

WATER PERMIT NO. 7380-3

Name of Applicant: Jonathon Hofer

Address: 3608 N Frontier Rd, Ft. Pierre SD 57532 Phone: 605 222-3694

Amount of Water Claimed: 0.1 cfs Total Acres: 60 acres

Source of Water Supply: groundwater (one well)

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: 12 miles northwest of Pierre

PRIORITY Date Received: 6-29-12 Application/License Fee: \$ 300

Corrected Application Received: Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SE ¼ NE ¼ Sec 4-T112N-R80W

Land to be Irrigated: NE ¼ Sec 4-T112N-R80W

Depth of Well: 80 feet deep

Well Driller:

Remarks:

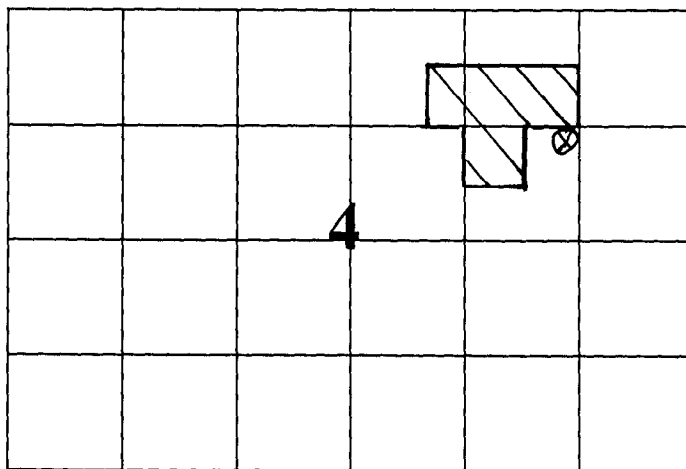
Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 7-2-12

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota
(type or print)

Mail to: PMB 2020 DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>7380-3</u> (office use only)	Hydrologic Unit <u>16130105</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Capital Journal P.O. Box 878</u>	
	<u>605-224-7301 Pierre 57501</u>	

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JUN 29 2012
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.)

1. Name of Applicant Jonathon Hofer Phone 605-222-3694
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 3608 N. Funder Rd St. Pierre SD 57532
 (Address) (City) (State) (Zip Code)

2. Amount of water claimed 0.22 *CFS or 100 **GPM ***AF Total Acreage 60
 (*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply existing well

4. Location of point of diversion (example: 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Hughes
SE 1/4 NE 1/4 Section 4, T112N R80W (in NE corner of the Quarter)

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used March 1 - November 30

7. 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
SE 1/4 NE 1/4 Section 4 T112N R80W	20		
NE 1/4 NE 1/4 Section 4 T112N R80W	25		
NW 1/4 NE 1/4 Sec 4 T112N R80W	7		

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

Intention is to drip irrigate surface or subsurface for crop production

STATE OF SOUTH DAKOTA)
 County of Hughes) SS

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

I, Jon 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 Jon Hofer
 Subscribed and sworn to before me this 29th day of June 2012



Patty R. McQuay
 Notary Public signature

**SOUTH DAKOTA
WATER PERMIT NO. 7380-3**

Date of first receipt of application June 29, 2012.

Date of return to applicant for corrections, amendments or changes July 19, 2012.

Date of receipt of corrected application July 24, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7380-3 to Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 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. 7380-3 appropriates 0.22 cubic feet of water per second from one existing well completed into the Grey Goose Aquifer (80 feet deep) located in SE 1/4 NE 1/4 Section 4 for irrigation of 60 acres located in the E 1/2 NE 1/4, NW 1/4 NE 1/4 Section 4; all in T112N-R80W.
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: March 1 – November 30.
3. The date from which applicant may claim right is June 29, 2012.
4. The date of approval of Permit No. 7380-3 is September 17, 2012.
5. One-fifth of the construction is to be completed on or before March 17, 2015.
6. All construction is to be completed on or before September 17, 2017.
7. Water is to be put to beneficial use on or before September 17, 2021.
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

OCT 29 2012

date



Supplemental Information

(type or print in ink)

well info in cancelled WR No 1537-3

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth appr. 80
- b) Casing Type 20" Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:

On applicant's property unknown

On property owned by others unknown

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

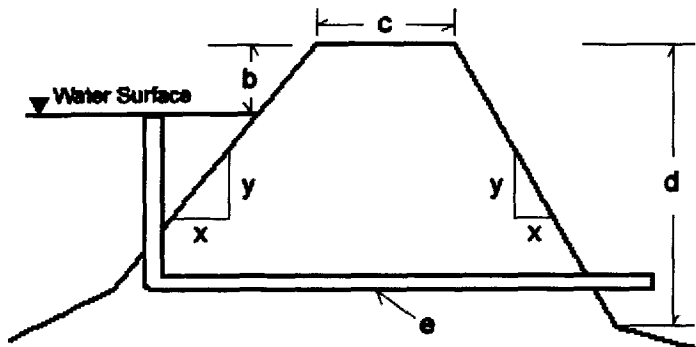
3. Dugout Information

- 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 (e.g. 3 to 1 is a typical slope)
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

