

WATER PERMIT NO. 6794-3

Name of Applicant: **Maurice Hoffman, Hoffman Farms**

Address: **13754 323rd Ave, Bowdle SD 57428** Phone: **605 285-6346**

Amount of Water Claimed: **1.78 cfs** Total Acres: **130**

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

Water to be used for: **irrigation** County: **Edmunds**

Type of Waste Disposal System:

Location: **2 miles southwest of Bowdle**

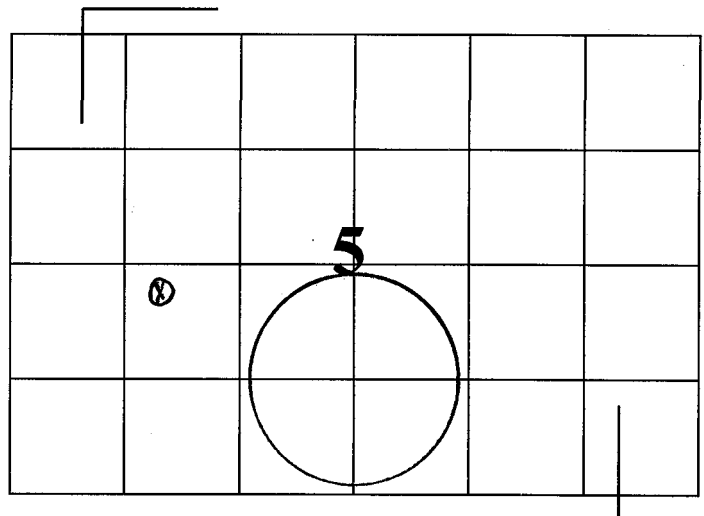
PRIORITY Date Received: **11-13-06** Application/License Fee: **\$300**

Corrected Application Received: **1/12/07** Period of Annual Use: **April 1 – September 30**

Remarks:

Diversion Point: **NW ¼ SW ¼ Sec 5-T122N-R73W**

Land to be Irrigated: **W ½ SE ¼, E ½ SW ¼ Sec 5-T122N-R73W**



Depth of Well: **45 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by: **K J Kehrwald, NRCS**

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>6794-3</u> (office use only) Hydrologic Unit <u>1030105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Bowdle Pioneer</u> <u>Bowdle</u>

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NOV 13 2006
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right X Amendment/Correction to Permit No. 6415-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.) Add 2-3 additional wells to provide water for another center pivot.

- Name of Applicant Maurice Hoffman / Hoffman Farms Phone (605) 285-6346
(check one) Owner X Tenant/lessee
Mailing Address 13754 323rd Ave Bowdle State SD 57428
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed 1.78*CFS or 800 **GPM ***AF Total Acreage 130
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Wells
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) possibly 2 or 3 wells in section 5-122-73
possibly 1 well in section 6-122-73 NE1/4 SE1/4
← NW1/4 SW1/4 and NE1/4 SW1/4 → NW1/4 SW1/4 County Edmunds
- County or counties where water will be used Edmunds
- Annual period during which water is to be used April-1 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
NW1/4	SW1/4	5-122-73		32 1/2					
SW1/4	SW1/4	5-122-73		32 1/2					
NE1/4	SW1/4	5-122-73		32 1/2					
SE1/4	SW1/4	5-122-73		32 1/2					

8. Give a description of the project. (Attach sheet if more space is needed)
Drill 2 or 3 new wells and possibly hook in to existing wells to serve a new, additional center pivot. We have a verbal agreement with the land owner: James Bollinger
See 1/10/07 Letter 3633 Milano Way
Turlock, CA 95380

STATE OF SOUTH DAKOTA) SS
County of Edmunds

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, Maurice Hoffman, 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 Maurice Hoffman

Subscribed and sworn to before me this 9th day of Nov 2006

Douglas Jensen 3-28-12
Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 6794-3**

Date of first receipt of application November 13, 2006.

