, was printed and published in the said newspaper for two successive issues to-wit:

The first publication on:
November 15, 2006

the second publication on:
November 22, 2006

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of \$43.55 insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of \$43.55 is the rate for publishing legal notices.

P. L. Walt

Subscribed and sworn to before me this 30th day of November 2006.

Linda Wigg

Notary Public
Commission expires: 10/9/12

Publication fee: \$43.55
Notary fee:
Total: \$43.55

NOTICE OF APPLICATION NO. 6758-3 to Appropriate Water

Notice is given that Mawxell Colony, c/o Mark Hofer, 42805 Maxwell Road, Scotland, SD 57059 has filed an application for a water permit to appropriate 4.89 cubic feet of water per second from two wells to be completed into the Lower James Missouri Scotland Aquifer (approximately 240 feet deep) located in the SW 1/4 NW 1/4 Section 6-T96N-R57W and SW 1/4 NE 1/4 Section 1-T96N-R58W to irrigate 980 acres. The acres to be irrigated are located in S 1/2 SW 1/4 Section 31-T97N-R57W (Hutchinson County), W 1/2, W 1/2 NE 1/4 Section 6-T96N-R57W (Yankton County) and E 1/2, SW 1/4, S 1/2 NW 1/4 Section 1-T96N-R58W (Bon Homme County).

Pursuit to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6758-3 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 must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also 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 December 4, 2006.

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.

AFFIDAVIT OF PUBLICATION

YANKTON DAILY PRESS AND DAKOTAN

Maxwell Colony
42805 Maxwell Rd.
Scotland, SD 57059

STATE OF SOUTH DAKOTA
COUNTY OF YANKTON

KELLY HERTZ BEING FIRST DULY SWORN ON OATH DEPOSES
AND SAYS THAT HE IS THE MANAGING EDITOR OF THE YANKTON
PRINTING COMPANY, A CORPORATION, THE PRINTER AND THE
PUBLISHER OF THE YANKTON DAILY PRESS AND DAKOTAN, A LEGAL
DAILY NEWSPAPER PRINTED AND PUBLISHED IN THE CITY OF YANKTON,
SAID COUNTY AND STATE, AND ONE OF THE OFFICIAL NEWSPAPERS OF
THE SAID COUNTY OF FACTS STATED IN THIS AFFIDAVIT; THAT THE
ANNEXED Notice of Application No. 6758-3

TAKEN FROM THE PAPER IN WHICH IT WAS PUBLISHED IN THE
NEWSPAPER ON THE 20th DAY OF November, 2006.
THAT THE FULL AMOUNT OF THE FEE CHARGED FOR THE PUBLICATION
OF SAID NOTICE TO WIT \$129.60 ENSURES TO THE
BENEFITS OF THE PUBLISHER OF SAID NEWSPAPER AND THAT NO
AGREEMENT AND 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.

PUBLISHED ON: 11/13, 11/20

FILED ON: 11/20/2006

11+13+20

NOTICE OF APPLICATION NO. 6758-3 to Appropriate Water

Notice is given that Maxwell Colony, c/o Mark Hofer, 42805 Maxwell Road, Scotland SD: 57059 has filed an application for a water permit to appropriate 4.89 cubic feet of water per second from two wells to be completed into the Lower James Missouri Scotland Aquifer (approximately 240 feet deep) located in the SW 1/4 NW 1/4 Section 6-T96N-R57W and SW 1/4 NE 1/4 Section 1-T96N-R58W who irrigate 980 acres. The acres to be irrigated are located in S 1/2 SW 1/4 Section 31-T97N-R57W (Hutchinson County), W 1/2 W 1/2 NE 1/4 Section 6-T96N-R57W (Yankton County) and E 1/2, SW 1/4, S 1/4 NW 1/4 Section 1-T96N-R58W (Bon Homme County).

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6758-3 because 1) inappropriate 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 in person with 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 December 1, 2006.

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. Pinner, Secretary, Department of Environment and Natural Resources.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 20th DAY OF November, 2006.

