

WATER PERMIT NO. 6927-3

Name of Applicant: Lynell Hofer

Address: 27618 431 Ave, Freeman SD Phone: 605 925-7140

Amount of Water Claimed: no add'l Total Acres: 40

Source of Water Supply: groundwater (one existing well)

Water to be used for: irrigation County: Hutchinson

Type of Waste Disposal System:

Location: 7 miles west and 3 miles north of Freeman

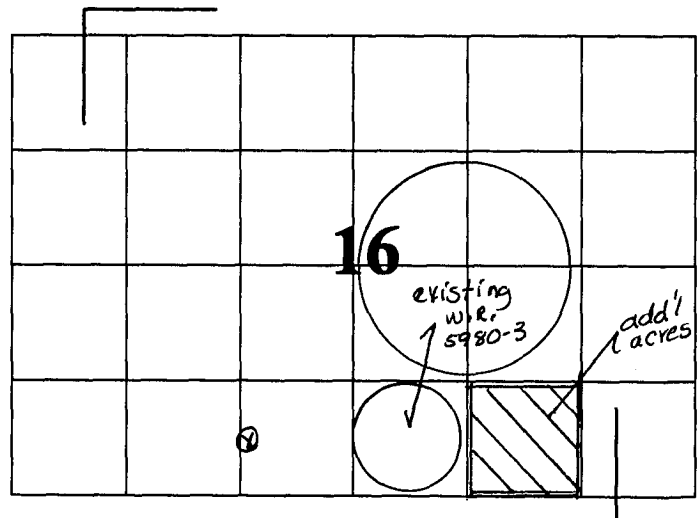
PRIORITY Date Received: 1-2-08 Application/License Fee: \$200

Corrected Application Received: Period of Annual Use: May 1 – October 31

Remarks: Using the well authorized by Water Right No. 5980-3

Diversion Point: SE ¼ SW ¼ Sec 16-T99N-R57W

Land to be Irrigated: SE ¼ SE ¼ Sec 16-T99N-R57W



Depth of Well: 242 feet deep

Well Driller: : Pullman Well Drilling

Remarks:

Type of Map: aerial

Prepared by: Hutchinson Co. NRCS

Reviewed and the Number Assigned on: 1-2-08

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	(office use only)	
	No. <u>6927-3</u>	Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>	
	Newspaper <u>Freeman Courier P.O. Box 950</u> <u>605-925-7033</u>	<u>Freeman 57029</u>

RECEIVED
JAN - 2 2008
WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: New Vested Right Amendment/Correction to Permit No. 5980-3
(Use predates Mar 2, 1955)

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

adds 40 acres to existing permit

- Name of Applicant Lynell Hofer Phone 605-925-7140
(check one) Owner Tenant/lessee
Mailing Address 27618 431 ave Freeman State SD 57029
(Street, RR, or Box and City) (Zip Code)
- Amount of water claimed *CFS or no addl **GPM ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply well
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
SE 1/4 SW 1/4 of 16-99-51W
County Hutchinson
- County or counties where water will be used Hutchinson
- Annual period during which water is to be used May 1 to Oct 31
- 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>SE 1/4 of SE 1/4 of 16-99-51W</u>	<u>40</u>		

8. Give a description of the project. (Attach sheet if more space is needed)
Permit would add 40 acres to Permit 5980-3 and use existing well

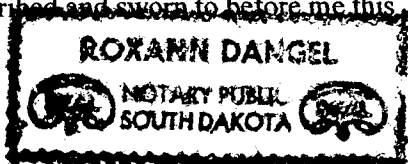
STATE OF SOUTH DAKOTA) SS
County of Hutchinson