Date of receipt of corrected application January 12, 2007.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6794-3 to Hoffman Farms, c/o Maurice Hoffman, 13754 323rd Ave, Bowdle SD 57428 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. 6794-3 appropriates 1.78 cubic feet of water per second from one well to be completed into the Bowdle Edmunds Aquifer (approximately 45 feet deep) located in the NW ¼ SW ¼ Section 5 to irrigate 130 acres located in the W ½ SE ¼, E ½ SW ¼ Section 5; all in T122N-R73W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is November 13, 2006.
4. The date of approval of Permit No. 6794-3 is March 12, 2007.
5. One-fifth of the construction is to be completed on or before September 12, 2009.
6. All construction is to be completed on or before March 12, 2012.
7. Water is to be put to beneficial use on or before March 12, 2016.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 6794-3 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

MAR 16 2007

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter 28" Depth 45'
- b) Casing Type PVC sch 60 Diameter 16" Thickness .675
- c) Screen Type Slotted Diameter 16" Thickness .675
- d) Gravel Pack backshot Length of Gravel Pack top of water-bearing formation
- e) Depth to Top of Water Bearing Material est. 10'
- f) Depth to Water (ground surface to water level) est. 15'
- g) Distance to nearest existing domestic well:
On applicants property 4000' On property owned by others 1 mile

2. Wastewater Disposal System Information

N/A

- 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

N/A

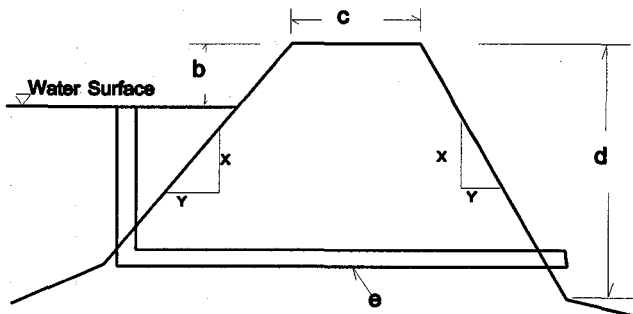
- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

N/A

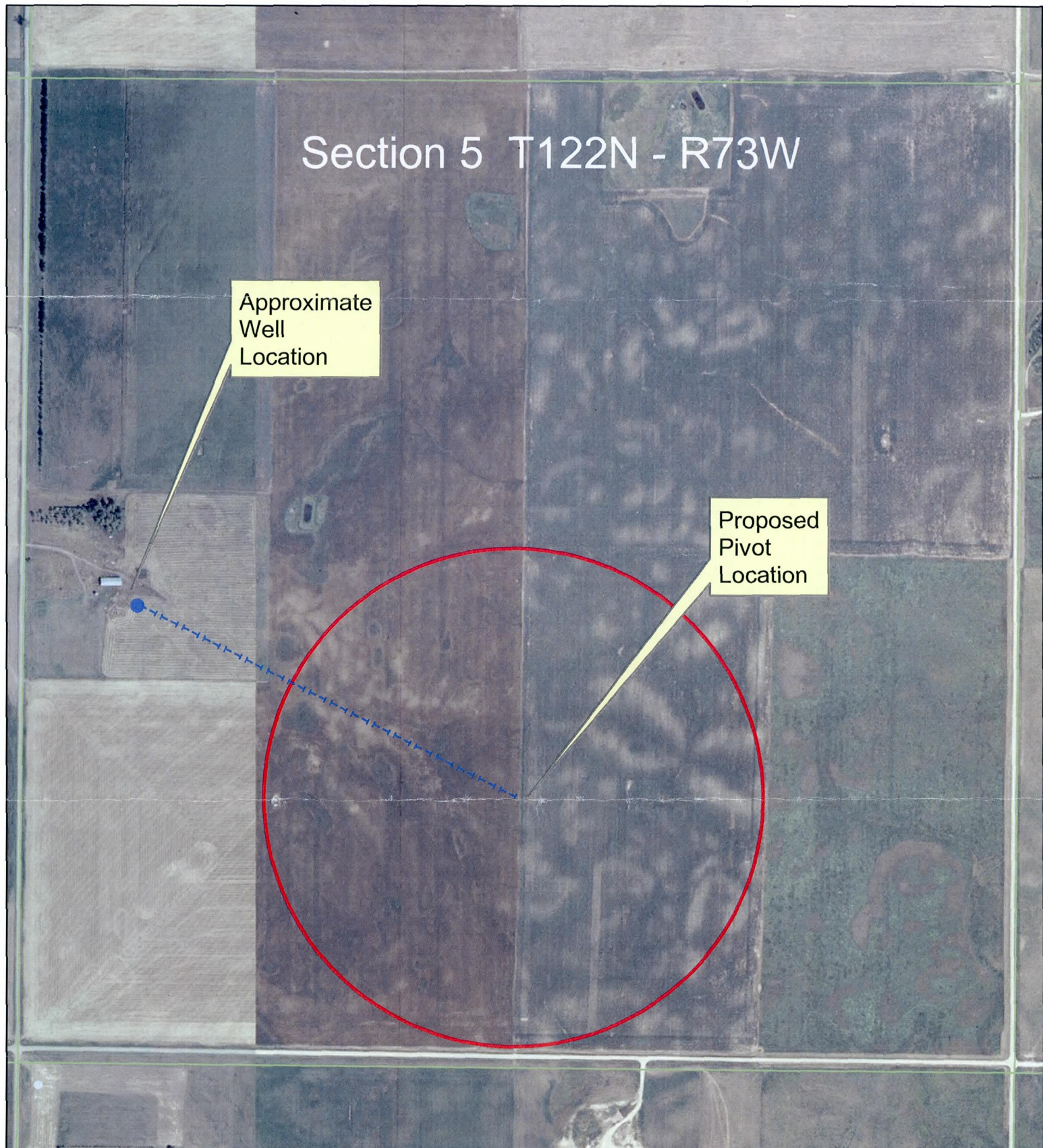
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- 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