NOTARY PUBLIC, SOUTH DAKOTA

MY COMMISSION EXPIRES

8/19/2009

RECEIVED
NOV 22 2006
WATER RIGHTS
PROGRAM



DEC 22 2008

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

Maxwell Colony
% Mark Hofer
42805 Maxwell Road
Scotland SD 57059-0388

Dear Mr. Hofer:

Enclosed is Water Permit No. 6758-3 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

SOUTH DAKOTA WATER WELL COMPLETION REPORT

6758-3
11-02Location NW SW SE 6 Twp 96N Rg 57W

County

Yankton

North

Please mark well
location with an "X"

W

E

Well Completion Date

9/26/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 50.0 ft. from septic (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT LB/FT	DIAMETER IN	FROM FT	TO FT	HOLE DIAMETER IN
	12.00	0.0	133.0	17.50

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight Lb/gal	From 0.0 Ft	To 120.0 Ft
Volclay	3			

Describe grouting procedure
Tremie piped

SCREEN:

☐ Perforated pipe ☒ ManufacturedDiameter 12.00 Inches Length 30.0 FeetMaterial Stainless steelSlot Size .040 Set From 133.0 Feet to 163.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated☐ No, Why Not?Lab sample sent to for
water quality analysisNone - used for irrigation
purposesWell Owner: Maxwell Colony, Harold Wipf

Business Name:

Address: 42805 Maxwell Rd.City, State, Zip: Scotland SD 57059

WELL LOG:

DEPTH

FORMATION	FROM	TO
Black dirt	0	1
Yellow clay	1	10
Brown clay	10	29
Gray clay	29	37
Sand	37	39
Gray Clay	39	40
Sand	40	43
Blue Clay	43	57

See next page

STATIC WATER LEVEL 55.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:☐ Bailed☐ Other

Pumping Level Below Land Surface

109.0 Ft. After 2.0 Hrs. pumped 400.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Well #2

GPS - N 43 09.577
W 097 37.665

RECEIVED

DEC 10 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 475

And this report is true and accurate.

Drilling firm: Thein Well Co.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date:

Location <u> </u> ¼ <u> </u> ¼ Sec <u> </u> Twp <u> </u> Rg <u> </u> County <u> </u> North W E Please mark well location with an "X" Well Completion Date <u> </u> ← 1 Mile → Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.) ? <u> </u> ft. from <u> </u> (identify source) PROPOSED USE: <table style="width: 100%;"> <tr> <td>☐ Domestic/Stock</td> <td>☐ Municipal</td> <td>☐ Business</td> <td>☐ Test Holes</td> </tr> <tr> <td>☐ Irrigation</td> <td>☐ Industrial</td> <td>☐ Institutional</td> <td>☐ Monitoring well</td> </tr> </table> METHOD OF DRILLING: CASING DATA: ☐ Steel ☐ Plastic ☐ Other If other describe <u> </u> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>PIPEWEIGHT</th> <th>DIAMETER</th> <th>FROM</th> <th>TO</th> <th>HOLE DIAMETER</th> </tr> </thead> <tbody> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> <tr> <td>LB/FT</td> <td>IN</td> <td>FT</td> <td>FT</td> <td>IN</td> </tr> </tbody> </table> GROUTING DATA: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Grout Type</th> <th>No. of Sacks</th> <th>Grout Weight</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> <tr> <td></td> <td></td> <td>Lb/gal</td> <td>Ft</td> <td>Ft</td> </tr> </tbody> </table> Describe grouting procedure <u> </u> SCREEN: ☐ Perforated pipe ☐ Manufactured Diameter <u> </u> Inches Length <u> </u> Feet Material <u> </u> Slot Size <u> </u> Set From <u> </u> Feet to <u> </u> Feet Other information <u> </u> WAS A PACKER OR SEAL USED? ☐ Yes ☐ No If so, what material? <u> </u> Describe packer(s) and location <u> </u> DISINFECTION: Was well disinfected upon completion? ☐ Yes, How? <u> </u> ☐ No, Why Not? <u> </u> Lab sample sent to for water quality analysis <u> </u>	☐ Domestic/Stock	☐ Municipal	☐ Business	☐ Test Holes	☐ Irrigation	☐ Industrial	☐ Institutional	☐ Monitoring well	PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	LB/FT	IN	FT	FT	IN	Grout Type	No. of Sacks	Grout Weight	From	To			Lb/gal	Ft	Ft			Lb/gal	Ft	Ft	Well Owner: <u>Maxwell Colony, Harold Wipf</u> Business Name: <u> </u> Address: <u>42805 Maxwell Rd.</u> City, State, Zip: <u>Scotland SD 57059</u> WELL LOG: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">FORMATION</th> <th colspan="2">DEPTH</th> </tr> <tr> <th>FROM</th> <th>TO</th> </tr> </thead> <tbody> <tr> <td>Sand and coal</td> <td>57</td> <td>64</td> </tr> <tr> <td>Gray Clay</td> <td>64</td> <td>119</td> </tr> <tr> <td>Sand</td> <td>119</td> <td>163</td> </tr> <tr> <td>Gray Clay</td> <td>163</td> <td>173</td> </tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> STATIC WATER LEVEL <u> </u> FEET If flowing: closed in pressure <u> </u> PSI GPM flow <u> </u> through <u> </u> Inch pipe Controlled by ☐ Valve ☐ Reducers ☐ Other <u> </u> Reduced flow rate <u> </u> GPM Can well be completely shut in? <u> </u> WELL TEST DATA: ☐ Pumped Describe: <u> </u> ☐ Bailed ☐ Other Pumping Level Below Land Surface <table style="width: 100%;"> <tr> <td><u> </u> Ft. After <u> </u> Hrs. pumped</td> <td><u> </u> GPM</td> </tr> <tr> <td><u> </u> Ft. After <u> </u> Hrs. pumped</td> <td><u> </u> GPM</td> </tr> </table> If pump installed, pump rate: <u> </u> GPM REMARKS Well #2 RECEIVED DEC 10 2007 WATER RIGHTS PROGRAM This well was drilled under license # <u>475</u> And this report is true and accurate. Drilling firm: <u>Thein Well Co.</u> Signature of License Representative: <u>[Signature]</u> Signature of Well Owner or Equitable Property Holder: <u> </u> Date: <u> </u>	FORMATION	DEPTH		FROM	TO	Sand and coal	57	64	Gray Clay	64	119	Sand	119	163	Gray Clay	163	173																			<u> </u> Ft. After <u> </u> Hrs. pumped	<u> </u> GPM	<u> </u> Ft. After <u> </u> Hrs. pumped	<u> </u> GPM
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SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec 1 Twp 96N Rg 58W