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

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

Applicant's signature Lynell Hofer

Subscribed and sworn to before me this 28th day of December 20 07



Roxann Dangel
Notary Public signature
My Comm Exp: 2-13-2013

**SOUTH DAKOTA
WATER PERMIT NO. 6927-3**

Date of first receipt of application January 2, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6927-3 to Lynell Hofer, 27618 431st Ave, Freeman SD 57029 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6927-3 authorizes irrigation of an additional 40 acres. Water Right No. 5980-3 appropriates 2.0 cubic feet of water per second from one well completed into the Lower James:Missouri Aquifer (242 feet deep) located in SE ¼ SW ¼ Section 16 to irrigate 170 acres located in the N ½ SE ¼, SW ¼ SE ¼, S ½ NE ¼ Section 16; all in T99N-R57W. This permit authorizes irrigation of an additional 40 acres located in the SE ¼ SE ¼ Section 16-T99N-R57W. No increase in the diversion rate is authorized by this permit.
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 – October 31.
3. The date from which applicant may claim right is January 2, 2008.
4. The date of approval of Permit No. 6927-3 is March 3, 2008.
5. One-fifth of the construction is to be completed on or before September 3, 2010.
6. All construction is to be completed on or before March 3, 2013.
7. Water is to be put to beneficial use on or before March 3, 2017.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

APR 03 2008

date



message

For _____

From _____

Time _____ Date _____

Phone _____

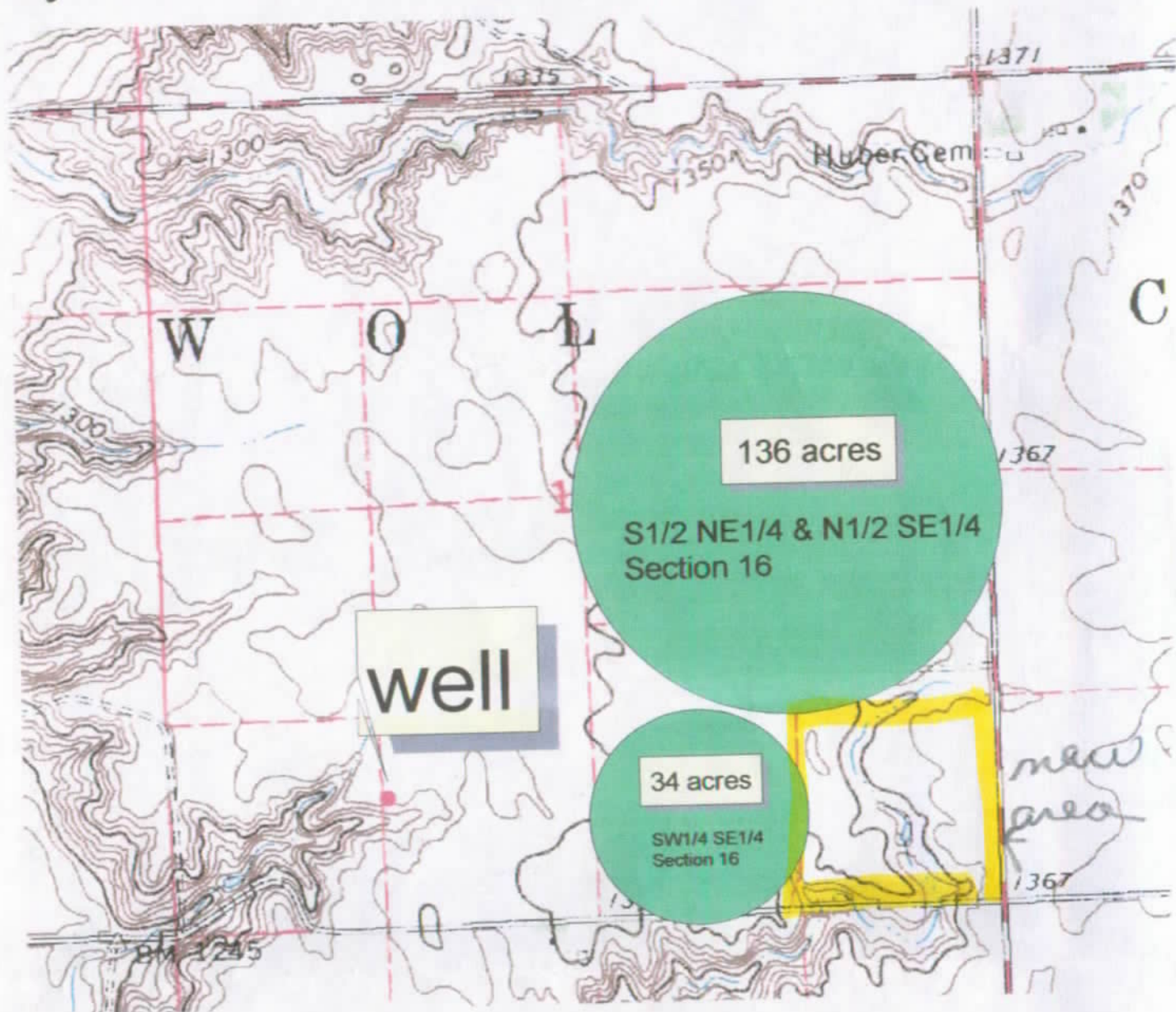
☐ URGENT!

