

**WATER PERMIT NO. 7508-3**

Name of Applicant: Lynell Hofer

Address: 27618 431<sup>st</sup> Ave, Freeman SD 57029

Phone: 605 925-7140

Amount of Water Claimed: 2.22 cfs

Total Acres: 18 additional acres

Source of Water Supply: groundwater (one additional well)

Water to be used for: irrigation

County: Hutchinson

Type of Waste Disposal System:

Location: 7 miles northwest of Freeman

PRIORITY

Date Received: 10-22-12

Application/License Fee: \$ 700 (needs refund)

Corrected Application Received:

Period of Annual Use: May 1 – Sept 30

Remarks: Additional well and additional acres to Permit No. 6034-3

Diversion Point: NW 1/4 SW 1/4 Sec 15-T99N-  
R57W

Land to be Irrigated: SW 1/4 Sec 15-T99N-R57W

Depth of Well: 175 feet deep

Well Driller: Pullman Drilling

Remarks:

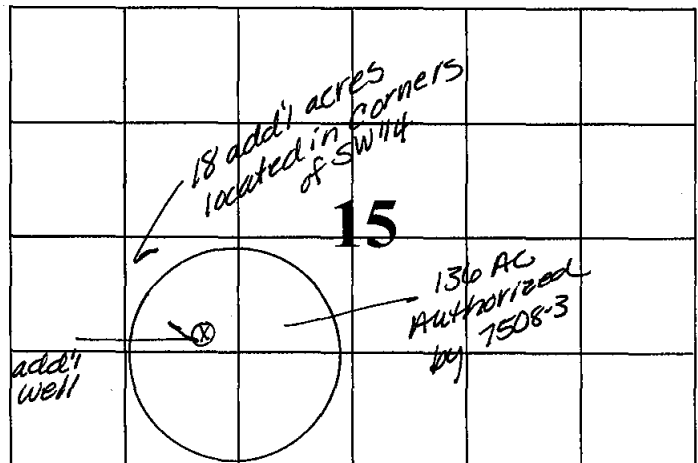
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 11-13-2012

By: **Karen Schlaak**

Notice of Hearing - date to intervene: \_\_\_\_\_



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

|                                                                                                                 |                                                                       |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| Mail to:<br>PMB 2020<br>DENR - Water Rights<br>523 E Capitol Ave<br>Pierre, SD 57501-3182<br>ph. (605) 773-3352 | No. <u>7508-3</u> (office use only) Hydrologic Unit <u>10160011</u>   |
|                                                                                                                 | Basin <u>James River</u> <u>605-925-7033</u>                          |
|                                                                                                                 | Newspaper <u>Freeman Courier Box 950 57029</u><br><u>605-946-5514</u> |
|                                                                                                                 | <u>Daily Republic Box 1288 Mitchell 57301</u>                         |

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OCT 22 2012

WATER RIGHTS  
PROGRAM

## Application For Permit To Appropriate Water For Irrigation

 Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 6034-3  
 (Use predates Mar 2, 1955)

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

6034-3 allows land in Sec 22 and land in 15 to be irrigated. I want to drill well for land in 15-99-571. Name to Appear on Irrigation Permit Lynell Hofer(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent

(name and complete address if different than above name)

Mailing Address 27618 431st Ave Freeman SD 57029  
(Address) (City) (State) (Zip Code)Home Phone 925-7140 Cell 999-1023 Email lhofer@SUTV.com2. Amount of water claimed 2.22 \*CFS or 1000 \*\*GPM \*\*\*AF Total Acreage 154 <sup>18</sup>acres  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)3. Source of water supply well (one additional well)4. Location of point of diversion NW 1/4 of SW 1/4 of Sec 15-99-57 one well  
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)County Hutchinson5. County or counties where water will be used Hutchinson6. Annual period during which water is to be used May 1 - Sept 307. 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>SW 1/4 of Sec 15-99-57</u>       | <u>18 acres</u>                  |                                         |       |
| <u>SW 1/4 of SW 1/4 of 15-99-57</u> | <u>- so owned by Karen Hofer</u> |                                         |       |
|                                     |                                  | <u>27631 431st Ave Freeman SD 57029</u> |       |

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

I am short on water having two pivots on one well so section 22 Pivot would stay with Permit 6034-3 New Permit would provide water for sec 15 if well is successful

I, Lynell Hofer, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

COREY GALL

NOTARY PUBLIC  
SOUTH DAKOTA

Expires 6/18/17

**SOUTH DAKOTA  
WATER PERMIT NO. 7508-3**

Date of first receipt of application October 22, 2012.

Date of return to applicant for corrections, amendments or changes November 7, 2012.

Date of receipt of corrected application November 13, 2012.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7508-3 to Lynell Hofer, 27618 431<sup>st</sup> 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. 7508-3 appropriates 2.22 cubic feet of water per second (cfs) from an additional well and authorizes irrigation of 18 additional acres. Water Right No. 6034-3 authorizes 1.78 cfs from one well located in the W 1/2 NW 1/4 Section 22 for irrigation of 246 acres located in the SW 1/4 Section 15 and NW 1/4 Section 22; all in T99N-R57W. This permit appropriates 2.22 cfs from an additional well to be completed into the Lower James:MissouriAquifer (175 feet deep) located in the NW 1/4 SW 1/4 Section 15 to irrigate an additional 18 acres located in the SW 1/4 Section 15; all in T99N-R57W. This will allows both pivots to run simultaneously.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is October 22, 2012.
4. The date of approval of Permit No. 7508-3 is February 4, 2013.
5. One-fifth of the construction is to be completed on or before August 4, 2015.
6. All construction is to be completed on or before February 4, 2018.
7. Water is to be put to beneficial use on or before February 4, 2022.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

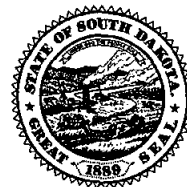
1. The wells approved under Water Right No. 6034-3 and Permit No. 7508-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The new well authorized by Permit No. 7508-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7508-3 authorizes a maximum diversion rate of 4.0 cfs for the irrigation of 264 acres with an annual volume not to exceed 2 acre feet of water per acre per year
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

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

**MAR 28 2013**

date



## Supplemental Information

(type or print)

### 1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s)

a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Grimshaw Drilling  
(if yes, please provide copies of logs)

b) If existing wells, how many      Provide copy of log(s), if available. Drilled by     

c) Well Depth 172 Depth to Top of Water Bearing Material 94 Depth to Water from Surface     

d) Distance to nearest existing domestic well:

On applicant's property 1/2 mile On property owned by others 1/2 mile

### 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)

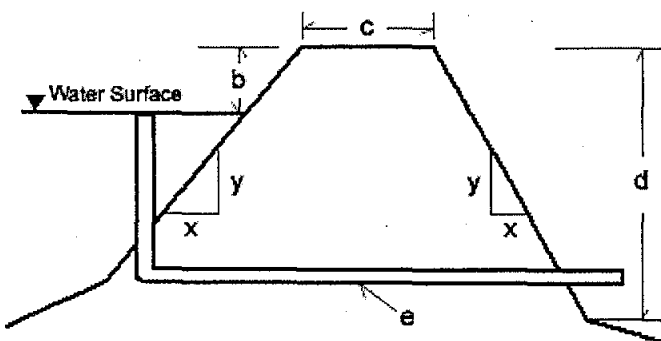
Upstream     

Downstream     

h) Surface Area of Impoundment     

i) Storage      Acre Feet

j) Drainage Area Above Dam      Acres

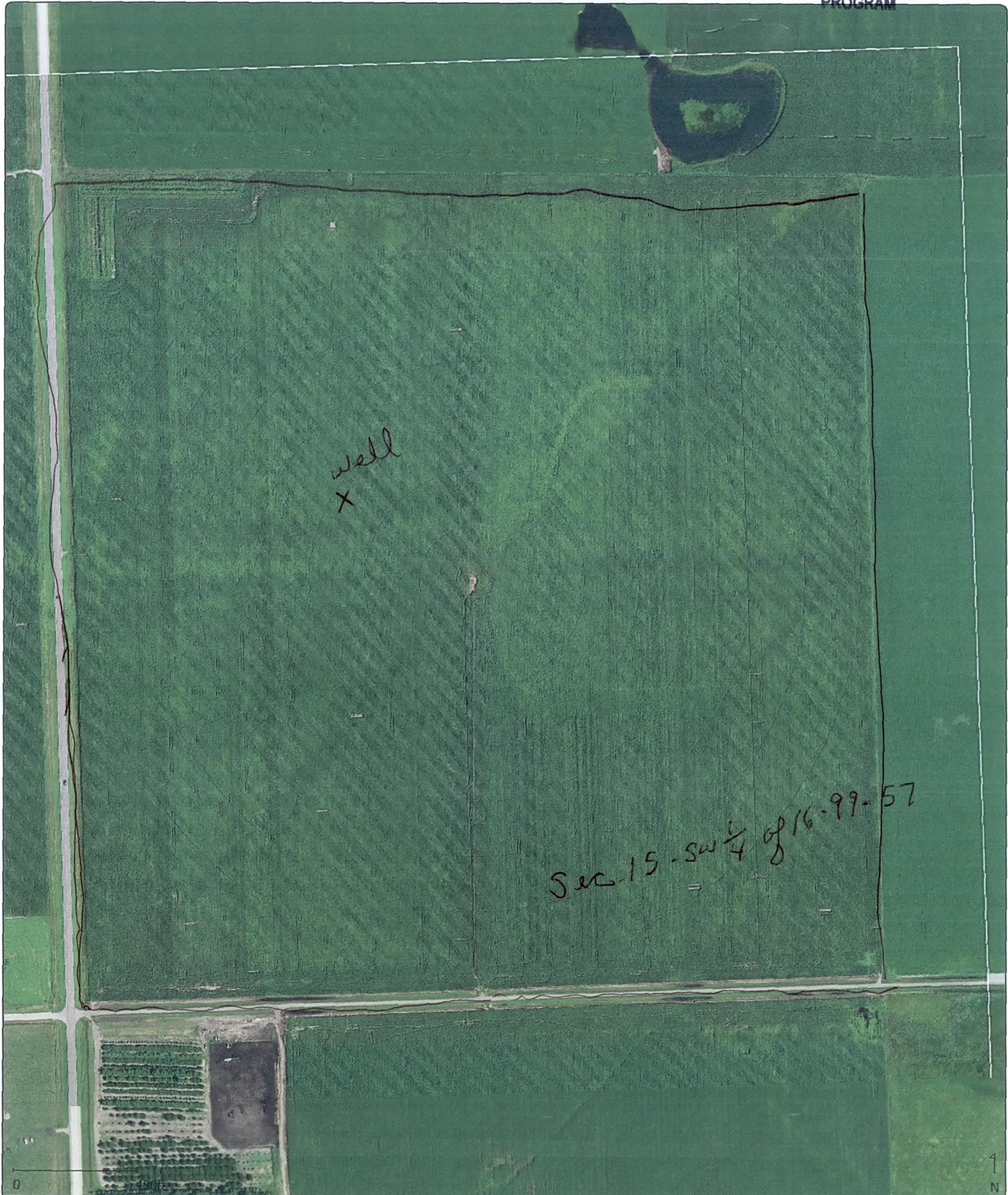


# SMS Map

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OCT 22 2012

WATER RIGHTS  
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# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/30, 20 12

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>7508-3</u> to Appropriate Water, to construct and to put water to beneficial use | 850   | 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>7508-3</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 | 1050 00 |

No. 05664

By [Signature]  
Chief Engineer

## Schlaak, Karen

---

**From:** Gronlund, Eric  
**Sent:** Wednesday, October 24, 2012 9:36 AM  
**To:** 'lhofer@svtv.com'  
**Cc:** Schlaak, Karen  
**Subject:** water right permitting  
**Attachments:** hofer.pdf

Lynell

The Water Rights Program received two applications from you for changes to your irrigation system. I called you and went over it and am now emailing you to insure you concur.

The first application is for the acres in the SW ¼ Section 15 (east side of road). Currently, Water Right No. 6034-3 appropriates 1.78 cfs (800 gpm) from one well in the NW ¼ Section 22 to irrigate a total of 246 acres in the NW ¼ Section 22 and the SW ¼ Section 15. Our understanding is the application is to drill an additional well in the SW ¼ Section 15 and request a diversion rate of 1000 gpm from that new well so the two center pivots can run independent of each other. As the system currently exists, the existing well can only supply one pivot at a time. This application is also for an additional 18 acres in the event you decide to put a cornering system on the pivot in the SW ¼ Section 15.

The application fee for additional diversion rate authority and 18 additional acres will be \$700. You submitted a check for \$1050. It is our intent to receipt the check you submitted and refund the additional \$350.

The second application is for the irrigation system you have in the E ½ Section 16 (west side of the road). Water Right No. 5980-3 and Permit No. 6927-3 appropriate 2.0 cfs (900 gpm) from one well located in the SE ¼ SW ¼ Section 16 to irrigate a total of 210 acres. Attached is a map showing the existing systems and in yellow the two windshield wipe pivot you intent to install. Based on the irrigation coverage (in green) there is 171 acres being irrigated. The intention is to develop 32 additional acres by the two pivots in yellow. However, Permit No. 6927-3 is still within its construction period which is March 3, 2013. So combined you will not be exceeding the 210 acres authorized ( $171 + 32 = 203$  acres). However, you still want to pursue increasing the diversion rate supplied by the well from 900 gpm to 1000 gpm. So we will proceed with processing the application as a request for an additional 100 gpm and clarify the acres irrigated since you have changed the configuration of the pivots in the E ½ of Section 16.

Let me know if you concur with proceeding in this manner.

Eric Gronlund  
Water Rights Program, DENR  
605 773-3352  
[eric.gronlund@state.sd.us](mailto:eric.gronlund@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](http://denr.sd.gov)

November 7, 2012

Lynell Hofer  
27618 431<sup>st</sup> Ave  
Freeman SD 57029

Dear Mr. Hofer:

We have received your two applications for changes to your irrigation systems. Eric Gronlund with this office has spoken with you regarding the applications and then sent a follow-up email correspondence to insure you agreed. We have not received a response from you regarding the email.

The first application is for the acres in the SW  $\frac{1}{4}$  Section 15 (east side of road). Currently, Water Right No. 6034-3 appropriates 1.78 cfs (800 gpm) from one well in the NW  $\frac{1}{4}$  Section 22 to irrigate a total of 246 acres in the NW  $\frac{1}{4}$  Section 22 and the SW  $\frac{1}{4}$  Section 15. Our understanding is the application is to drill an additional well in the SW  $\frac{1}{4}$  Section 15 and request a diversion rate of 1000 gpm from that new well so the two center pivots can run independent of each other. As the system currently exists, the existing well can only supply one pivot at a time. This application is also for an additional 18 acres in the event you decide to put a cornering system on the pivot in the SW  $\frac{1}{4}$  Section 15.

The application fee for additional diversion rate authority and 18 additional acres will be \$700. You submitted a check for \$1050. It is our intent to refund the additional \$350.

The second application is for the irrigation system you have in the E  $\frac{1}{2}$  Section 16 (west side of the road). Water Right No. 5980-3 and Permit No. 6927-3 appropriate 2.0 cfs (900 gpm) from one well located in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  Section 16 to irrigate a total of 210 acres. Attached is a map showing the existing systems and in yellow the two windshield wiper pivot you intent to install. Based on the irrigation coverage (in green) there is 171 acres being irrigated. The intention is to develop 32 additional acres by the two pivots in yellow. However, Permit No. 6927-3 is still within its construction period which is March 3, 2013. So combined you will not be exceeding the 210 acres authorized ( $171 + 32 = 203$  acres). However, you still want to pursue increasing the diversion rate supplied by the well from 900 gpm to 1000 gpm. So we will proceed with processing the application as a request for an additional 100 gpm and clarify the acres irrigated since you have changed the configuration of the pivots in the E  $\frac{1}{2}$  of Section 16.

Please let Eric Gronlund or me know if you concur with proceeding in this manner.

Sincerely,

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

Karen Schlaak  
Water Rights Program  
605 773-3352  
[karen.schlaak@state.sd.us](mailto:karen.schlaak@state.sd.us)

enclosures

Water Rights Program - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Applications for Lynell Hofer

ADDRESS: 27618 431<sup>st</sup> Avenue, Freeman SD      COUNTY: Hutchinson County

DATE: November 13, 2012      TELEPHONE:

RE:

Mr. Hofer called and concurred with Karen Schlaak's November 7, 2012 letter regarding both his applications.