County

Bon Homme

North

Please mark well
location with an "X"

W

E

Well Completion Date

9/18/2007

1 Mile

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 50.0 ft. from Septic (identify source)

PROPOSED USE:

☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	12.00 IN	0.0 FT	129.5 FT	17.50 IN

LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
Volclay	3	Lb/gal	0.0 Ft	130.0 Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
Tremie piped

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 12.00 Inches Length 40.5 FeetMaterial Stainless steelSlot Size .040 Set From 137.5 Feet to 178.0 Feet

Other information

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorinated
☐ No, Why Not?
Lab sample sent to for
water quality analysisNone - used for irrigation
purposesWell Owner: Maxwell Colony, Harold Wipf

Business Name:

Address: 42805 Maxwell RdCity, State, Zip: Scotland SD 57059

WELL LOG:

DEPTH

FORMATION	DEPTH	
	FROM	TO
Black Dirt	0	2
Brown Clay	2	16
Sand	16	17
Brown Clay	17	25
Gray Silty Clay	25	49
Sand	49	52
Gray Clay	52	80
Medium Sand	80	95
See next page		

STATIC WATER LEVEL 73.0 FEET

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe:
☐ Bailed
☐ Other

Pumping Level Below Land Surface

104.0 Ft. After 2.0 Hrs. pumped 600.0 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

Well #1

GPS N 43 09.492
W 097 38.556

RECEIVED

DEC 10 2007

WATER RIGHTS
PROGRAMThis well was drilled under license # 475

And this report is true and accurate.

Drilling firm: Thein Well Co.

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: _____

6758-3



United States Department of Agriculture
Farm Service Agency

December 28, 2010

Hutchinson County, SD

PLSS: 1_96N_58W
Farm: 8087

1:8,324



Wetland Determination Identifiers

- Restricted Use
- ▽ Limited Restrictions
- Exempt from Conservation Compliance Provisions

Disclaimer: Wetland identifiers do not represent the size, shape or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact wetland boundaries and determinations, or contact NRCS.