Permit would
add 40 acres

to Permit number
5980-3
and use existing
wells at same
9 PM.



Lynell Hofer - Irrigation System No. 2



The well in the SE 1/4 SW 1/4 of Section 16 is used for the two pivots located in the SW NW Section 16 (34 acres) and the S1/2 NE 1/4 & N1/2 SE1/4 Section 16 (110 acres). Based on my on-site visit you indicated the pump in the well produced approximately 900 gpm



United States Department of Agriculture
Farm Service Agency

Hutchinson County, SD

1:8,504



map 9 NW, NACS

DC 12-17-07

April 04, 2007

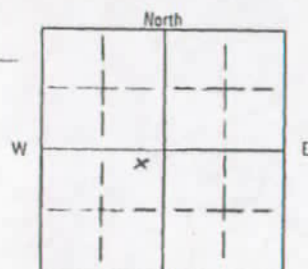
16-99N-57W

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

Location N 1/2 Sec 16 Twp 9-N Rg 57-WCounty Hutchinson

Please mark well location with an "X"

Well Completion Date 6-19-81

PROPOSED USE:

☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Reverse

CASING DATA:

☒ Steel ☒ Plastic ☐ Other
 If other describe Plastic

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16</u> IN	<u>0</u> FT	<u>212</u> FT	<u>25</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUT:

Was the well grouted? ☐ YES ☐ NO

To what depth? _____ FEET

What is grouting material? _____

If cement, number of sacks? _____

Describe grouting procedure _____

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☐ ManufacturedDiameter 25 IN Length 30 FEETMaterial stainless steelSlot Size 60 Set From 212 Feet To 242 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

3 in x 1/4 gravel 65 TonWas well disinfected upon completion? ☒ YES ☐ NO

Explain _____

Bacteriological analysis ☒ YES ☐ NO

Laboratory sent to _____

Well Owner:

Name Lynell HoferAddress 22 Freeman, SD 57029

Well Log:

Depth

Formation

From

To

Top Soil yellow clay	0	15
Yellow Clay + rocks	15	25
Blue Clay	25	55
Blue Clay & rocks	55	81
Gravel + rocks	81	95
Blue Clay	95	105
Blue Clay w/ gravel Strata	105	125
Blue Clay	125	170
fine Sand	170	175
Blue Clay w/ fine sand strata	175	198
Rocks + medium sand	198	205
Medium Sand + Coal	205	242

TD 242'

STATIC WATER LEVEL 135

If flowing, closed in pressure _____

GPM flow _____ through _____

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

If other, specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☒ Pumped☐ Bailed☐ Other _____

Describe: _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate

Drilling firm Pullman Well Drilling

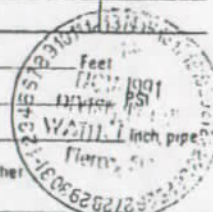
Signature of License Representative:

[Signature]

Signature of Well Owner:

[Signature]

Date _____



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/2, 20 08

RECEIVED OF Lynell Hofer 27618 431st Ave Freeman SD 57029

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

Fee for Application for Permit No. <u>6927-3</u> to Appropriate Water, to construct and to put water to beneficial use	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>6927-3</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	200	00

No.

03519

By

Lynell Hofer

Chief Engineer

[Signature]



**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. 6927-3, Lynell Hofer**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6927-3, Lynell Hofer, 27618 431st Avenue, Freeman SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 6927-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
February 4, 2008

REPORT ON WATER PERMIT APPLICATION NO. 6927-3
For Lynell Hofer
January 23, 2008

Application No. 6927-3 proposes to irrigate an additional 40 acres. Water Right No. 5980-3 authorized 2.0 cfs from one well approximately 242 feet deep located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 16 to irrigate 170 acres located in the N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of section 16; all in T99N R57W. This application proposes to irrigate an additional 40 acres located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of section 16, T99N R57W in Hutchinson County. No increase in the diversion rate for Water Right No. 5980-3 is authorized by this application.