NAME: Eric Stenberg



**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. 7508-3, 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. 7508-3, Lynell Hofer, 27618 431<sup>st</sup> Avenue, Freeman SD 57029.

The Chief Engineer is recommending APPROVAL of Application No. 7508-3 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 wells approved under Water Right No. 6034-3 and Permit No. 7508-3 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 new well authorized by Permit No. 7508-3 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. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 7508-3 authorizes a maximum diversion rate of 4.0 cfs for the irrigation of 264 acres with an annual volume not to exceed 2 acre feet of water per acre per year
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer  
January 15, 2013

**REPORT TO THE CHIEF ENGINEER  
ON  
WATER PERMIT APPLICATION NOS. 7508-3 & 7509-3  
LYNELL HOFER  
JANUARY 4, 2013**

Water Permit Application No. 7508-3 proposes to appropriate up to an additional 36 acre-feet of water per year (ac-ft/yr) at a maximum additional diversion rate of 2.22 cubic feet of water per second (cfs) from one additional well to be completed into the Lower James Missouri aquifer. The well is expected to be 175 feet deep and is to be located in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 15 to irrigate an additional 18 acres located in the SW $\frac{1}{4}$  of Section 15, all in T99N-R57W. Water Right No. 6034-3 authorizes a maximum diversion rate of 1.78 cfs from one existing well completed into the Lower James Missouri aquifer located in the W $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 22 for irrigation of 246 acres located in the SW $\frac{1}{4}$  of Section 15 and NW $\frac{1}{4}$  of Section 22, all in T99N-R57W. If approved, this application plus Water Right No. 6034-3 will result in two wells diverting at a total maximum diversion rate of 4.00 cfs to irrigate a total of 264 acres, resulting in a diversion rate in excess of the statutory limit of one cfs per 70 acres. The addition of the proposed well will allow two pivots to run simultaneously.

Water Permit Application No. 7509-3 proposes to appropriate up to an additional 126 ac-ft/yr at a maximum additional diversion rate of 0.22 cfs from one existing well authorized by Water Right No. 5980-3 to irrigate an additional 63 acres located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and N $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 16, T99N-R57W. Water Right No. 5980-3 authorizes a maximum diversion rate of 2.0 cfs from one existing well completed into the Lower James Missouri aquifer located in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 16 for irrigation of 170 acres located in the N $\frac{1}{2}$  SE $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and S $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 16, all in T99N-R57W. Water Permit No. 6927-3 authorizes the irrigation of 40 additional acres located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 16, T99N-R57W, from the existing well authorized by Water Right No. 5980-3. If approved, this application plus Water Right No. 5980-3 and Water Permit No. 6927-3 will result in one well diverting at a total maximum diversion rate of 2.22 cfs to irrigate a total of 273 acres. This application also serves to define the location of acres irrigated authorized by Water Right No. 5980-3, Water Permit No. 6927-3, and the water permit proposed by this application due to reconfiguration of pivots.

Figure 1 shows the location of acres irrigated and existing wells authorized by Water Right Nos. 5980-3, 6034-3, and 6249-3, and Water Permit No. 6927-3. No changes have been requested regarding Water Right No. 6249-3. However, this water right is also authorized to Lynell Hofer, the applicant, and is in the immediate area, and therefore, will be included when addressing the irrigation system as a whole in this report. Figure 2 shows the location of acres to be irrigated and well site proposed by Water Permit Application Nos. 7508-3 and 7509-3.

**AQUIFER: Lower James Missouri aquifer (LJM)**

**GEOLOGY AND AQUIFER CHARACTERISTICS:**

The Lower James Missouri aquifer is a glacial outwash consisting of fine sand to cobble gravel that can be under water table or artesian conditions depending on location (Lindgren and Hansen, 1990). The aquifer appears to be under artesian conditions in the area of the irrigation system of

the water rights, water permit, and water permit applications pertaining to this report (Water Rights, 2013a; Water Rights, 2013b). In total, the Lower James Missouri aquifer is estimated to underlie 191,700 acres and contain 2,785,400 acre-feet (ac-ft) of recoverable water in storage (Hedges and others, 1982). The aquifer extends from Hutchinson County southeast into a Yankton County and further southeast into a small portion of Clay County. Hedges and others (1982) estimated that in Hutchinson County alone the Lower James Missouri aquifer underlies 93,800 acres and contains 633,150 ac-ft of recoverable water in storage. Lindgren and Hansen (1990) estimated that in Hutchinson County alone the aquifer underlies 268 square miles, equating to 171,520 acres. The aquifer is hydraulically connected to the remainder of the Lower James Missouri aquifer in Yankton and Clay Counties, the Choteau aquifer in T99N-R59W, the Lower James Missouri: Scotland aquifer, the Niobrara aquifer in T97N-R57W, the James River, and the Missouri River (Lindgren and Hansen, 1990).

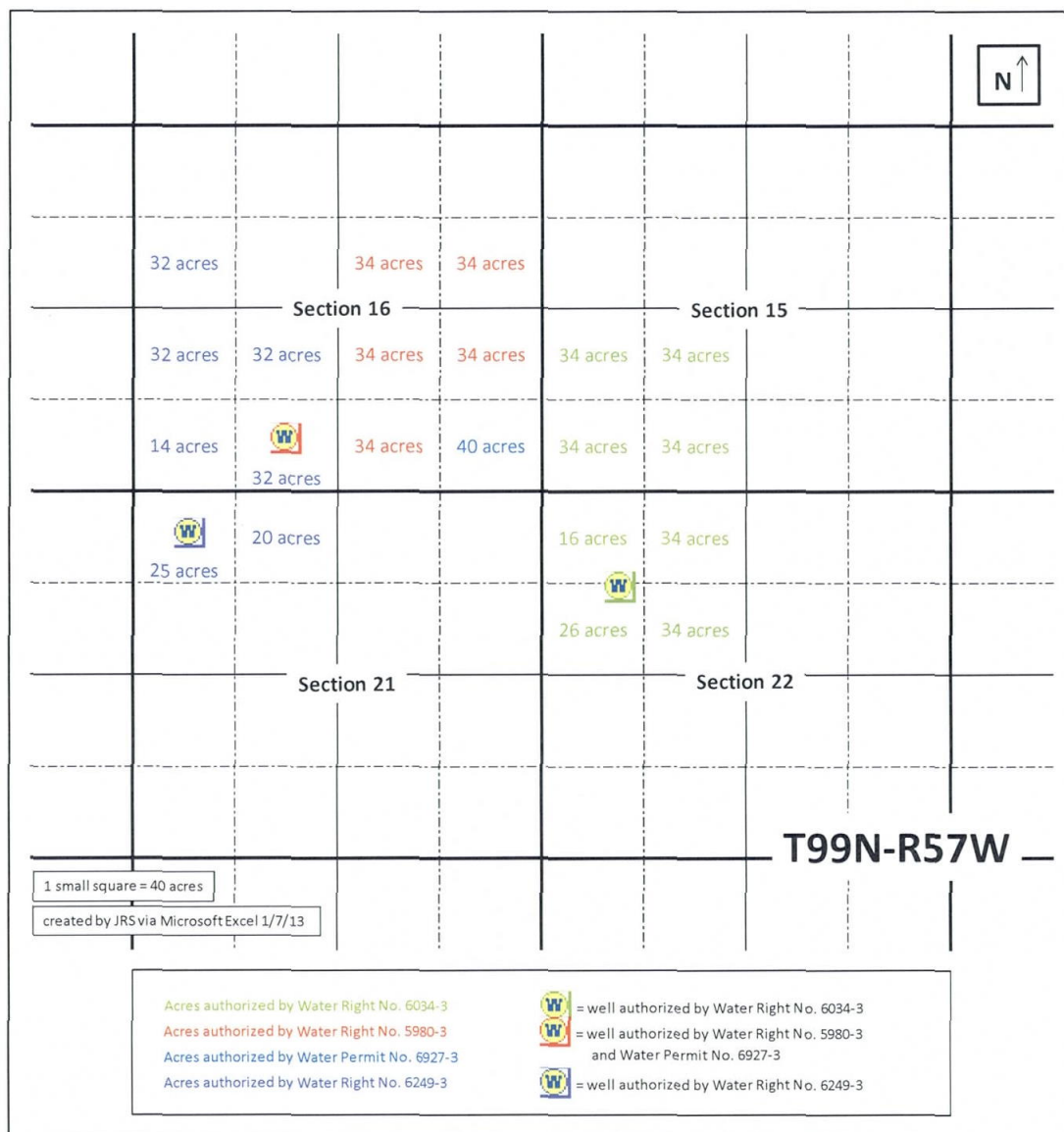


Figure 1: Location of acres irrigated and existing wells authorized by Water Right Nos. 5980-3, 6034-3, and 6249-3, and Water Permit No. 6927-3 (Water Rights, 2012b)