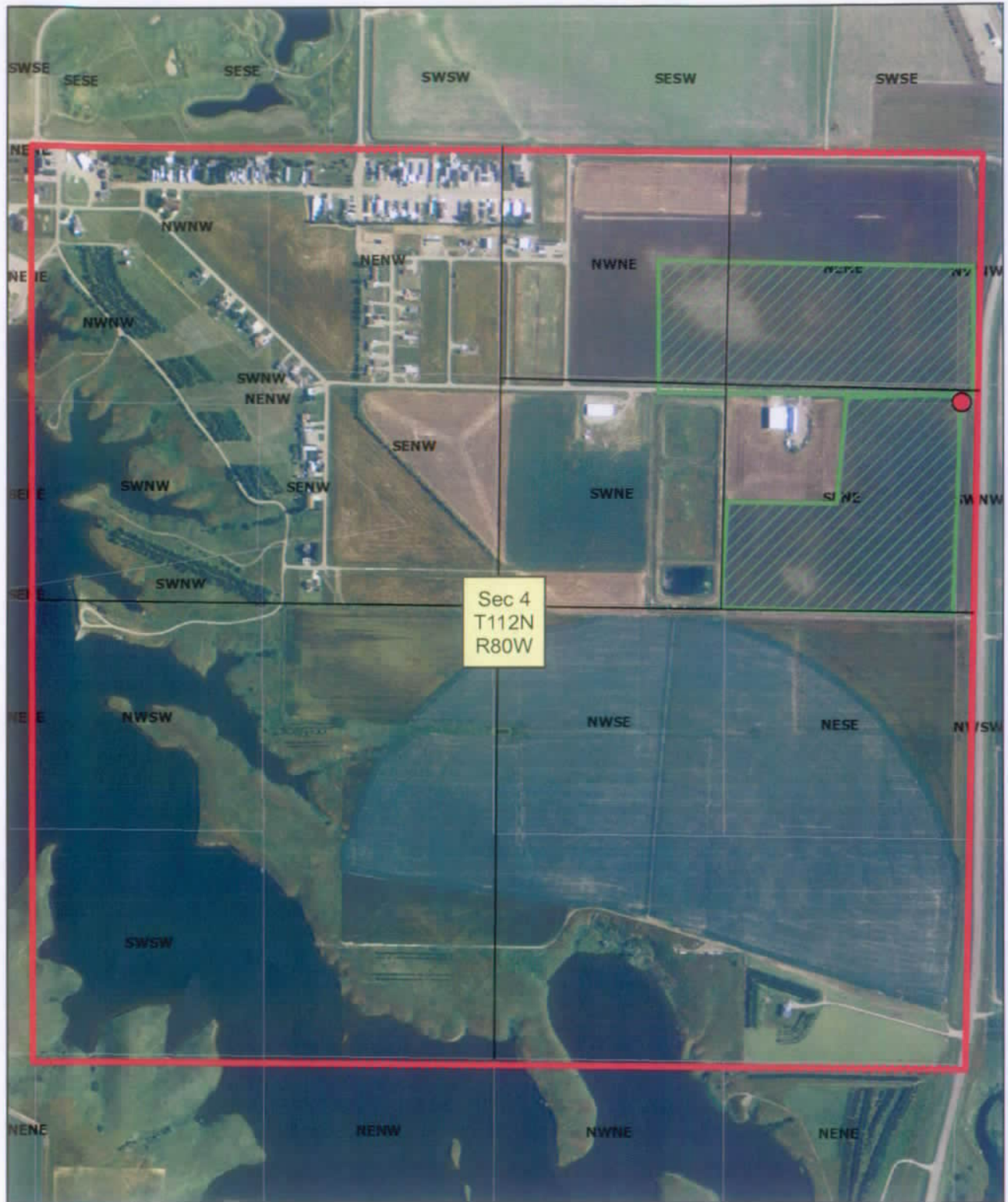
JON HOFER
SPRING CREEK
Irrigation Acres Proposed

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Boundary
Sampling Point
Hughes Sections

Water Permit Application for Jonathon Hofer



2,500 1,250 0 2,500 Feet



Acreage Breakdown - all in Section 4, T112N, R80W

NW 1/4 NE 1/4	7 acres
NE 1/4 NE 1/4	25 acres
SE 1/4 NE 1/4	28 acres

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR
based on representation by Mr. Hofer

RECEIPT
WATER RIGHTS PROGRAM
South Dakota Department of Environment and Natural Resources

Date 6/29, 20 12

RECEIVED OF Jon Hofer Hofer Seeds 3608 N Frontier Rd Fort Pierre SD 57532

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

Fee for Application for Permit No. <u>7380-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	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>7380-3</u>	200	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. **05480**

By Paul D. Erbe
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

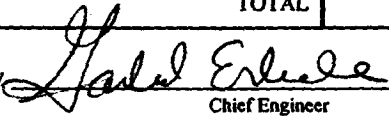
Date 7/24, 20 12

RECEIVED OF Jon Hofer Hofer Seeds 3608 Frontier Rd Fort Pierre SD 57532

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	400	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. _____		
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	400 00

No. **05500**

By 
Chief Engineer

Gronlund, Eric

From: Duvall, Ron
Sent: Thursday, July 19, 2012 8:27 AM
To: Gronlund, Eric
Cc: Schlaak, Karen; Smith, Kim
Subject: FW: attn. Eric Gronland

Eric, for you and their fee just went up...