AQUIFER – LOWER JAMES MISSOURI (LJM)

The Lower James Missouri is a buried outwash (sand and gravel) that is under artesian conditions at this site. The aquifer underlies 268 square miles and contains an estimated 3.367 million acre-feet of water in storage in Hutchinson County (Lindgren, 1990). The aquifer blends into the Choteau aquifer to the west, extends into Hanson County to the north and Yankton County to the south and is hydraulically connected to the Niobrara aquifer in the subsurface in the southeastern portion of Hutchinson County. The aquifer also appears to be hydraulically connected to the James River in the northern portion of Hutchinson County. Ground water movement is from northeast to southwest in the area of this application (Lindgren, 1990).

The irrigation well log filed with the application indicates sand and gravel from 198 feet to 242 feet below land surface. The completed well had a static water level of 135 feet below land surface and is capable of producing 900 gpm according to the water license.

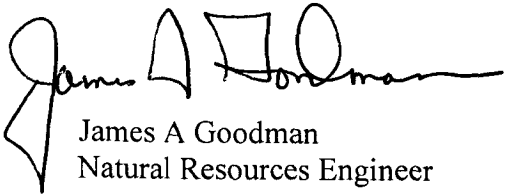
The Water Rights Program monitors three observation wells within two miles of the well for this application. These are HT-81D (located about 1,100 feet southwest), HT-82D (located about two miles northeast) and HT-81C (located about two miles southeast) all from this existing well. Water levels for these 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, 2008). Hydrographs for these three observation wells area included with this report. The observation wells HT-82D and HT-81C are completed into the Niobrara aquifer and do not appear to be impacted by pumping from the Lower James Missouri aquifer at least in this area.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are three existing irrigation wells within one mile of this application and all permits/rights for these three wells are held by the applicant. One of these existing wells will be used to supply water for this application. These wells have been in use for many years with no apparent problems. The observation well hydrograph HT-81D is located very near one of the irrigation wells and shows the drawdown created by pumping. Interference is not expected to be a concern. There will be additional drawdown created by pumping but this is not expected to be significant. The thickness of the aquifer should be sufficient to maintain the requested production rates.

CONCLUSIONS

1. Water is available from the Lower James Missouri aquifer.
2. The aquifer is under artesian conditions at this site. Drawdown created by pumping does not appear to be significant. Interference is not expected to be adverse.
3. It can not be determined if this well has been constructed in accordance with SD Well Construction Standards.