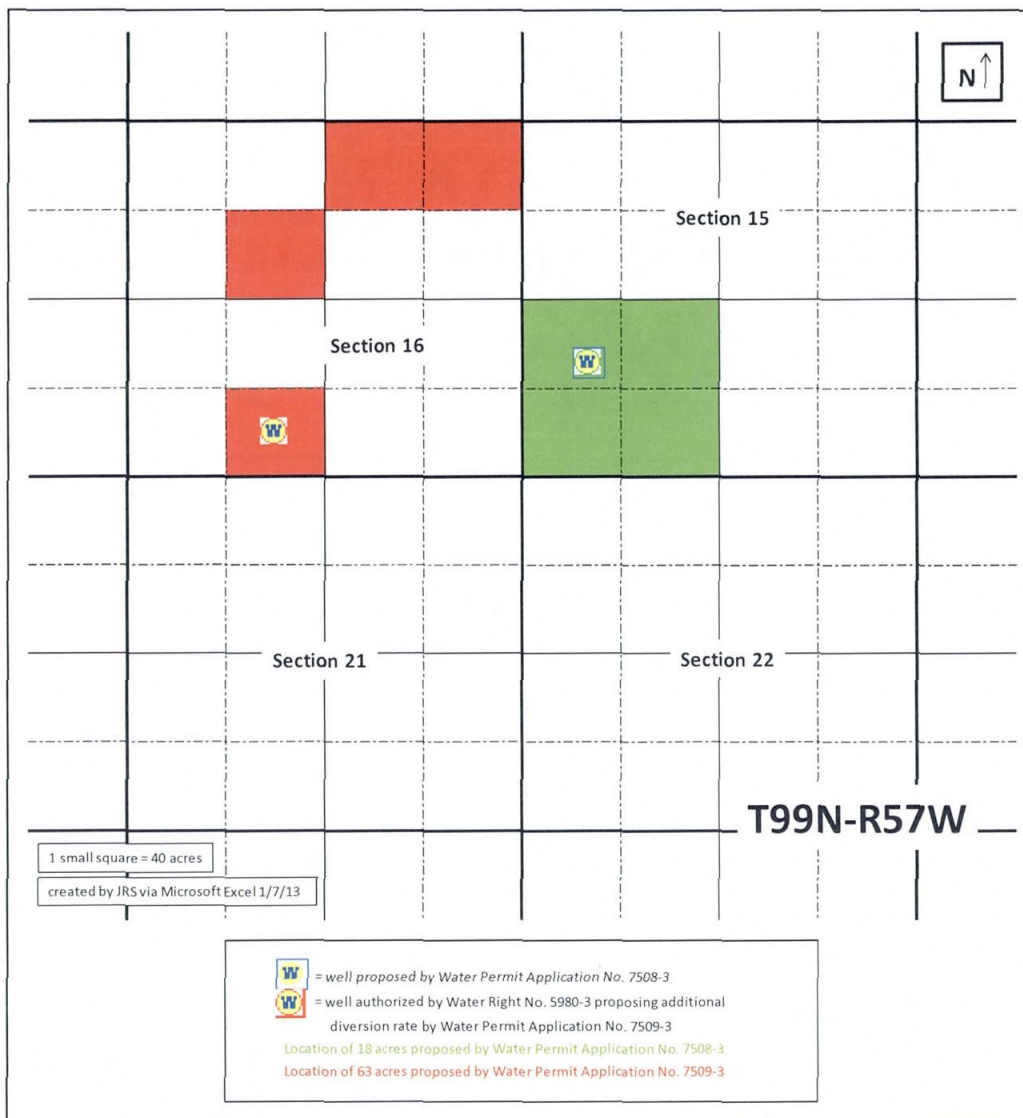


Figure 2: Location of acres to be irrigated and well site proposed by Water Permit Application Nos. 7508-3 and 7509-3 (Water Rights, 2012b)

The Lower James Missouri has an estimated average thickness of 69 feet and depth to the top of the aquifer ranges from ground surface to 245 feet below ground surface (Lindgren and Hansen, 1990). In the area of the irrigation system of the water rights, water permit, and water permit applications pertaining to this report, aquifer materials generally begin at 1140 to 1185 feet above mean sea level (msl) beneath a thick layer of clay with some layers of sand and gravel intermixed, and the thickness ranged from 40 to 80 feet ("Lithologic Logs Database;" Water Rights, 2013b). From the nearest observation well, the static water level of the aquifer in the area of the irrigation system ranged from 1207 to 1189 feet above msl from 1981 to present (Water Rights, 2013a).

#### SDCL 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a 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 and pertinent to these applications.

#### **WATER AVAILABILITY:**

Water Permit Application No. 7508-3 proposes to appropriate an additional 36 ac-ft/yr and Water Permit Application No. 7509-3 proposes to appropriate an additional 126 ac-ft/yr, both from the Lower James Missouri aquifer. If these applications are approved, the actual water use will likely be less than the appropriations. 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 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."

#### **HYDROLOGIC BUDGET:**

##### *Recharge:*

Recharge to the Lower James Missouri aquifer in Hutchinson County occurs due to infiltration of precipitation where the aquifer is at or near land surface, upward leakage from the Sioux Quartzite and Dakota aquifer, inflow from the Choteau and Niobrara aquifers, and inflow from the aquifer in surrounding counties (Lindgren and Hansen, 1990). Hedges and others (1985) estimated the recharge rate, based on a regional flow-net analysis, of the aquifer to be 1.5 inches per year. Using this recharge rate and the area of the aquifer estimated by Lindgren and Hansen (1990), recharge for the Lower James Missouri aquifer in Hutchinson County is estimated to equal 21,440 ac-ft/yr.

##### *Discharge:*

Discharge from the Lower James Missouri aquifer in Hutchinson County occurs due to evapotranspiration in areas where the aquifer is at or near land surface, seepage to the James River, outflow to the aquifer in surrounding counties, and well withdrawals. Currently there are 32 water rights/permits appropriating water from the Lower James Missouri aquifer in Hutchinson County. Two of these water rights/permits are authorized for commercial use and the remainder are authorized for irrigation use (Water Rights, 2013b). There are also pending water permit applications.

From the Lower James Missouri aquifer in Hutchinson County, the maximum diversion rate for non-irrigation use totals 0.334 cfs. The amount of water that can be expected to be withdrawn by the non-irrigation use water rights/permits at the current appropriation amount can be estimated by assuming water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time. Therefore, the total annual withdrawal from the Lower James Missouri aquifer in Hutchinson County by non-irrigation use is expected to total less than 145 ac-ft/yr (Water Rights, 2013b).

Figure 3 shows the Lower James Missouri aquifer's historic irrigation data for Hutchinson County. The development of this aquifer increased dramatically in the late 1980s and early 1990s and has remained constant since, except for a slight decrease and increase for a couple years in the mid 2000s. Pumpage increased in the 1990s and has since remained at this general higher rate of use. The annual withdrawal due to irrigation use fluctuates greatly, which is probably due mostly to annual growing season climatic conditions. The average pumpage reported equals 718 ac-ft/yr. The maximum pumpage reported was in 2002 for 1,840 ac-ft/yr (Water Rights, 1979-2013). Based on the trend of irrigation data, the development of this aquifer will probably continue to increase.