NOTE: When replying to this email do **NOT** click the person's [\[mailto:myname@email.com\]](mailto:myname@email.com) address since this may result in your reply being undeliverable. Either copy and paste just the email address (e.g. myname@email.com) or type just the address into your reply message.

From: Jon Hofer [\[mailto:hoferseeds@yahoo.com\]](mailto:hoferseeds@yahoo.com)
Sent: Thursday, July 19, 2012 8:22 AM
To: DENR INTERNET INFORMATION
Subject: attn. Eric Gronland

Eric,

I submitted an application for Irrigation Rights to pump out of the well on my land in Hughes County in Section 4-112-80. When I submitted the application I put 45gpm as the amount of water use. I have now discovered I will need to pump 100gpm to achieve the amount of water needed. Please update my application as needed.

Thanks,

Jon Hofer
605-222-3694



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**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

7380-3

July 19, 2012

Jonathon Hofer
3608 N Frontier Rd
Ft. Pierre SD 57532

Dear Mr. Hofer:

This morning you talked with Eric Gronlund, from our office indicating you wanted to increase the amount of water claimed on your *Application for a Permit to Appropriate Water for Irrigation*.

By increasing the amount of water claimed from 45 gallons per minute to 100 gallons per minute, the application/license filing fee increases to \$700.00. The application was originally submitted with a fee of \$300.00. Please submit the additional \$400.00.

If you have any questions, please contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7380-3, Jonathon 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. 7380-3, Jonathon Hofer, 3608 N Frontier Road, Ft Pierre SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 7380-3 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
August 27, 2012

NOTE: Upon approval of the application, the Water Rights Program will proceed with cancellation of Water Permit No. 6726-3. This permit was obtained by Ron Young from the same well as listing in this application. The time for completion of works for Permit No. 6726-3 expired on July 24, 2011.

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO.7380-3
JONATHAN HOFER
August 24, 2012

Water Permit Application No. 7380-3 proposes to appropriate up to 120 acre-feet annually at a maximum diversion rate of 0.22 cubic feet of water per second (cfs) from one well to be completed in to the Gray Goose aquifer. The well is 86 feet deep and is located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T112N-R80W. This permit application proposes to irrigate 60 acres located in the NE $\frac{1}{4}$ of Section 4, T112N-R80W in Hughes County.

AQUIFER: Gray Goose (GG)

GEOLOGY AND AQUIFER CHARACTERISTICS:

The Gray Goose aquifer is mostly a buried deposit of outwash sand and gravel that partly fills a broad, irregular river channel that was carved into shale bedrock (Hamilton, 1986). The aquifer is unconfined, with depth to water ranging from 15 feet below ground surface in the northwest to 250 feet below grade in the east (Hamilton, 1986). The aquifer underlies approximately 110 mi² (70,400 acres) and contains an estimated 560,000 acre-feet (ac-ft) of water in storage (Hamilton, 1986). Recharge to the Gray Goose aquifer is by infiltration of precipitation and flow from Lake Oahe when the level of the lake is above the potentiometric surface for the aquifer. The average thickness of the aquifer is 40 feet with a depth to aquifer materials ranging from at the surface to 230 feet below land surface (Hamilton, 1986). An existing well, 86 feet deep with approximately 44 feet of water bearing material, will be used for this application (Water Rights, 2012c).

SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer.

WATER AVAILABILITY:

This application proposes to appropriate 120 ac-ft annually from the Gray Goose aquifer in Hughes County, though will likely use less than that. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.

Recharge versus Withdrawals:**Recharge:**

Recharge to the Gray Goose aquifer is from the infiltration and subsequent percolation of precipitation, with some flow from Lake Oahe when the level of the lake is above the potentiometric surface of the aquifer. The average annual recharge to the aquifer is estimated to be 1,500 ac-ft/yr by Hamilton (1986) and 18,773 ac-ft/yr by Hedges (1985).

Withdrawals:

There are 15 water rights/permits appropriating water from the Gray Goose aquifer in Hughes County on record with the SD-DENR Water Rights Program. The non-irrigation appropriations are four water rights/ permits designated for commercial use. The estimated annual withdrawal by the non-irrigation appropriation is expected to be less than 1,110 ac-ft. This estimation assumes water is being withdrawn from the aquifer 14.4 hours per day at the maximum authorized diversion rate. Water withdrawal from the Gray Goose aquifer for irrigation, as reported to the DENR- Water Rights Program through annual irrigation questionnaires, is shown in table 1.