James A Goodman
Natural Resources Engineer

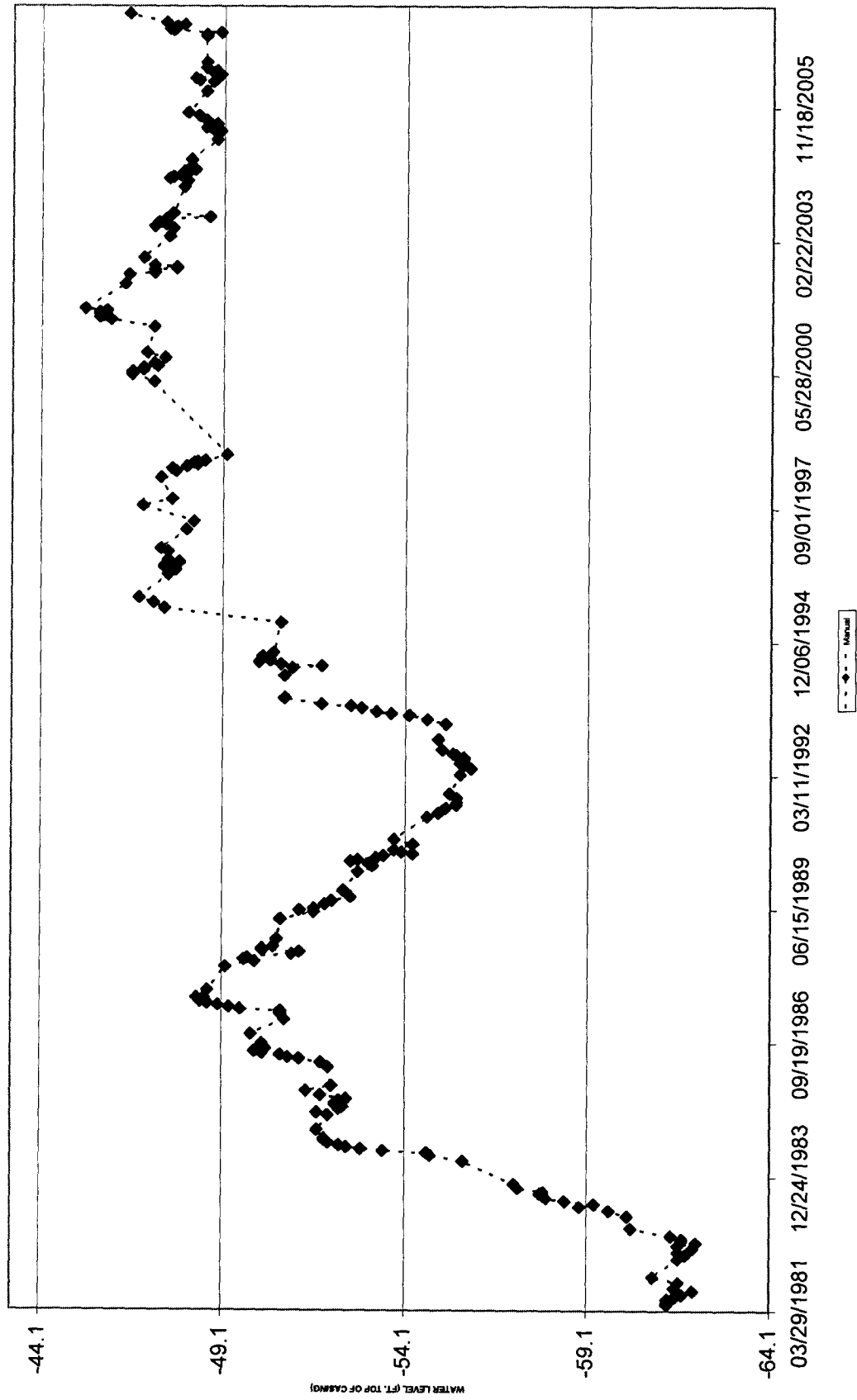
BIBLIOGRAPHY

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.