M. Hoffman Proposed Irrigation



K J Kehrwald
K J Kehrwald, DC, USDA/NRCS

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 12, 2007

RECEIVED OF Hoffman Farms Partnership, 13754 323rd Ave., Bowdle SD 57428-6600

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	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. _____	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	300.00

No.

02796

By Marland Erbele
Chief Engineer (KS)



**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 14, 2006

Maurice Hoffman
Hoffman Farms
13754 323rd Ave
Bowdle SD 57428

Dear Mr. Hoffman:

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

- ✓ • A map showing the location of the well(s) in relation to a government section corner or quarter corner by direction and distance is required. 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 (i.e. local NRCS office).
- ✓ • The application/license filing fee will be \$300.00. *Paid 1/9/2007*
- ✓ • Water Permit No. 6415-3 authorizes 800 gallons per minute from three wells to irrigate the SE ¼ Section 6-T122N-R73W. This application indicates the possibility of an additional well for the existing system. Is it correct to assume that the existing wells and the proposed wells will all be interconnected to operate the two systems? If not, the additional well for the system in Section 6 will need to be handled separately.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

enclosure

January 10, 2007

S.D. Dept. of Environment and Natural Resources
Joe Foss Building
523 East Capitol
Pierre, SD 57501

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JAN 12 2007

WATER RIGHTS
PROGRAM

To Whom It May Concern:

After further consideration, we have decided to locate the proposed irrigation pivot in section 5-122N-R73W in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the section. In this way, we will avoid having to move a building, several fences, and a water tank that are located along the west side of the field. See the enclosed map for clarification. Please let us know if there is any paperwork to be filled out due to the change.

Also, there was some question at the time we filed the permit as to whether we could hook the new pivot into the existing well system under Water Permit No. 6415-3. We have decided not to do this – so we will not be modifying Water Permit No. 6415-3. We will instead be applying for a new water permit for Section 5-122N-73W.

If you have any questions, please contact us. Thank you.

Sincerely,
Maurice and Jerrad Hoffman
Hoffman Farms Partnership
13754 323rd Ave
Bowdle, SD 57428
Phone (605)285-6346
Fax (605)285-6348



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 13, 2007

James Bollinger
3633 Milano Way
Turlock CA 95380

Dear Mr. Bollinger:

Please find enclosed a copy of the staff report, recommendation and public notice for Water Permit No. 6794-3 filed by Hoffman Farms. This application is for irrigation of land near the town of Bowdle in Edmunds County, South Dakota. It is my understanding that you are the landowner and that Hoffman Farms farms the ground. Their application indicates they have a verbal agreement with you to irrigate this land.

Since you are the landowner, I wanted to make sure you were aware of the application to obtain a South Dakota water permit to irrigate this land. If you have any questions, please feel free to contact me.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
eric.gronlund@state.sd.us

enclosures



**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. 6794-3, Hoffman Farms**

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. 6794-3, Hoffman Farms, c/o Maurice Hoffman, 13754 323rd Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 6794-3 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 qualification:

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. 6794-3 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
February 13, 2007

NOTE: Please review the staff report on the application carefully. The test hole information and nature of the aquifer indicate that there may be insufficient thickness in the aquifer at this location to obtain production from a well to supply a center pivot.