YEAR	NO. OF PERMITS REPORTING	APPROPRIATION (AC-FT/YR)	PUMPAGE REPORTED (AC-FT/YR)
2011	11	3455	1863.46
2010	9	3572	924.83
2009	9	3572	1393.48
2008	9	3572	960.00
2007	9	3572	1111.62
2006	7	3480	1044.59
2005	7	3480	675.80
2004	7	3480	818.14
2003	8	4305.3	1101.04
2002	8	4305.3	779.70
2001	8	4305.3	885.95
2000	8	4305.3	1006.91
1999	8	4305.3	1026.43
1998	8	5093.3	1528.82
1997	8	5093.3	1610.00
1996	8	5093.3	1591.56
1995	8	4680.65	2171.75
1994	8	4680.65	1033.10
1993	8	4737.65	1585.00
1992	8	4737.65	1307.00
1991	8	4737.65	2280.60
1990	7	4325	2165.00
1989	7	4325	2132.00
1988	7	4325	2392.10
1987	7	4325	1868.00
1986	7	4325	922.00
1985	7	4325	1792.00
1984	7	4325	1620.00
1983	7	4325	1650.48
1982	7	4625	1608.37
1981	9	4349	1127.00
1980	6	2805	1199.00
1979	7	2805	606.48
Average	7.79	4174.17	1387.34
Maximum	11	5093.3	2392.1
Minimum	6	2805	606.48

Table 1- Irrigation Water Use from the Gray Goose aquifer (Water Rights 1980-2012).

Total estimated average annual withdrawal, including estimated non-irrigation withdrawals, is 2,497.3 acre-feet per year from the Gray Goose aquifer. Estimated average annual withdrawal exceeds estimated annual recharge by 997.34 ac-ft using Hamilton's (1986) recharge rate or estimated annual recharge to the aquifer exceeds estimated average annual withdrawal by 16,276 ac-ft using Hedges' (1985) recharge rate.

Observation Well Data:

Administrative Rule of South Dakota Section 74:02:05:07 requires that "the Water Management Board shall rely upon the record of observation well measurements to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated average annual recharge of the aquifer."

The DENR-Water Rights Program monitors eight observation wells located into the Gray Goose aquifer (Water Rights, 2012a). The nearest observation well to the well proposed to be used by this application is HU-80A, 2.14 miles southeast. The observation well shows response to climatic conditions. The water levels rise (recharge) during wet years and gradually decline during dry years. Pumping effects are minimal and are greatly masked by climatic effects. Therefore, recharge to and natural discharge from the Gray Goose aquifer significantly exceeds pumping. Figure 1 is the hydrograph for observation well HU-80A. Figures 2 through 8 are the hydrographs for the other seven observation wells in the Gray Goose aquifer

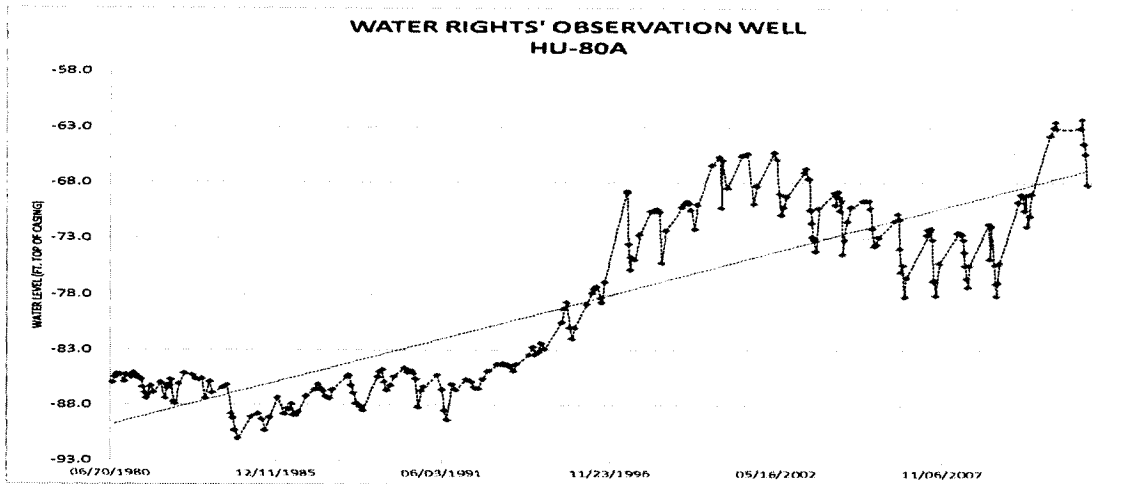


Figure 1- Hydrograph of DENR-Water Rights' observation well HU-80A, located approximately 2.14 miles southeast of the proposed well location (Water Rights, 2012a)