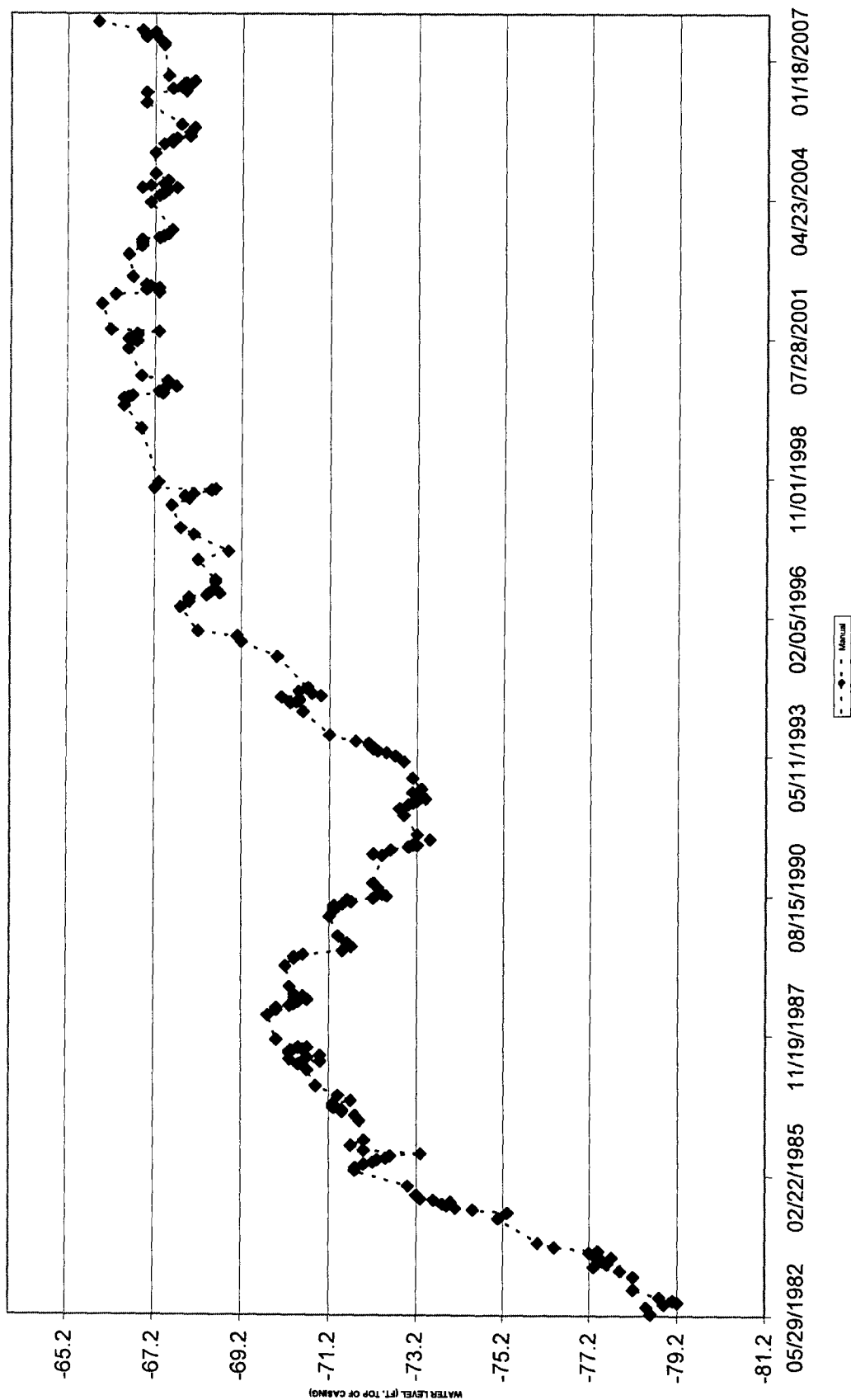
Water Rights, 2008, Unpublished Observation Well Data for Hutchinson County, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.

— — — — — Manual

**WATER RIGHTS' OBSERVATION WELL
HT-81C**



**WATER RIGHTS' OBSERVATION WELL
HT-82D**



AFFIDAVIT OF PUBLICATION

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

RECEIVED

FEB 22 2008

WATER RIGHTS
PROGRAM

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

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

The first publication on:
February 13, 2008

the second publication on:
February 20, 2008

and the third publication on:

That the full amount of the fees charged the same to-wit: The sum of **\$45.54** in benefit of the publisher of the Freeman agreement or understanding for any difference has been made with any other person the amount of **\$45.54** is the rate for publication notices.

R L C

Subscribed and sworn to before me this 25th day of February 2008.

Linda Wing
Notary Public
Commission expires: 10/9/12

Publication fee: \$45.54
Notary fee:
Total: \$45.54

NOTICE OF APPLICATION NO. 6927-3 to Appropriate Water

Notice is given that Lynell Hofer, 27618 431st Ave, Freeman SD 57029 has filed an application for a water permit to irrigate an additional 40 acres. Water Right No. 5980-3 appropriates 2.0 cubic feet of water per second from one well completed into the Lower James: Missouri Aquifer (242 feet deep) located in SE 1/4 SW 1/4 Section 16 to irrigate 170 acres located in the N 1/2 SE 1/4, SW 1/4 SE 1/4, S 1/2 NE 1/4 Section 16; all in T99N-R57W. This application proposes to irrigate an additional 40 acres located in the SE 1/4 SE 1/4 Section 16-T99N-R57W. No increase in the diversion rate is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6927-3 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 this 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 Wa-

ter Management Board will consider this 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 recommendations 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 March 3, 2008.

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.

2-47



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 4, 2008

Freeman Courier
PO Box 950
Freeman SD 57029

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 6927-3 to Appropriate Water to be published twice. Please publish the first notice on February 13, 2008 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 Lynell Hofer, 27618 431st Ave, Freeman SD 57029 (Ph # 605-925-7140).