REPORT ON WATER PERMIT APPLICATION NO. 6794-3
For Maurice Hoffman - Hoffman Farms
February 7, 2007

Application No. 6794-3 proposes to appropriate 1.78 cfs (800 gpm) from one well approximately 45 feet deep located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 5 to irrigate 130 acres located in the W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ of section 5; all in T122N R73W in Edmunds County.

AQUIFER – BOWDLE EDMUNDS (B-E)

The Bowdle Edmunds is a surficial outwash (sand and gravel) that is under water table conditions in this area. The aquifer underlies 36,000 acres and contains an estimated 108,000 acre-feet of recoverable water in storage in Edmunds County (Hedges, 1982). The aquifer extends into Walworth County to the west and the direction of ground water movement is probably from north to south (Kume, 1987).

No test well information was filed with this application. However according to records in Water Rights' well log database, Hoffman Farms has drilled at least six test holes in the SW $\frac{1}{4}$ of section 5 in 2004. Most of these tests appear to indicate inadequate water for irrigation. The county study for Edmunds County (Hamilton, 1982) indicates this area is underlain by the aquifer and well yields of up to 500 gpm can be expected. However, this aquifer is thin with generally about 20 feet of saturated thickness. Test holes are mandatory before drilling a production well. The area needs to be explored thoroughly as indicated by previous test drilling. More than likely two or three wells will be needed to provide adequate water for a center pivot. This is based upon other irrigation in the area and yields of other irrigation wells.

The Water Rights Program monitors two observation wells in this immediate area. These are WL-75U (located about one and one-half mile southwest of this application) and ED-75A (located about one and one-half mile northwest of 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, 2007). Hydrographs for these two observation wells are included with this report. Also note that the water levels historically have fluctuated between six and eight feet from highest to lowest. This is a reflection of climatic extremes for the period of record and must be taken into account when designing an irrigation system.

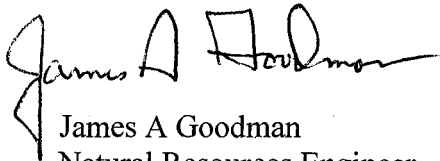
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is an existing water permit No. 6415-3 (130 acres, 1.78 cfs) located about one-half mile to the west. The wells for this permit would be located about one-half mile from this proposed well. Interference is not likely. In this aquifer drawdown created by pumping does not extend very far from the production well. In addition, the individual

well yields are usually relatively small. The existing permit is also held by Hoffman Farms.

CONCLUSIONS

1. Water is available from the Bowdle Edmunds aquifer.
2. The aquifer is under water table conditions in this area. Drawdown created by pumping is not expected to be significant. Interference is not a concern.
3. The well authorized by this application must be constructed in accordance with SD Well Construction Standards.
4. Existing test wells data does not indicate favorable aquifer material for one well to supply the entire irrigation water needs for this proposed system.