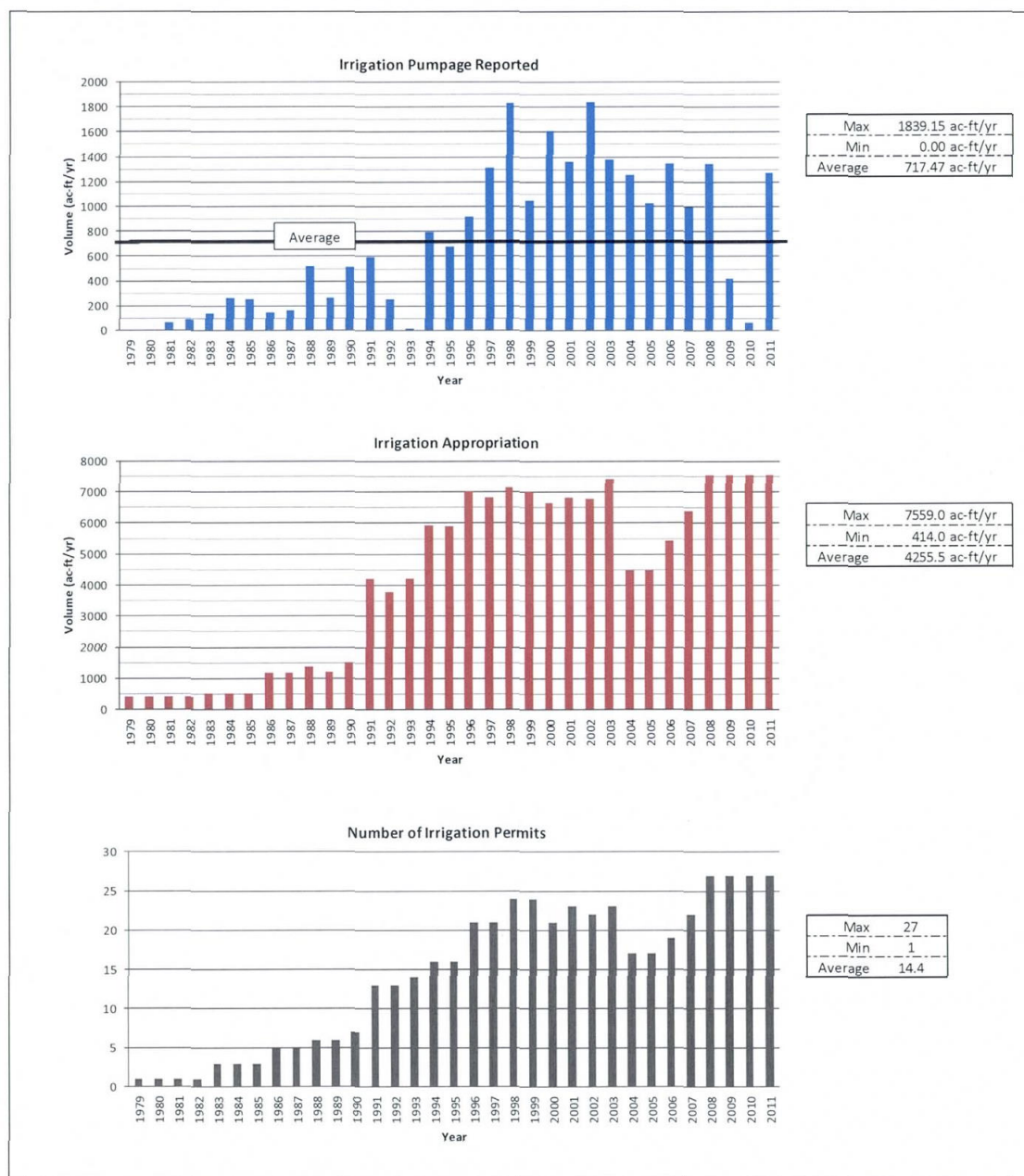


Figure 3: Historic irrigation water use from the Lower James Missouri aquifer in Hutchinson County (Water Rights, 1979-2013)

There are also many completion reports on file with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Lower James Missouri aquifer (Water Rights, 2013c). The annual withdrawal due to domestic use is not significant to the hydrologic budget of the aquifer.

#### *Hydrologic Budget:*

The annual withdrawal from the Lower James Missouri aquifer in Hutchinson County is estimated to be at maximum 1,985 ac-ft/yr, but the actual annual pumpage will often be much less. Using potential maximum withdrawal creates the most conservative estimate. This potential maximum annual withdrawal is still much less than the estimated annual recharge. Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer for the proposed appropriations of 26 and 126 ac-ft/yr.

#### **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 32 observation wells completed into the Lower James Missouri aquifer (Water Rights, 2013a). Observation well HT-81D is located in the area of the irrigation system of the water rights, water permit, and water permit applications pertaining to this report, as shown in Figure 4. The next nearest observation well, HT-82C, is located approximately three miles west of this irrigation system, as shown in Figure 4. The hydrographs of these observation wells are shown in Figures 5 and 6.

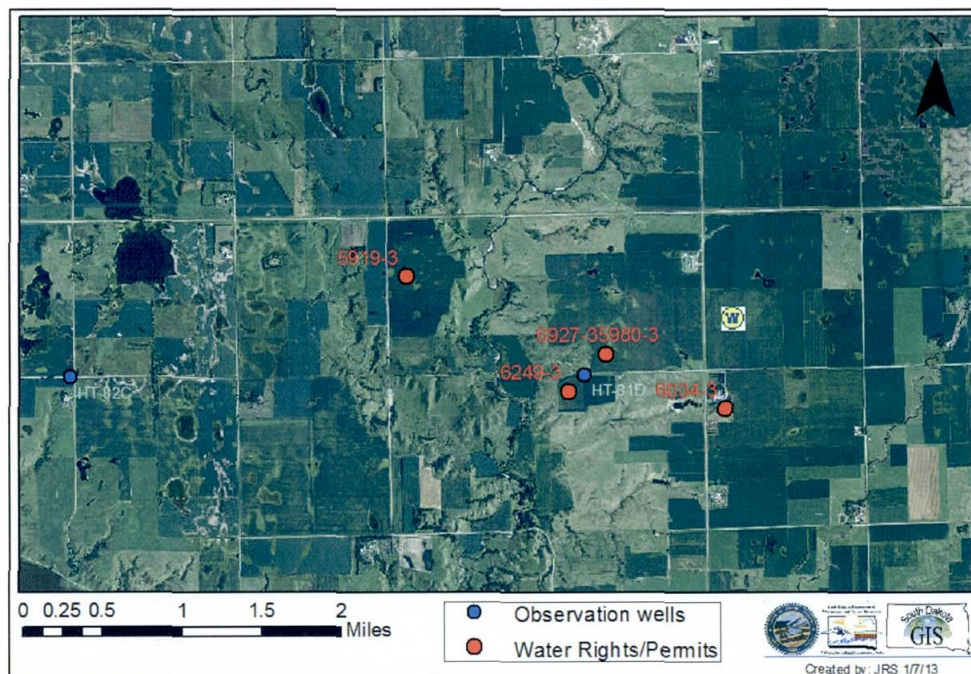


Figure 4: Map of wells in area of irrigation system of the water rights, water permits, and water permit applications pertinent to this report

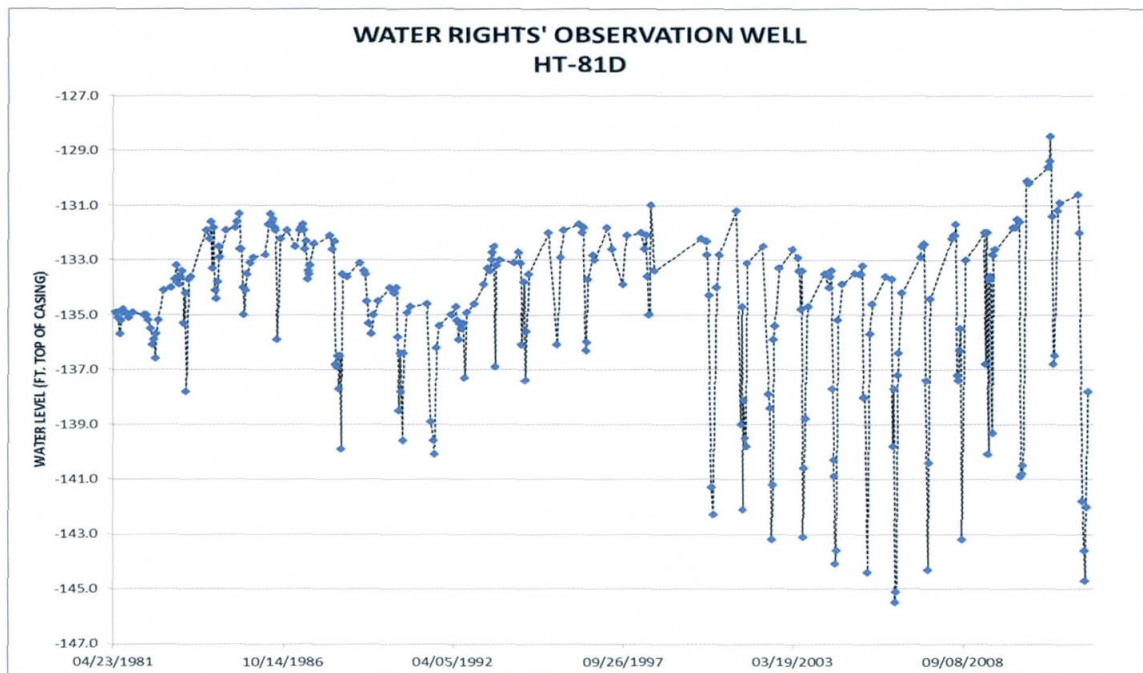


Figure 5: Hydrograph for DENR-Water Rights' observation well HT-81D (Water Rights, 2013a)