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. 6927-3

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

Date _____

We are in receipt of your letter of February 4, 2008 enclosing Notice to Appropriate Water by Application No. 6927-3 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 4, 2008

Lynell Hofer
27618 431st Ave
Freeman SD 57029

Dear Mr. Hofer:

Water Permit Application No. 6927-3 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). 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 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 13, 2008 with the second publication 7 days later. The applicant is responsible for payment.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6927-3 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 this 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 this 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 recommendations must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's 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 3, 2008.

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DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

APR 03 2008

Lynell Hofer
27618 431st Ave
Freeman SD 57029

Dear Mr. Hofer:

Enclosed is Water Permit No. 6927-3 authorizing construction of your water diversion system and beneficial use of the water; not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



July 23, 2014

6927-3
7509-3

Lynell Hofer
27618 431st Ave
Freeman, SD 57029

Dear Mr. Hofer:

I am writing in regard to your Water Permit Nos. 6927-3 and 7509-3. Both authorize use of ground water from the Lower James Missouri Aquifer for irrigation purposes. In reviewing your 2013 questionnaires, we found discrepancies in the amount of water used and have some concerns.

Water Permit Nos. 6927-3 and 7509-3 both allow you to use up to two acre-feet of water per acre each year. On your irrigation questionnaires, however, you reported substantially more water use. You reported the following information for 2013:

Water Permit No.	Acre feet of water <u>authorized</u> based on acres irrigated	Acres reported irrigated in 2013	<u>Reported</u> Water Use in 2013
No. 6927-3	80 acre feet (40 acres x 2 acre feet)	40 acres	169.4 acre feet
No. 7509-3	126 acre feet (63 acres x 2 acre feet)	63 acres	155.1 acre feet

We realize that in any given year, water use may be more or less depending on climatic conditions. It is very rare that irrigators come close to the 24 inches per acre authorized. Typically that number is more around 8 to 12 inches per acre. Many times irrigators do not keep track of the days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect as accurate information as possible to ensure everyone is using only that amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine if an aquifer or stream may or may not be nearing full appropriation. Our goal is to protect existing water rights and ensure that additional water rights do not impair those existing water users.

If you did indeed apply that much water in 2013, you are exceeding the limits of your water permits and need to be cutting back to within the authorized use. If you estimated your water use and have not kept track of days irrigated and water used, please ensure the information reported each year is as accurate as possible. As stated before, the information you provide is very valuable to us. If you have any questions, please contact us.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352

Water Right No. 6249-3 and Water Permit Nos. 7508-3 & 7509-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Lynell Hofer's water rights

ADDRESS: 27618 431st Avenue, Freeman SD

COUNTY: Hutchinson County

DATE: March 18, 2015 TELEPHONE:

RE:

Lynell Hofer and Kerry Hofer came to the Water Rights Program office on March 18, 2015, to have a general discussion about their water rights.

Water Permit No. 7509-3 authorized additional acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ Section 16, T99N, R57W to what was authorized by Water Right No. 5980-3 and Water Permit No. 6927-3. Permit No. 7509-3 allowed the enlarging of the northern center pivot in the E $\frac{1}{2}$ of Section 16 and irrigation of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of this section from the well authorized by Water Right No. 5980-3. What actually occurred was the northern most pivot in the E $\frac{1}{2}$ was enlarged as planned. However the acreage in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16 was combined with the acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 authorized by Water Right No. 6249-3 and a windshield wiper quarter section pivot was installed and is irrigated from the well in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21, T99N, R57W authorized by Water Right No. 6249-3.