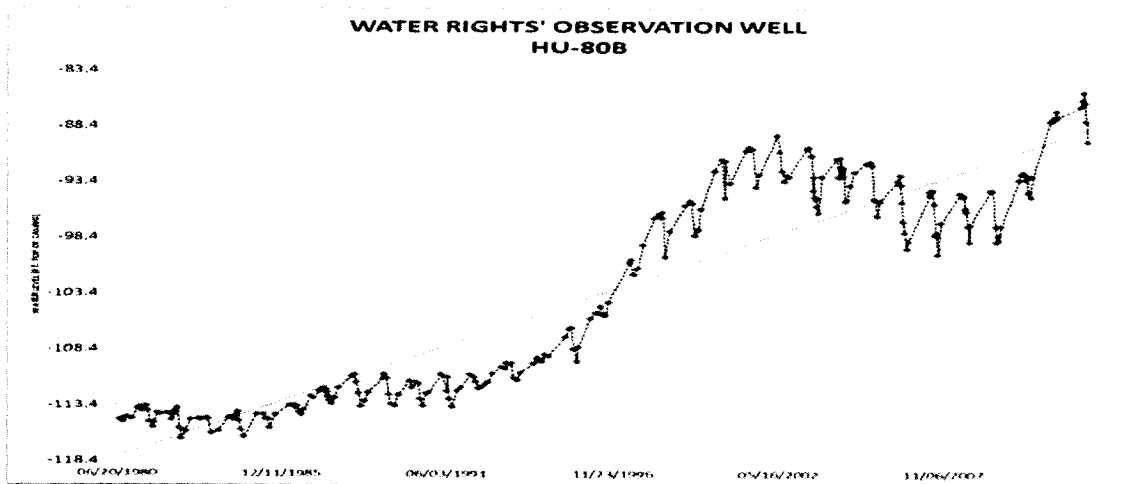


Figure 2- Hydrograph of DENR-Water Rights' observation well HU-80B (Water Rights, 2012a)

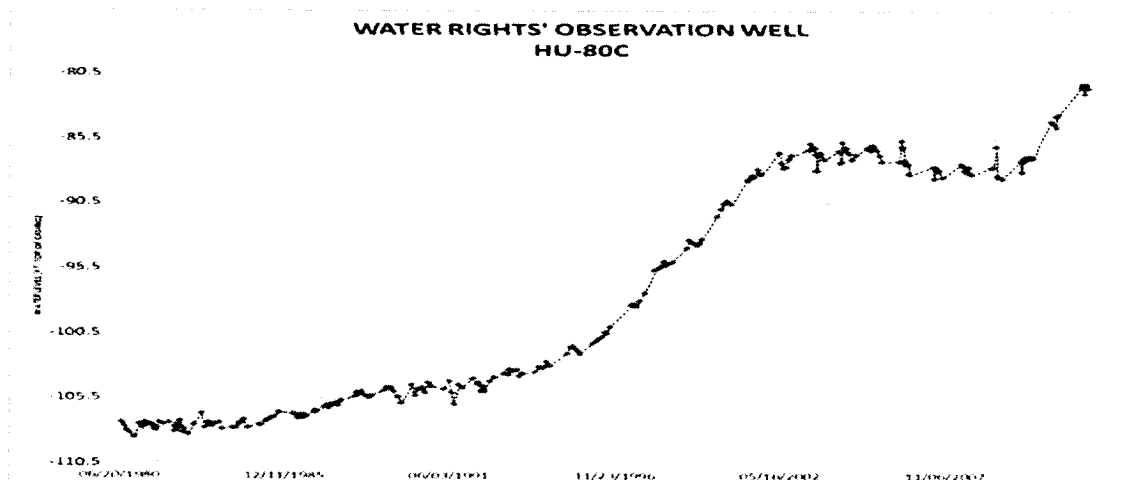


Figure 3- Hydrograph of DENR-Water Rights' observation well HU-80C (Water Rights, 2012a)

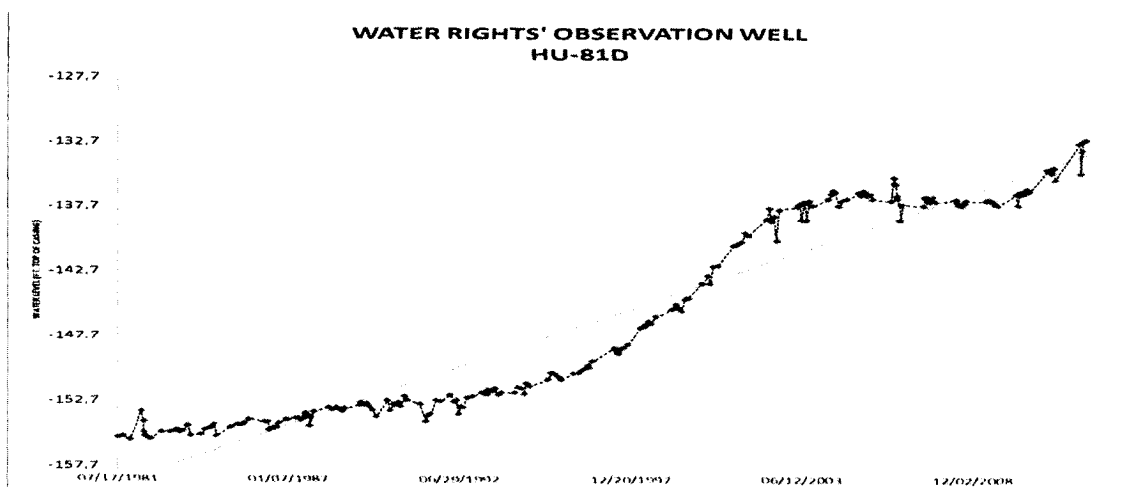


Figure 4- Hydrograph of DENR-Water Rights' observation well HU-81D (Water Rights, 2012a)