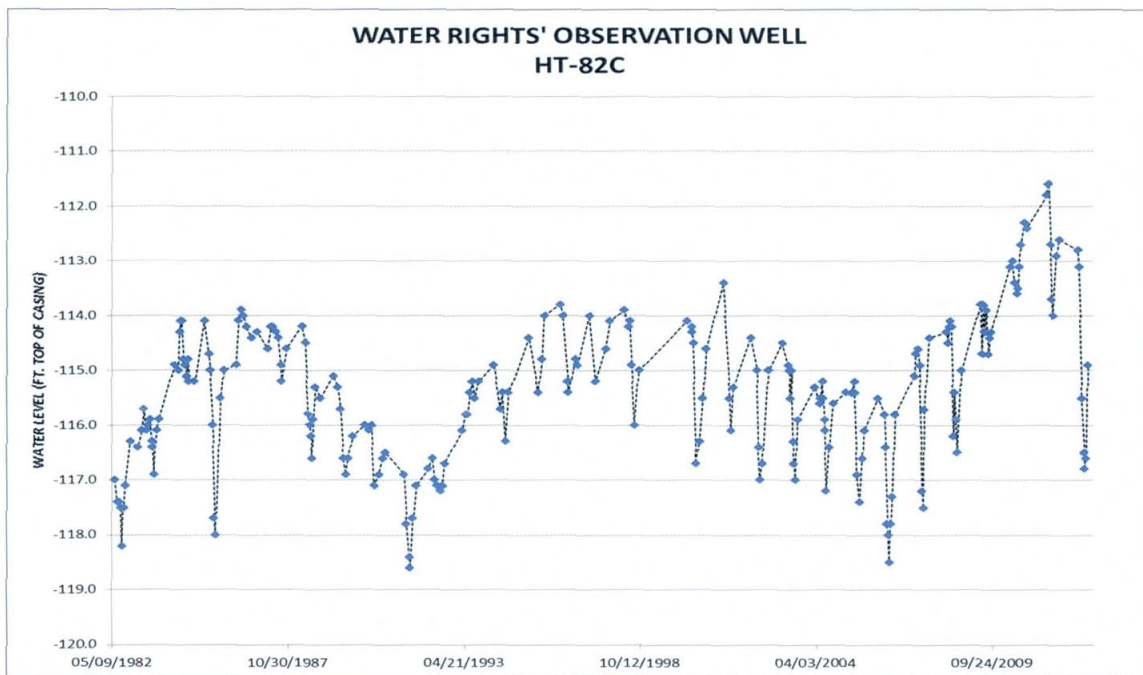


Figure 6: Hydrograph for DENR-Water Rights' observation well HT-82C (Water Rights, 2013a)

The observation well data documents cyclic conditions of water levels, recharging during wet years and declining during dry years. This is more evident in the hydrograph of observation well HT-82C located further than one mile from any existing wells. The hydrographs also show the effects of nearby pumping on the aquifer. This is more evident in the hydrograph of observation well HT-81D located near several existing wells. Observation well data indicates that, at the

current level of development, temporal well withdrawal is masked by climatic conditions, indicating that recharge to and natural discharge from the aquifer greatly exceeds well withdrawal. Therefore, there is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to support the proposed appropriations of 26 and 126 ac-ft/yr.

#### **EXISTING WATER RIGHTS:**

Water Permit Application Nos. 7508-3 and 7509-3 pertain to Water Right/Permit Nos. 5980-3, 6034-3, and 6927-3. All of these have been submitted by and authorized to Lynell Hofer. Water Right No. 6249-3 is in the immediate area and is also authorized to Lynell Hofer. These water rights, water permit, and water permit applications consist of the irrigation system pertaining to this report.

Water Right No. 5919-3, authorized to Wolf Creek Hutterian, is the only other water right/permit completed into the Lower James Missouri aquifer within two miles of the wells of this irrigation system. The water right is located further than one mile from this irrigation system (Water Rights, 2013b). There are several well completion reports on record with the SD DENR-Water Rights Program for domestic wells that appear to be completed into the Lower James Missouri aquifer within two miles of the wells of this irrigation system (Water Rights, 2013c).

Because the Lower James Missouri aquifer is under artesian conditions in this area, some drawdown due to pumping is likely. As previously discussed, the static water level ranged from 1207 to 1189 feet above msl from 1981 to present in the observation well nearest the irrigation system (Water Rights, 2013a). The top of the aquifer in this observation well begins at 1185 feet above msl ("Lithologic Logs Database"). Therefore, there is likely at minimum four feet of head pressure in the aquifer in this area. The drawdown at a distance of two miles from the irrigation system due to the additional well and diversion rates requested, if approved, will likely be minimal compared to existing water level fluctuation.

Considering that SDCL 46-6-6.1 does not protect artesian head pressure as a means of delivery and the Water Management Board has consistently recognized that to place water to maximum beneficial use a certain amount of drawdown may occur, a nearby adequate well defined by ARSD 74:02:20(7), which states that the pump intake must be set 20 feet below the top of the aquifer or, if the aquifer is less than 20 feet thick, as near to the bottom of the aquifer as is practical, is not expected to be adversely or unlawfully impaired. Therefore, there is a reasonable probability that any well interference from the proposed appropriation will not adversely or unlawfully impair existing users.

#### **SDCL 46-5-6**

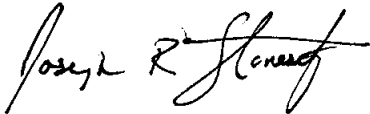
Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cubic foot of water per second for every seventy acres, or "the equivalent thereof." The statute provides that the Water Management Board may allow a greater diversion if the method of irrigation so requires.

If approved, Water Permit Application No. 7509-3 plus Water Right No. 6034-3 will result in two wells diverting at a total maximum diversion rate of 4.00 cfs to irrigate a total of 264 acres,

equating 1.06 cfs per 70 acres. The addition of the proposed well will allow two pivots to run simultaneously.

**CONCLUSIONS:**

1. Water Permit Application No. 7508-3 proposes to authorize one additional well to divert water at a maximum additional diversion rate of 2.22 cfs to irrigation an additional 18 acres.
2. Water Permit Application No. 7509-3 proposes to authorize an additional maximum diversion rate of 0.22 cfs from one existing well authorized by Water Right No. 5980-3 to irrigate an additional 63 acres.
3. Water Permit Application No. 7509-3 also serves to clarify the location of acres irrigated authorized by Water Right No. 5980-3, Water Permit No. 6927-3, and the water permit proposed by this application due to reconfiguration of pivots.
4. There is a reasonable probability that unappropriated water is available from the Lower James Missouri aquifer to supply the proposed appropriations.
5. There is a reasonable probability that the proposed additional well and diversion rates will not cause a significant impact to existing nearby wells and therefore, will not adversely or unlawfully impair existing users.
6. Water Permit Application No. 7508-3 has requested an additional diversion rate in excess of one cfs per 70 acres to operate to pivots simultaneously.



Joseph R. Stonesifer  
SD DENR-Water Rights Program

Approved by



Ken Buhler  
SD DENR-Water Rights Program

## REFERENCES:

- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.A., and Schoon, R.A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa, Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota and Iowa. Task 7: Ground Water Recharge. South Dakota DENR-Geological Survey, Vermillion, SD.
- Lindgren, R.J. and Hansen, D.S. 1990. Water Resources of Hutchinson and Turner Counties, South Dakota. Water-Resources Investigations Report 90-4093. U.S. Geological Survey. Huron, SD.
- "Lithologic Logs Database." South Dakota Department of Environment & Natural Resources Geological Survey. 7 January 2013
- Water Rights. 1979-2013. "Annual Irrigation Summary by Aquifer": SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013a. Observation Well Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013b. Water Right/Permit Files, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.
- Water Rights. 2013c. Water Well Completion Reports, SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, SD.