RECEIVED

Common Land Units

NOV 10 2011

Non Cropland

**WATER RIGHTS
PROGRAM**

2008 Ortho-Photography - Not to Scale



6758-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 15, 2016

NOTICE

TO: MAXWELL COLONY, MARK HOFER, 42805 MAXWELL ROAD, SCOTLAND, SD 57059

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6758-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 6758-3 qualification:

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

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

1. Suspend or cancel Permit No(s) 6758-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

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

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

February 2, 2016

6758-3

Mark Hofer
Maxwell Colony
42805 Maxwell Rd
Scotland SD 57059

Dear Mr. Hofer:

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

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Permit No. 6758-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



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

January 20, 2023

NOTICE

TO: MAXWELL COLONY, MARK HOFER, 42805 MAXWELL RD, SCOTLAND, SD 57059

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaire(s)

Our records indicate your 2022 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6758-3 & 8571-3. The request for the Questionnaire was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 6758-3 & 8571-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 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) 6758-3 & 8571-3 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 8, 2023** 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: RMNKDU**

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



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

February 21, 2023

6758-3
8571-3

Mark Hofer
Maxwell Colony
42805 Maxwell Rd
Scotland SD 57059

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 2022 irrigation questionnaire.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Permit Nos. 6758-3 & 8571-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

**Report of Examination of Works and/or Application of Water to Beneficial Use
For Permit No. 6758-3/8571-3**

I have this day, June 22, 2021, made a thorough examination of the water use system currently owned by Maxwell Colony, 42805 Maxwell Rd Scotland SD 57059, of Permit No. 6758-3, bearing the priority of September 11, 2006, authorizing the diversion of 4.89 cu. ft. per second of the waters of ground water (Lower James Missouri: Scotland Aquifer) for irrigation of 980 acres in Yankton County.

Inspection contact: Harold

A. Works used to divert the water:

Well Information:

WEST WELL

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells: 1
- 3) Depth: 178 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 137.5 feet
- 3) Type: Steel

Screen:

- 1) Diameter: 16 inches
- 2) Length: 40.5 feet
- 3) Type: Steel
- 4) Static water level: 73 feet

Pump:

- 1) Make: American Marsh
- 2) Model: 9LC2
- 3) Capacity: 680 gpm

Motor:

- 1) Make: Hitachi
- 2) Model No.: Unknown
- 3) Horsepower rating: 60 hp

MIDDLE WELL

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells: 1
- 3) Depth: 199 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 179.0 feet
- 3) Type: plastic

Screen:

- 1) Diameter: 12 inches
- 2) Length: 20 feet
- 3) Type: Steel
- 4) Static water level: 63 feet

Pump:

- 1) Make: Unknown
- 2) Model: Unknown
- 3) Capacity: 210 gpm

EAST WELL

- 1) Well Drilling Firm: Thein Well Co
- 2) No. of Wells: 1
- 3) Depth: 173 feet
- 4) Well log is available: Yes

Casing:

- 1) Diameter: 12 inches
- 2) Length: 133 feet
- 3) Type: steel

Screen:

- 1) Diameter: 16 inches
- 2) Length: 30 feet
- 3) Type: Steel
- 4) Static water level: 55 feet

Pump:

- 1) Make: unknown
- 2) Model: unknown
- 3) Capacity: 400 gpm

Motor:

- 1) Make: Unknown
- 2) Model No.: Unknown
- 3) Horsepower rating: Unknown hp

RESEVOIR INFO

Pump:

- 1) Make: **Cornell**
- 2) Model: **4NHTB-F18DBK**
- 3) Capacity: **1,000 gpm**

Engine:

- 1) Make: **John Deere**
- 2) Model: **Super Pumper**
- 3) Horsepower Rating: **300hp**

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

- | | | | |
|----------------------------------|-----------------------|-----------|-------------------------|
| 1) To the Section 1 Pivot: | Type: <u>Steel</u> | Size: 6in | Length: <u>20 ft</u> |
| 2) To the Section 6 Pivot: | Type: <u>PVC</u> | Size: 6in | Length: <u>570 ft</u> |
| 3) Section 6 Pivot to Reservoir: | Type: <u>Flexible</u> | Size: 6in | Length: <u>4,400 ft</u> |