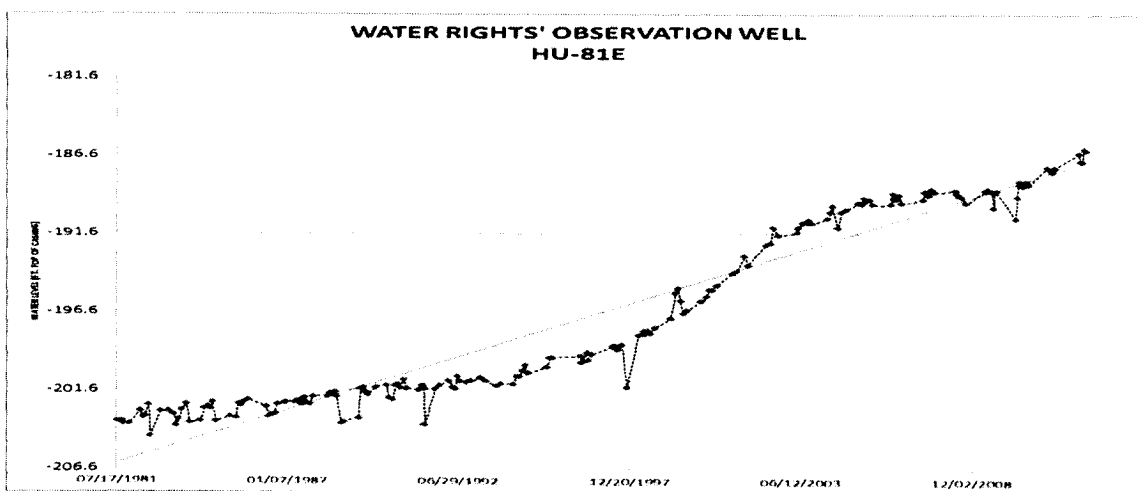


Figure 5- Hydrograph of DENR-Water Rights' observation well HU-81E (Water Rights, 2012a)

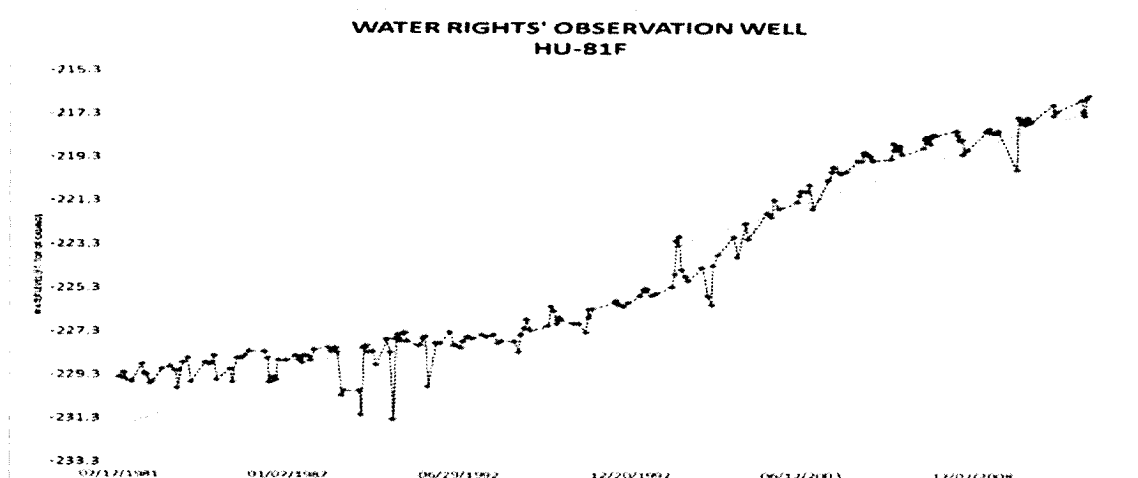
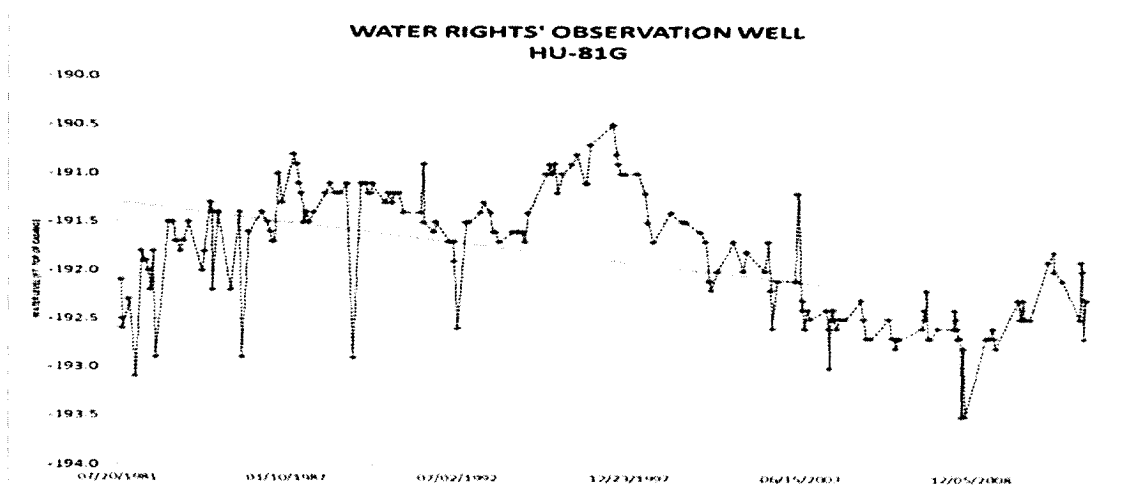