F RECEIVED

JAN 28 2013

WATER RIGHTS  
PROGRAM

# AFFIDAVIT OF PUBLICATION

County of Hutchinson )

) ss.

State of South Dakota )

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

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

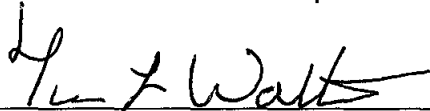
The first publication on:

**January 23, 2013**

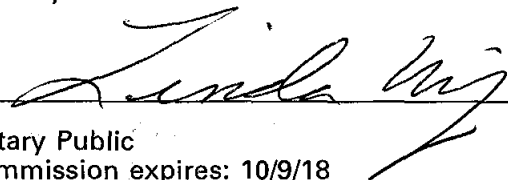
the second publication on:

and the third publication on:

That the full amount of the fees charged for publishing the same to-wit: The sum of **\$39.80** insures solely to the benefit of the publisher of the Freeman Courier, that no agreement or understanding for any division thereof has been made with any other person whomsoever, and the amount of **\$39.80** is the rate for publishing legal notices.



Subscribed and sworn to before me this 23rd day of January 2013.



Notary Public  
Commission expires: 10/9/18

Publication fee:           **\$39.80**  
Notary fee:  
Total:                       **\$39.80**

## Notice of Application No. 7508-3 and 7509-3 to Appropriate Water

Notice is given that Lynell Hofer, 27618 431st Ave, Freeman SD 57029 has filed the following applications for a water permit.

Application No. 7508-3 proposes to appropriate 2.22 cubic feet of water per second (cfs) from an additional well and to irrigate 18 additional acres. Water Right No. 6034-3 authorizes 1.78 cfs from one well located in the W 1/2 NW 1/4 Section 22 for irrigation of 246 acres located in the SW 1/4 Section 15 and NW 1/4 Section 22, all in T99N-R57W. This application proposes to appropriate 2.22 cfs from an additional well to be completed into the Lower James Missouri Aquifer (175 feet deep) located in the NW 1/4 SW 1/4 Section 15 to irrigate an additional 18 acres located in the SW 1/4 Section 15, all in T99N-R57W. This will allow both pivots to run simultaneously.

Application No. 7509-3 proposes to appropriate 0.22 cfs to irrigate 63 additional acres and clarify the location of the irrigated acres authorized by Water Right No. 5980-3 and Water Permit No. 6927-3. Water Right No. 5980-3 authorizes 2.2 cfs from one well completed into the Lower James Missouri Aquifer (245 feet deep) located in the 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 and the S 1/2 NE 1/4 Section 16, all in T99N-R57W. Water Permit No. 6927-3 authorizes the irrigation of 40 additional acres located in the SE 1/4 SE 1/4 Section 16 T99N-R57W from the existing well. This application proposes to appropriate an additional 0.22 cfs from the existing well and irrigation of 63 additional acres located in the SE 1/4 NW 1/4 and N 1/2 NE 1/4 and SE 1/4 SW 1/4 Section 16 T99N-R57W. This application also serves to clarify the location of the acres irrigated because of reconfiguration of the pivots. The area to be irrigated is located in the E 1/2, SE 1/4 NW 1/4 and the SE 1/4 SW 1/4 Section 16 T99N-R57W. This application, if approved, Water Right No. 5980-3 and Water Permit No. 6927-3 will authorize a total diversion rate of 2.22 cfs

for irrigation of 273 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7508-3 and 7509-3 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 these applications as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 February 4, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$39.80

1-42FC

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JAN 25 2013

WATER RIGHTS  
PROGRAM

**NOTICE OF  
APPLICATION NOS.  
7508-3 and 7509-3 to  
Appropriate Water**

Notice is given that Ly-  
nell Hofer, 27618 431st  
Ave, Freeman SD 57029  
has filed the following ap-  
plications for a water per-  
mit.

Application No. 7508-3  
proposes to appropriate  
2.22 cubic feet of water  
per second (cfs) from an  
additional well and to irri-  
gate 18 additional acres.  
Water Right No. 6034-3  
authorizes 1.78 cfs from  
one well located in the  
W 1/2 NW 1/4 Section  
22 for irrigation of 246  
acres located in the SW  
1/4 Section 15 and NW  
1/4 Section 22; all in  
T99N-R57W. This appli-  
cation proposes to ap-  
propriate 2.22 cfs from  
an additional well to be  
completed into the Lower  
James-Missouri Aquifer  
(175 feet deep) located in  
the NW 1/4 SW 1/4 Sec-  
tion 15 to irrigate an ad-  
ditional 18 acres located  
in the SW 1/4 Section 15;  
all in T99N-R57W. This  
will allow both pivots to  
run simultaneously.

Application No. 7509-3  
proposes to appropriate  
0.22 cfs to irrigate 63 ad-  
ditional acres and clarify  
the location of the irrigat-  
ed acres authorized by  
Water Right No. 5980-3  
and Water Permit No.  
6927-3. Water Right No.  
5980-3 authorizes 2.0 cfs  
from one well completed  
into the Lower  
James-Missouri Aquifer  
(245 feet deep) located in  
the SE 1/4 SW 1/4 Sec-  
tion 16 to irrigate 170  
acres located in the N 1/2  
SE 1/4, SW 1/4 SE 1/4  
and the S 1/2 NE 1/4  
Section 16; all in T99N-  
R57W. Water Permit No.  
6927-3 authorizes the irri-  
gation of 40 additional  
acres located in the SE  
1/4 SE 1/4 Section 16-  
T99N-R57W from the ex-  
isting well. This appli-  
cation proposes to ap-  
propriate an additional 0.22  
cfs from the existing well  
and irrigation of 63 addi-  
tional acres located in  
the SE 1/4 NW 1/4 and N  
1/2 NE 1/4 and SE 1/4  
SW 1/4 Section 16-T99N-  
R57W. This application  
also serves to clarify the  
location of the acres irri-  
gated because of recon-  
figuration of the pivots.  
The area to be irrigated is  
located in the E 1/2, SE  
1/4 NW 1/4 and the SE  
1/4 SW 1/4 Section 16-  
T99N-R57W. This appli-  
cation, if approved, Wa-  
ter Right No. 5980-3 and  
Water Permit No. 6927-3  
will authorize a total di-  
version rate of 2.22 cfs  
for irrigation of 273 acres.

Pursuant to SDCL  
46-2A-2, the Chief Engi-  
neer recommends AP-  
PROVAL of Application  
Nos. 7508-3 and 7509-3  
because 1) unappropriat-  
ed water is available; 2)  
existing rights will not be  
unlawfully impaired; 3) it  
is a beneficial use of wa-  
ter; and 4) it is in the pub-  
lic interest. In accor-  
dance with SDCL  
46-2A-23, the Chief Engi-  
neer will act on these ap-  
plications, as recom-  
mended, unless a peti-  
tion is filed opposing the  
applications or the appli-  
cant files a petition con-  
testing the Chief Engi-  
neer's recommendations.  
If a petition opposing the  
applications or contest-  
ing the recommenda-  
tions is filed, then a hear-  
ing will be scheduled and  
the Water Management  
Board will consider these  
applications. Notice of  
the hearing will be given  
to the applicant and any  
person filing a petition.

Any person interested  
in opposing or support-  
ing these applications or  
recommendations must  
file a written petition with  
BOTH the applicant and  
Chief Engineer. The ap-  
plicant must file a petition  
if contesting the Chief  
Engineer's recommenda-  
tions. The Chief Engi-  
neer's address is: Water  
Rights Program, Foss  
Building, 523 E. Capitol,  
Pierre, SD 57501  
(605 773-3352) and the  
applicant's mailing ad-  
dress is given above. A  
petition filed by either an  
interested person or the  
applicant must be filed  
by February 4, 2013.

The petition may be in-  
formal, but must include  
a statement describing  
the petitioner's interest in  
the applications, the peti-  
tioner's reasons for op-  
posing or supporting the  
applications, and the sig-  
nature and mailing ad-  
dress 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 cop-  
ies of information pertain-  
ing to these applications.  
Steven M. Pirner, Secre-  
tary, Department of Envi-  
ronment and Natural Re-  
sources.