James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

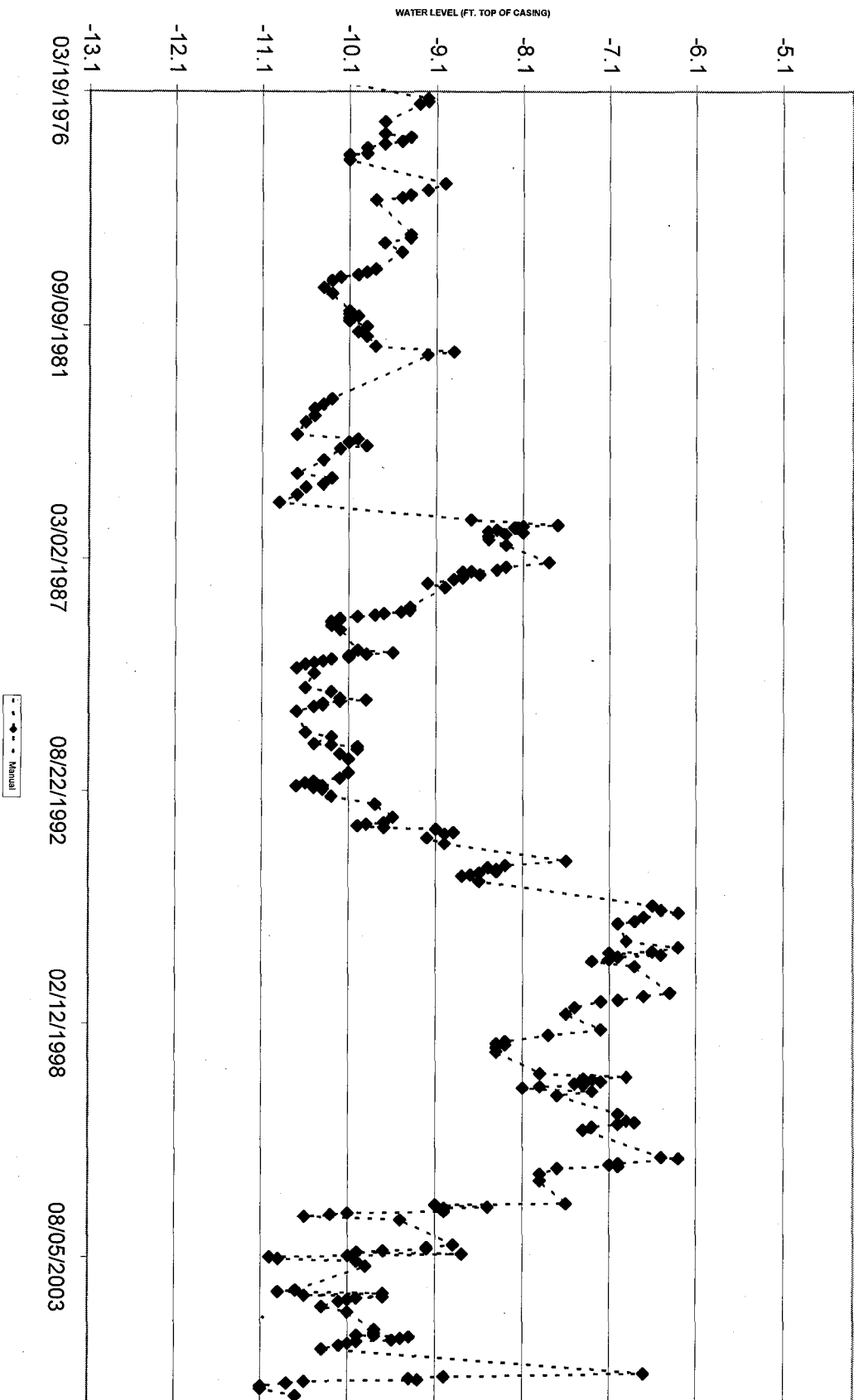
Hamilton, L.J., 1982, Geology and Water Resources of McPherson, Edmunds, and Faulk Counties, South Dakota, Part II Water Resources, SDGS Bulletin 26, SD DENR, SDGS, Vermillion, SD, 57069.