C. Works Used to apply water to apply to beneficial use:

Section 1 Pivot (west):

- 1) Make: Zimmatic
- 2) Overall Length: 1320 ft
- 3) Number of Towers: 9
- 4) Eng Gun: yes
- 5) Capacity 680gpm

Section 6 Pivot (east):

- Make: Zimmatic
- Overall Length: 1960 ft
- Number of Towers: 14
- End Gun: Yes
- Capacity: 1000gpm

Chemigation Equipment: Does Chemigation: No Chemigation Equipment: Does Chemigation: No

D. Compliance with Permit Requirements:

- 1) Permit Qualifications being abided by: No
- 2) Irrigation Questionnaire checked to determine if permit owner started irrigation by the end of construction period: Yes
- 3) Exceptions to compliance: See Section F

E. Condition and Location:

- 1) The system is in good condition with the point(s) of diversion located as follows:
**The west well is 1380 ft W and 1420 ft N of the SE corner of Section 1, T96N, R58W (Latitude 43.15822 Longitude -97.64263) (NW ¼ SE ¼ Sec 1, T96N, R58W)
**The east well is 2600 ft W and 1950 ft N of the SW corner of Section 6, T96N, R57W (Latitude 43.15961 Longitude -97.62773) (NE ¼ SW ¼ Sec 6, T96N, R57W)
**The middle well is 2000 ft E and 1990 ft of the SW corner of of Section 6, T96N, (Latitude 43.15976 Longitude -97.62993) R57W (NE ¼ SW ¼ Sec 6, T96N, R57W)
**The Reservoir inlet and outlet are 570 ft W and 910 ft S or the NE corner of Section 6, T96N, R57W (Latitude 43.16619 Longitude -97.61943) (NE ¼ NE ¼ of Sec 6, T96N, R57W)
- 2) The works are capable of diverting and conveying to the place of use 3.74 cfs of water when the reservoir is in use, which is to be used for irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 1, T96N, R58W

<u>SW ¼ NE ¼</u>	<u>2 acres</u>	<u>NW ¼ SE ¼</u>	<u>37 acres</u>
<u>SE ¼ NE ¼</u>	<u>2 acres</u>	<u>NE ¼ SE ¼</u>	<u>35 acres</u>
<u>NE ¼ SW ¼</u>	<u>1 acre</u>	<u>SW ¼ SE ¼</u>	<u>33 acres</u>
<u>SE ¼ SW ¼</u>	<u>1 acre</u>	<u>SE ¼ SE ¼</u>	<u>31 acres</u>

Section 6, T96N, R57W

<u>NE ¼ NE ¼</u>	<u>3 acres</u>	<u>NW ¼ SW ¼</u>	<u>39 acres</u>
<u>SW ¼ NW ¼</u>	<u>26 acres</u>	<u>NE ¼ SW ¼</u>	<u>32 acres</u>
<u>SE ¼ NW ¼</u>	<u>39 acres</u>	<u>SW ¼ SW ¼</u>	<u>24 acres</u>
<u>SW ¼ NE ¼</u>	<u>6 acres</u>	<u>SE ¼ SW ¼</u>	<u>39 acres</u>
<u>NW ¼ SE ¼</u>	<u>3 acres</u>	<u>SW ¼ SE ¼</u>	<u>23 acres</u>

Comprising a total of 376 acres of land and the license should be issued for 2.87 cfs from the wells.

- 3) All structures, wells, and lands are on map: Yes

F. Comments or other permit(s) associated with the project:

** The East well does not provide enough water for the current pivot. To get enough water the Colony is pumping water from the well at 400 gpm to a reservoir on their property during the hours that they are not operating the pivot. Then they turn off the well and pump the water at 1000 gpm from the reservoir to the pivot.

** The well pump and motor info was obtained from Thein Well Company.

** There is a chemical tank setting by the West well. The colony did chemigate early on, but they have not used the tank in several years and do not intend to chemigate in the future. There was not any chemical pumping equipment at the well site.