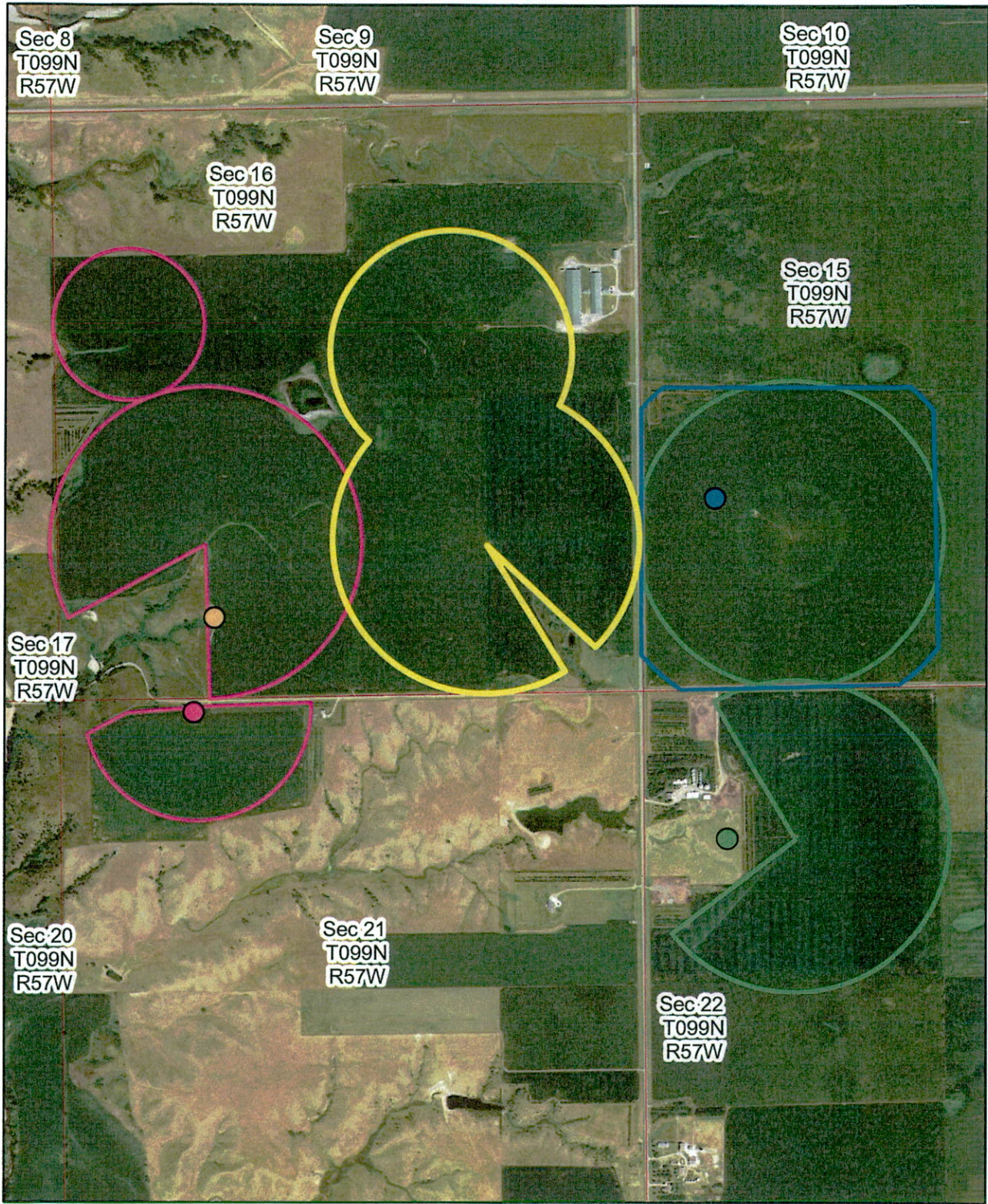
I believe this is something that can be handled at the time of licensing of Permit No. 7509-3 as no additional acres or diversion rate authority is needed. It may necessitate the reissuance of Water Right No. 6249-3.

Water Permit No. 7508-3 appropriated additional diversion rate authority, an additional well and irrigation of 18 new acres to what had been authorized by Water Right No. 6034-3. Lynell Hofer stated the well in the NW $\frac{1}{4}$ of Section 22 only produces 500 gpm and because of that they did not install the cornering system. After discussion it was decided that until the time to complete construction which is February 4, 2018 that they would have the ability to request an additional point of diversion and possibly drill a second well.

A map of what was believed to be the irrigation configuration and the actual configuration are attached.

NAME: Eric Hummel

Lynell Hofer Water Rights/Permits
as believed to be configured prior to Lynell and Kerry Hofer's March 18, 2015, office visit



Right No. 6249-3



Permit No. 7508-3



Right No. 6034-3



Permit No. 7509-3