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

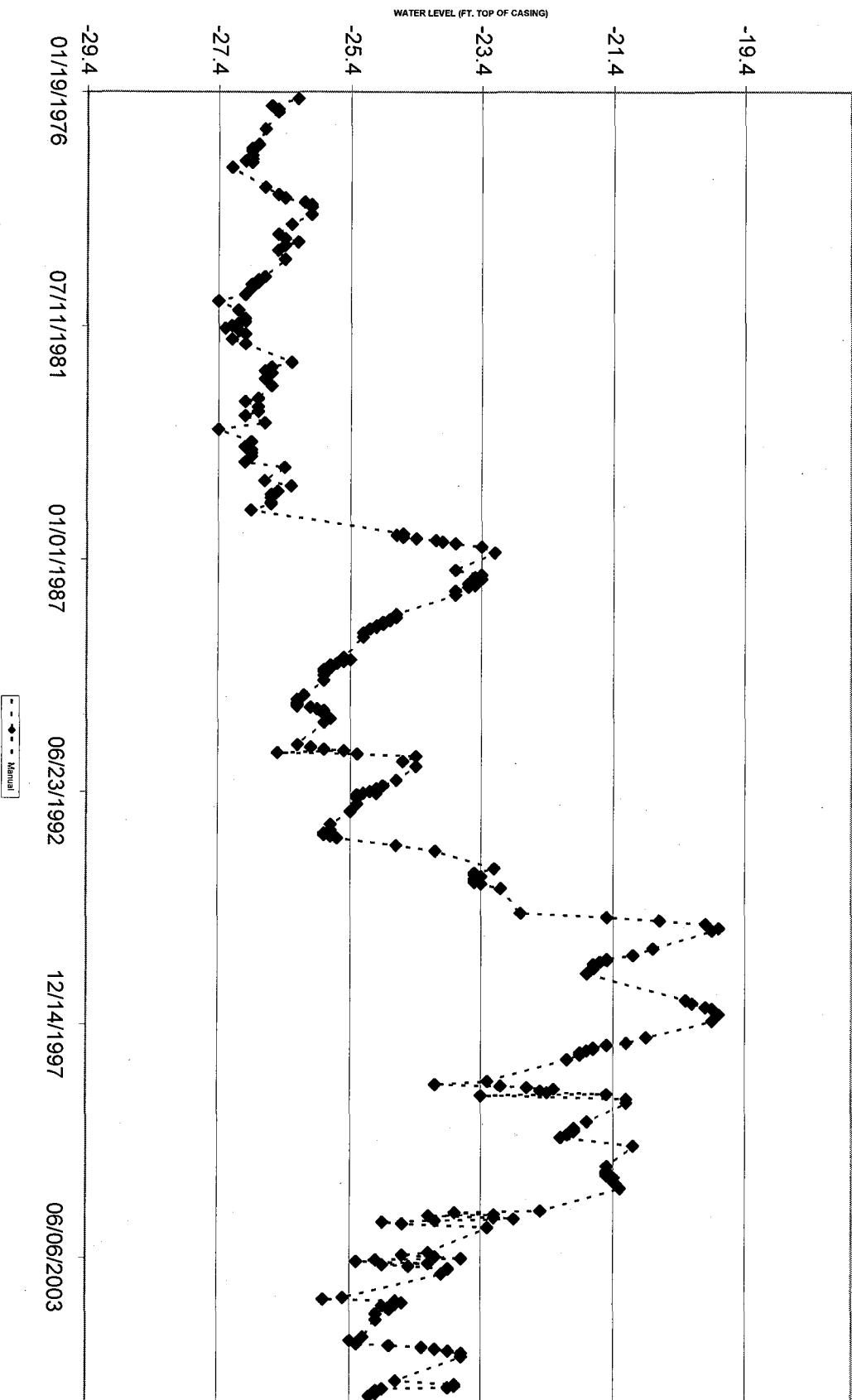
Kume, J., L. Howells, 1987, Water Resources of Walworth County, South Dakota, Water Resources Investigations Report 85-4015, USGS, Huron, SD, 57350.

Water Rights, 2007, Unpublished Observation Well Data for Edmunds and Walworth Counties, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

WATER RIGHTS' OBSERVATION WELL ED-75A



WATER RIGHTS' OBSERVATION WELL
WL-75U



AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss
County of Edmunds)

RECEIVED

MAR - 9 2007

PUBLIC NOTICE

NOTICE OF APPLICATION NO. 6794-3 to Appropriate Water

Notice is given that Hoffman Farms, c/o Maurice Hoffman, 43754 323rd Ave, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Bowdle Edmunds Aquifer (approximately 45 feet deep) located in the NW 1/4 SW 1/4 Section 5 to irrigate 130 acres located in the W 1/2 SE 1/4, E 1/2 SW 1/4 Section 5; all in T122N-R73W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6794-3 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 March 12, 2007.

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

(Publish I 2-21, 28)

D.E. Gibson of said County and State, being first duly sworn, deposes and says: Roscoe-Hosmer Independent is a weekly newspaper in general circulation, printed and published in Ipswich, in said County and State by the Gibson Publishing and Printing Company; and has been such newspaper during the times hereinafter mentioned; that said newspaper now has, and has had during the publication of the attached advertisement, a bonafide circulation of at least 200 copies weekly, and has been published within the said County of Edmunds fifty-two successive weeks prior to the publication of said attached advertisement, and was during the publications of said advertisement, and now is, printed in whole or in part, in an office maintained at said place of publication. That said newspaper is and has been during the publication of attached advertisement, a legal newspaper, as defined by the laws of the state of South Dakota.