Figure 6- Hydrograph of DENR-Water Rights' observation well HU-81F (Water Rights, 2012a)



Figure

7- Hydrograph of DENR-Water Rights' observation well HU-81G (Water Rights, 2012a)

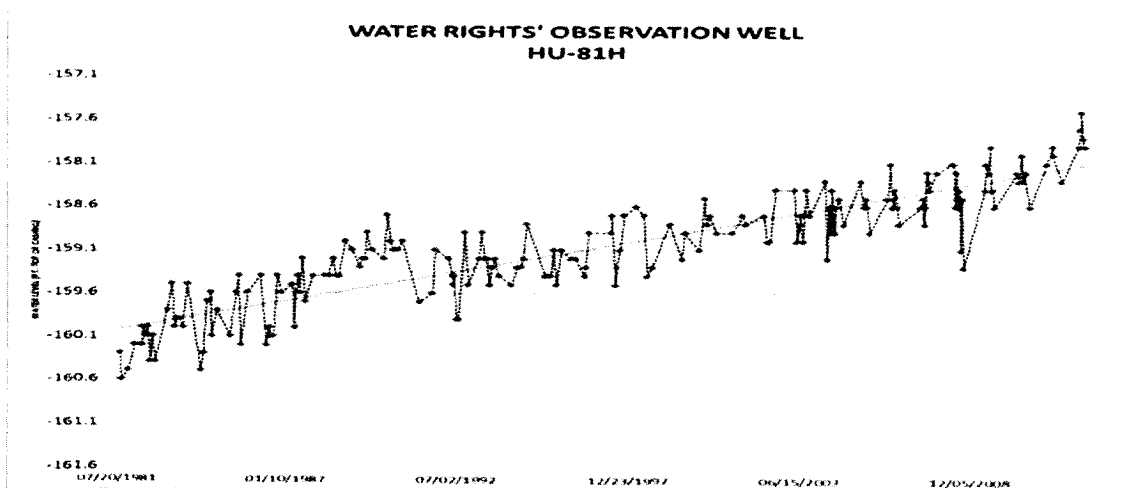


Figure 8- Hydrograph of DENR-Water Rights' observation well HU-81H (Water Rights, 2012a)

The hydrographs show an overall increase of water level in the aquifer during the period of record. All of the observation wells in the Gray Goose aquifer show an increase in water level across the period of record, except HU-81G which shows a slight decline. This increase in water level does not support Hamilton's (1986) recharge rate estimate. Hedges' (1985) recharge rate is more reasonable. Using the average increase of water level per year (0.5612 ft/yr), from all of the observation wells, and a storage coefficient of 0.15 a recharge of 5,926 ac-ft/yr was calculated. Since the withdrawal and recharge rates are estimates, it can be surmised, from the observation well water levels, that there is most likely unappropriated water available in the Gray Goose aquifer.

EXISTING WATER RIGHTS:

There are five wells supplying water rights/permits and two domestic wells within one mile of the location of the well that this application proposes to use. Based on the observation well hydrographs Interference should not be an issue if this application is approved. Table 2 lists the water rights/permits near to the well proposed by this application.

PERMIT NO.	NAME	STATUS	TYPE	CFS	ACRES
1987B-3	Jim Schumacher	LC	IRR	2.11	148
2488-3A	Jim Schumacher	LC	IRR	1.56	127
6281-3	Dakota Value Capture Co	PE	COM, IND	2.22	N/A
**6726-3	Ron L. Young	PE	IRR	0.1	16
6732-3	Oahe Speedway LLC.	PE	IRR	0.067	30
LC= Water Right, PE= Water Permit, IRR = Irrigation, COM= Commercial, IND= Industrial					

Table 2- Water Rights within one mile of the proposed well location (Water Rights, 2012b).

** Water Permit No. 6726-3 is subject to cancelation due to non-construction. Water Permit Application No. 7380-3 intends to irrigate 16 acres currently authorized under Water Permit No. 6726-3.