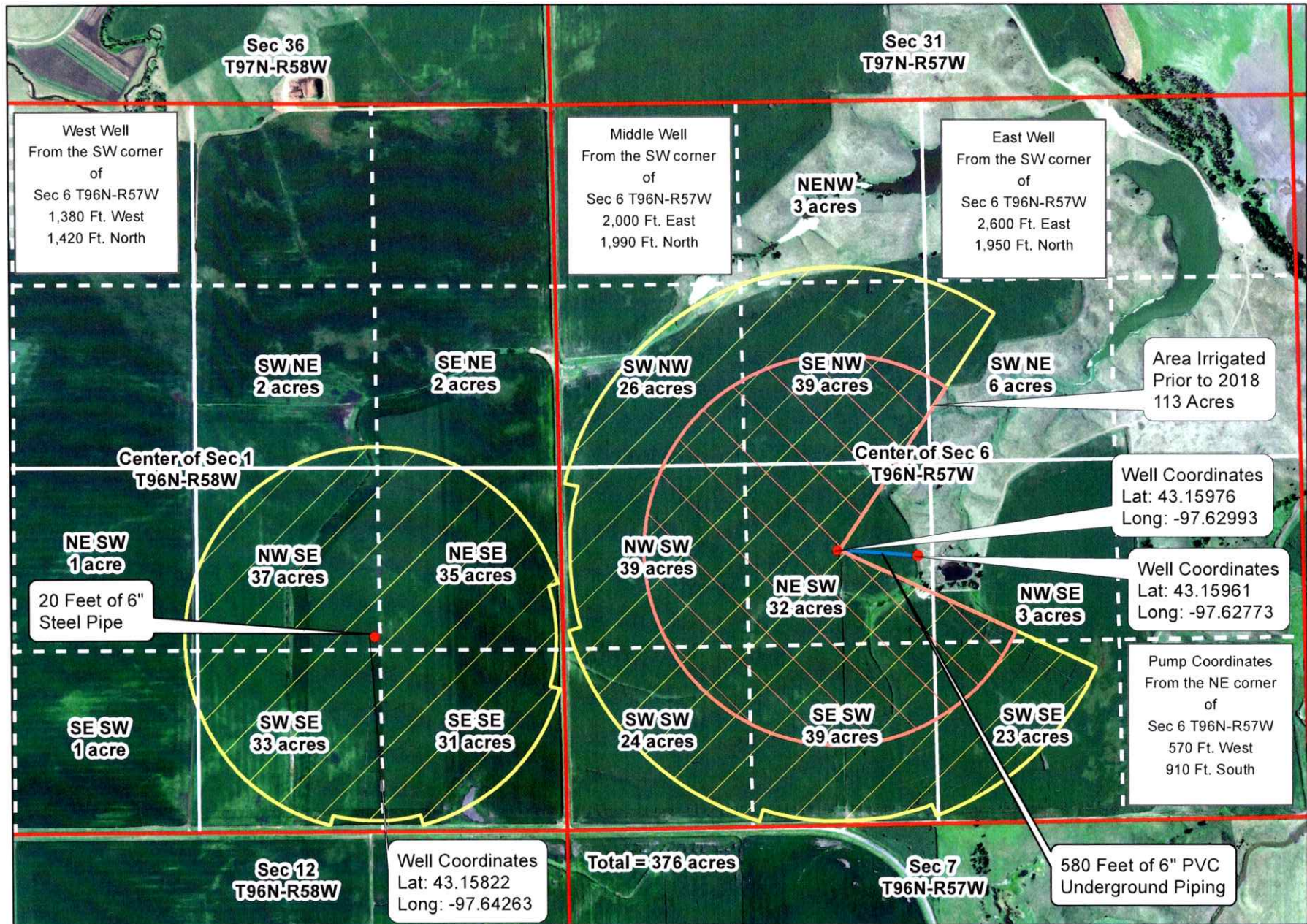
Keith DeJong

Keith DeJong, PE Ret.
Water Rights Inspector
DANR, Water Rights Program

Date report completed: September 29, 2021

Amanda Dewell confirmed the pump rate of 210 gpm for the Middle Well during a phone conversation with Mark Hofer on 8/8/2023

Water Right No. 6758-3 & 8571-3



Keith DeJong, PE
Staff Engineer
September 29, 2021



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

AUG 09 2023

Maxwell Colony
c/o Mark Hofer
42805 Maxwell Rd
Scotland SD 57059

8571-3
6758-3

Dear Mr. Hofer:

Enclosed is Water License No. 8571-3. 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.