Published once at the  
total approximate cost of  
\$97.32

**AFFIDAVIT OF PUBLICATION**

STATE OF SOUTH DAKOTA )  
 ) SS  
COUNTY OF DAVISON )

Penny Hohbach of said county, being, first duly sworn, on oath, says; that he/she is the publisher or an employee of the publisher of The Daily Republic, a daily newspaper, published in the City of Mitchell, in said County of Davison, and State of South Dakota; that he/she has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive; that said newspaper has been published within the said County of Davison and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the notice, order or advertisement, a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 1 issue(s), to wit:

Wednesday, January 23, 2013

That the full amount of the fee charged for the publication of the attached public notice insures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever, that the fees charged for the publication thereof are: \$97.32

Signed: Penny Hohbach

Subscribed and sworn to before me this 23 day of January

Kathy Haggman

Notary Public  
County of Hanson

My Commission Expires: 10.8.2015

Prepared by: The Daily Republic, P.O. Box 1288, Mitchell S.D. 57301 605-996-5515



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 15, 2013

Freeman Courier  
PO Box 950  
Freeman SD 57029

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application Nos. 7508-3 and 7509-3 to Appropriate Water. Please publish the notice once on January 23, 2013. 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 Lynell Hofer, 27618 431<sup>st</sup> Ave., Freeman SD 57029 (Ph # 605-925-7140).

**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

January 15, 2013

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Sincerely,

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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.

January 15, 2013

Lynell Hofer  
27618 431<sup>st</sup> Ave  
Freeman SD 57029

Dear Mr. Hofer:

Water Permit Application Nos. 7508-3 and 7509-3 for irrigation use have been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Freeman Courier printed at Freeman SD (Ph # 605-925-7033) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations of the Chief Engineer and reports on the applications 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(s) has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the applications.

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 applications.

Instruction to Newspaper - Publish the Notice on January 23, 2013. 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.

---

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Application No. 7509-3 proposes to appropriate 0.22 cfs to irrigate 63 additional acres and clarify the location of the irrigated acres authorized by Water Right No. 5980-3 and Water Permit No. 6927-3. Water Right No. 5980-3 authorizes 2.0 cfs from one well completed into the Lower James:Missouri Aquifer (245 feet deep) located in the 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 and the S 1/2 NE 1/4 Section 16; all in T99N-R57W. Water Permit No. 6927-3 authorizes the irrigation of 40 additional acres located in the SE 1/4 SE 1/4 Section 16-T99N-R57W from the existing well. This application proposes to appropriate an additional 0.22 cfs from the existing well and irrigation of 63 additional acres located in the SE 1/4 NW 1/4 and N 1/2 NE 1/4 and SE 1/4 SW 1/4 Section 16-T99N-R57W. This application also serves to clarify the location of the acres irrigated because of reconfiguration of the pivots. The area to be irrigated is located in the E 1/2, SE 1/4 NW 1/4 and the SE 1/4 SW 1/4 Section 16-T99N-R57W. This application, if approved, Water Right No. 5980-3 and Water Permit No. 6927-3 will authorize a total diversion rate of 2.22 cfs for irrigation of 273 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 7508-3 and 7509-3 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 these applications, as recommended, unless a petition is filed opposing the applications or the applicant files a petition contesting the Chief Engineer's recommendations. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting these applications 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 recommendations. 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 February 4, 2013.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 these applications. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \_\_\_\_\_.

PAYMENT REQUEST FORM

PAYEE: Lynell Hofer  
27618 431<sup>st</sup> Ave  
Freeman SD 57020

FROM: DENR Water Rights Program  
523 E. Capitol Ave  
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Refund on Water Permit Nos. 7508 & 7509-3

AMOUNT: \$350.00

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION:

Daral C. L. 3.28.13

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

MAR 28 2013

Lynell Hofer  
27618 431<sup>st</sup> Ave  
Freeman SD 57029

Dear Mr. Hofer:

Enclosed are Water Permit Nos. 7508-3 and 7509-3 authorizing construction of your water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

Permit No. 7508-3 was submitted with a \$1050.00 fee. The application/license filing fee for this permit is \$700.00. Therefore, \$350.00 will be refunded to you. The refund check should be received within the next couple of weeks.

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

## 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 431<sup>st</sup> 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 wipe 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.

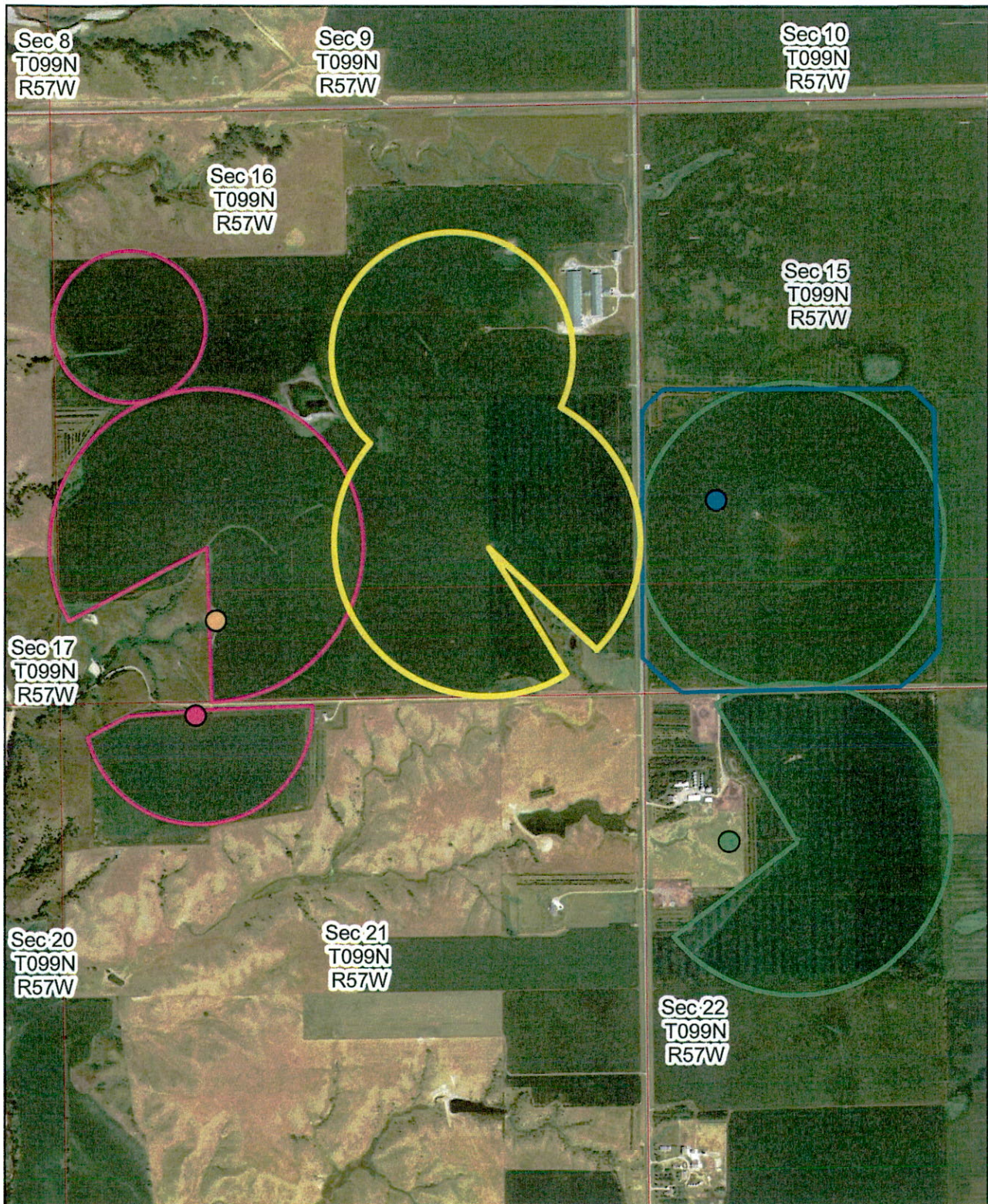
I believe this is something that can be handled at the time of licensing of Permit No. 7509-3 as no additional acres or diversion rate authority is needed. It may necessitate the reissuance of Water Right No. 6249-3.

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