That I, D.E. Gibson, the undersigned, am
Publisher

of said newspaper and am in charge of the advertising

thereof and have personal knowledge of all the facts stated in this affidavit and

that the advertisement headed

NOTICE OF APPLICATION NO. 6794-3

to Appropriate Water

a printed copy of which hereto attached, was printed and published in the said

newspaper for two successive issues.

The First publication being made on the 21 day of Feb., 2007

The Second publication being made on the 28 day of Feb., 2007

The Third publication being made on the day of ,

The Fourth publication being made on the day of ,

The Fifth publication being made on the day of ,

The Sixth publication being made on the day of ,

The Seventh publication being made on the day of ,

The Eighth publication being made on the day of ,

The Ninth publication being made on the day of ,

The Tenth publication being made on the day of ,

That the full amount of the fee charged for publication of said annexed notice inures to the benefit of the publisher of the Roscoe-Hosmer Independent; that no agreement or understanding for the division of the fee thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

The charges for said legal publications are Forty

Dollars and eighteen cents (\$ 40.18)

D.E. Gibson

Subscribed and sworn to before me this 1 day of Mar., 2007

Jena M Gibson

Notary Public Edmunds County, South Dakota.



February 13, 2007

Bowdle Pioneer
PO Box 368
Bowdle SD 57428-0368

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6794-3 to Appropriate Water to be published twice. Please publish the first notice on February 22, 2007 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.

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 Hoffman Farms, c/o Maurice Hoffman, 13754 323rd Ave, Bowdle SD 57428 (Ph # 605 285-6346).

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. 6794-3

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

Date _____

We are in receipt of your letter of February 13, 2007 enclosing Notice to Appropriate Water by Application No. 6794-3 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

February 14, 2007

FAX

Roscoe-Hosmer Independent
PO Box 7
Ipswich SD 57451-0007

ATTENTION: Legal Public Notice

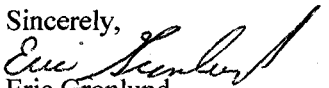
Enclosed is a Notice on Application No. 6794-3 to Appropriate Water to be published twice. Please publish the first notice on February 21, 2007 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6794-3

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

Date _____

We are in receipt of your letter of February 13, 2007 enclosing Notice to Appropriate Water by Application No. 6794-3 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

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

February 13, 2007

Hoffman Farms
c/o Maurice Hoffman
13754 323rd Ave
Bowdle SD 57428

Dear Mr. Hoffman:

Water Permit Application No. 6794-3 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 Bowdle Pioneer printed at Bowdle, SD (Ph # 605 285-6520). You will need to contact the newspaper 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 newspaper to authorize publication of your Notice and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has 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.

Instruction to Newspaper - Publish first Notice on February 21, 2007 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6794-3 to Appropriate Water

Notice is given that Hoffman Farms, c/o Maurice Hoffman, 13754 323rd Ave, Bowdle SD 57428 has filed an application for a water permit to appropriate 1.78 cubic feet of water per second from one well to be completed into the Bowdle Edmunds Aquifer (approximately 45 feet deep) located in the NW ¼ SW ¼ Section 5 to irrigate 130 acres located in the W ½ SE ¼, E ½ SW ¼ Section 5; all in T122N-R73W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6794-3 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 March 12, 2007.

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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

MAR 16 2007

HOFFMAN FARMS
13754 323RD AVE
BOWDLE SD 57428

Dear Mr. Hoffman:

Enclosed is Water Permit No. 6794-3 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

RECEIVED

JUL 10 2007

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 7-9-2007TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Hoffman Farms

(name)

13754 323rd Ave

(address)

Bowdle, SD 57428

(city, state, zip)

(605) 285-6346

(phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 6794-3 states that the water use system is to be constructed by3-12-2012

(date)

, and water is to be put to beneficial use by

3-12-2016

(date)

The water use system was completed on 7-7-2007

(date)

Applying the water to beneficial use was completed on 7-7-2007

(date)

You may schedule an investigation so that the water license may be issued.

Maurice Hoffman
(signature)

6794-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

JUL 01 2015

6794-3
6794A-3

Maurice Hoffman
Hoffman Farms
13754 323rd Ave
Bowdle SD 57428

Dear Mr. Hoffman:

Enclosed is Water License No. 6794A-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 the owner of an existing well, such as the well authorized by Water Right No. 6794A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Sincerely,

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

enclosures

Note: The applicable portions of Water Permit No. 6794-3 have been incorporated into Water Right No. 6794A-3.