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

So 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. If you have any questions, please contact our office.

Sincerely,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

NOTE: The applicable portions of Water Permit No. 6758-3 are now incorporated into Water Right No. 8571-3

enclosures

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 8571-3

(1) Maxwell Colony; 42805 Maxwell Rd, Scotland SD 57059, made Application No. 8571-3, December 23, 2021, for a water permit to divert 2.22 cubic feet of water per second (cfs) from groundwater, one additional well (Lower James Missouri: Scotland Aquifer), Yankton County, South Dakota for the irrigation of an additional 121 acres. Permit No. 8571-3, with a priority date of December 23, 2021, was approved February 21, 2022, and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before February 21, 2027, and for the application to beneficial use of water on or before February 21, 2031.

Water Permit No. 6758-3 appropriates 4.89 cfs from groundwater, two existing wells (Lower James Missouri: Scotland Aquifer), Yankton County, South Dakota for the irrigation of 980 acres. The applicable portions of Water Permit No. 6758-3 are now incorporated into Water Right No. 8571-3.

An investigation into Permit Nos. 6758-3 and 8571-3 found a reservoir used for storing and then diverting water at a higher rate than the East and Middle wells, due to the wells not producing as desired.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 2.87 cfs from the three wells and 3.74 cfs when pumping from the small reservoir, for beneficial use. The locations of the diversion points are:

- West Well: 1,380 ft W & 1,420 ft N of the SE corner of Section 1, T96N, R58W (NW ¼ SW ¼)
(Latitude 43.15822 Longitude -97.64263)
- East Well: 2,600 ft W & 1,950 ft N of the SW corner of Section 6, T96N, R57W (NE ¼ SW ¼)
(Latitude 43.15961 Longitude -97.62773)
- Middle Well: 2,000 ft E & 1,990 ft N of the SW corner of Section 6, T96N, R57W (NE ¼ SW ¼)
(Latitude 43.15976 Longitude -97.62993)
- Small Reservoir: 570 ft W & 910 ft S of the NE corner of Section 6, T96N, R57W (NE ¼ NE ¼)
(Latitude 43.16619 Longitude -97.61943)

(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 1, T96N, R58W			
SW ¼ NE ¼	2.0 acres	NE ¼ SE ¼	35.0 acres
SE ¼ NE ¼	2.0 acres	NW ¼ SE ¼	37.0 acres
NE ¼ SW ¼	1.0 acres	SW ¼ SE ¼	33.0 acres
SE ¼ SW ¼	1.0 acres	SE ¼ SE ¼	31.0 acres

continued

Section 6, T96N, R57W

NE ¼ NE ¼	3.0 acres	SW ¼ SE ¼	23.0 acres
SW ¼ NE ¼	6.0 acres	NE ¼ SW ¼	32.0 acres
SW ¼ NW ¼	26.0 acres	NW ¼ SW ¼	39.0 acres
SE ¼ NW ¼	39.0 acres	SW ¼ SW ¼	24.0 acres
NW ¼ SE ¼	3.0 acres	SE ¼ SW ¼	39.0 acres

TOTAL ACRES: 376.0

(4) Pursuant to South Dakota Water Law 46-5-30.1 Maxwell Colony, the holder and/or owner of Water Right No. 8571-3 is issued a license to appropriate water, the right to use 2.87 cfs from groundwater, three wells (Lower James Missouri: Scotland Aquifer), and 3.74 cfs when pumping from the reservoir, with priority dates of September 11, 2006 (established by Permit No. 6758-3) for 3.74 cfs and 255 acres and December 23, 2021 (established by Permit No. 8571-3) for 121 acres, 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 Water Right No. 8571-3 and subject to the following qualifications:

1. The wells approved under Water Permit Nos. 6758-3 & 8571-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals shall be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The additional well authorized by Permit No. 8571-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouter (bottom to top) pursuant to Section 74:02:04:28. *(The West & East wells were drilled in 2007 and the Middle well was drilled in 2022, all by Thein Well Company. Copies of the well completion reports are on file with the Water Rights Program.)*
3. This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

AUG 09 2023

date