CONCLUSIONS:

1. This application proposes to appropriate 120 acre-feet annually for the irrigation of 60 acres, but the amount of water that actually will be used is expected to be considerably less.
2. There is a reasonable probability that unappropriated water is available from the Gray Goose aquifer to supply this proposed diversion
3. There is a reasonable probability that the diversion requested by this application can be made without adversely affecting existing water rights.

Adam Mathiowetz

Adam Mathiowetz
SD DENR-Water Rights Program

REFERENCES:

- Hamilton, L.J. 1986. Water Resources of Hughes County, South Dakota. U.S. Geological Survey. Water-Resources Investigations Report 84-4195. Huron, South Dakota.
- Hedges, L.S., J. Allen, and D.E. Holly. 1985. Evaluation of Ground-water Resources Eastern South Dakota and Upper Big Sioux River South Dakota and Iowa. Task 7: Ground Water Recharge. SD-DENR Geological Survey. Vermillion, South Dakota.
- Water Rights. 1980-2012. "1979-2011 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD.
- Water Rights. 2012a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2012c. Well Construction Logs. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

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SEP 11 2012

Form 8

WATER RIGHTS
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PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following date:

8-31-12

Cost of Printing 28.91

Marylinn Baker
(Signature)

Bookkeeper
(Title)

9-10-12

(Date Signed)

10/1/12
NOTICE OF
APPLICATION
NO. 7380-3 to
Appropriate
Water
Notice is given
that Jonathon Ho-
ter, 3608 N Fron-
tier Rd, Ft. Pierre
SD 57532 has
filed an application
for a water permit
to appropriate
0.22 cubic feet of
water per second
from one existing
well completed
into the Gray
Goose Aquifer (80
feet deep) located
in SE 1/4 NE 1/4
Section 4 for irri-
gation of 80 acres
located in the E
1/2 NE 1/4, NW
1/4 NE 1/4 Sec-

Public Notice
tion 4; all in
T112N-R80W.
Pursuant to
SDCL 46-2A-2,
the Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 7380-3
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully im-
paired, 3) it is a
beneficial use of
water, and 4) it is
in the public inter-
est. In accor-
dance with SDCL
46-2A-23, the
Chief Engineer will
act on this appli-
cation, as recom-
mended, unless a
petition is filed op-
posing the appli-
cation or the appli-
cant files a petition
contesting the
Chief Engineer's
recommendation.
If a petition oppos-
ing the application
or contesting the
recommendation
is filed, then a
hearing will be
scheduled and the
Water Manage-
ment Board will
consider this ap-
plication. Notice
of the hearing will
be given to the ap-
plicant and any
person filing a pe-
tition.
Any person inter-
ested in opposing
or supporting this
application or rec-
ommendation
must file a written
petition with
BOTH the appli-
cant and Chief En-
gineer. The appli-
cant must file a
petition if contest-
ing the Chief En-
gineer's recommen-
dation. The Chief
Engineer's ad-
dress is "Water
Rights Program,
Foss Building, 523
E Capitol, Pierre
SD 57501 (805
773-3352)" and
the applicant's
mailing address is
given above. A
petition filed by ei-
ther an interested
person or the ap-
plicant must be
filed by Septem-
ber 17, 2012.
The petition may
be informal, but
must include a
statement describ-
ing the petitioner's
interest in the ap-
plication, the peti-
tioner's reasons
for opposing or
supporting the ap-
plication, and the
signature and
mailing address of
the petitioner or
the petitioner's le-
gal counsel, if le-
gal counsel is ob-
tained. Contact
Eric Gronlund at
the above Water
Rights Program
address to request
copies of informa-
tion pertaining to
this application.
Steven M. Pinner,
Secretary, Depart-
ment of Environ-
ment and Natural
Resources.

Published once at
the total approx-
imate cost of
\$28.91.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

August 28, 2012

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 7380-3 to Appropriate Water. Please publish the notice once on xx. 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 and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is Jonathon Hofer, 3608 N Frontier Rd., Fort Pierre SD 57532 (Ph # 605-222-3694).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATE, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.

August 28, 2012

Jonathon Hofer
3608 N Frontier Rd
Fort Pierre SD 57532

Dear Mr. Hofer:

Water Permit Application No. 7380-3 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 Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. 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 the Notice on September 5, 2012. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 7380-3 to Appropriate Water

Notice is given that Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has filed an application for a water permit to appropriate 0.22 cubic feet of water per second from one existing well completed into the Grey Goose Aquifer (80 feet deep) located in SE 1/4 NE 1/4 Section 4 for irrigation of 60 acres located in the E 1/2 NE 1/4, NW 1/4 NE 1/4 Section 4; all in T112N-R80W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7380-3 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 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 September 17, 2012.

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.

Published once at the total approximate cost of_____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

OCT 29 2012

Jonathon Hofer
3608 N Frontier Rd
Fort Pierre SD 57532

Dear Mr. Hofer:

Enclosed is Water Permit No. 7380-3 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