

WATER PERMIT NO. 7572B-3

Name of Applicant: Herb Hofer

Address: 39608 Stilo St, Huron SD 57350

Phone: 605 354-3593

Amount of Water Claimed: no add'l

Total Acres: no add'l

Source of Water Supply: Tulare Western Spink Hitchcock Aquifer (1 well)

Water to be used for: irrigation

County: Beadle

Type of Waste Disposal System:

Location: 8 miles southeast of Hitchcock

PRIORITY

Date Received: 9-21-15

Application/License Fee: \$ 100

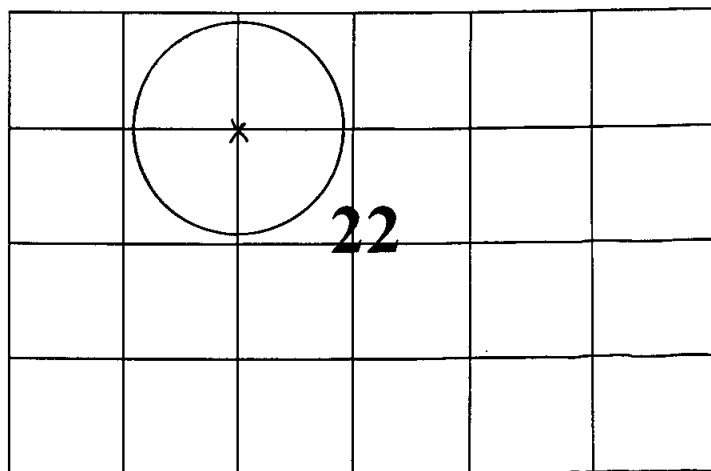
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: transfer acres & diversion point

Diversion Point: center of NW 1/4 Sec 22-T113N-
R62W

Land to be Irrigated: NW 1/4 Sec 22-T113N-
R62W



Depth of Well: 60 feet

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-30-15

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>7572B.3</u> (office use only) Hydrologic Unit <u>10160006</u>
	Basin <u>James River</u>
	Newspaper <u>Plainsman Huron 605-353-7401</u>
	<u>Redfield Press 605-472-0822</u>

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SEP 21 2015
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Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 7572-3
(Use predates Mar 2, 1955)

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

to transfer from the SW 1/4 Sec 34 114-64 to the NW 1/4 Sec 22 113-62
to irrigate 140 acres Quality and Quantity of water the reason
1. Name to Appear on Irrigation Permit Herb Hofer Terry Wieling Renter
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent 605-266-2861 870 Beach Ave NE 57350
(name and complete address if different than above name)

Mailing Address 39608 Stilo St. Huron SD 57350
(Address) (City) (State) (Zip Code)

Home Phone 605-352-9753 Cell 605-354-3393 Email twieling@venturecomm.net

2. Amount of water claimed 1.78 *CFS or 800 **GPM ***AF Total Acreage 140
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Hitchcock Tulare Western Aquifer

4. Location of point of diversion 1 well located Center of the NW 1/4 Sec 22
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R3W)
113-62 County Beadle

5. County or counties where water will be used Beadle

6. Annual period during which water is to be used April - October 31

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
NW 1/4 of NW 1/4 Sec 22 113-62	35		
NE 1/4 of NW 1/4 Sec 22 113-62	35		
SW 1/4 of NW 1/4 Sec 22 113-62	35		
SE 1/4 of NW 1/4 Sec 22 113-62	35		

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

To erect a center pivot and drill one well to irrigate 140 acres
on the NW 1/4 of Sec 22 113-62
We are transferring acres and water from the SW 1/4 Sec 34 114-64
to this NW 1/4 Sec 22 113-62

I, Herbert Hofer 9/17/15, the applicant, certify that I have read this application,
have examined the attached map, and that the matters stated are true.

**SOUTH DAKOTA
WATER PERMIT NO. 7572B-3**

Date of first receipt of application September 21, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7572B-3 to Herb Hofer, 39608 Stilo St, Huron SD 57350 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. 7572B-3 amends Water Permit No. 7572-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7572-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in T114N-R64W. This permit authorizes moving the project approximately 11 miles east and 4 miles south with the well to be located in the center of the NW 1/4 Section 22 to irrigate 140 acres located in the NW 1/4 Section 22; all in T113N-R62W. The water source for this irrigation system is the Tulare-Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - October 31.
3. The date from which applicant may claim right is December 14, 2012.
4. The date of approval of Permit No. 7572B-3 is November 9, 2015.
5. All construction is to be completed on or before May 2, 2018.
6. Water is to be put to beneficial use on or before May 2, 2022.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7572B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: 
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 23 2016
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 ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(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 60 Depth to Top of Water Bearing Material 30 Depth to Water from Surface 15

d) Distance to nearest existing domestic well:

On applicant's property 1,200 ft On property owned by others 3,400 ft

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)

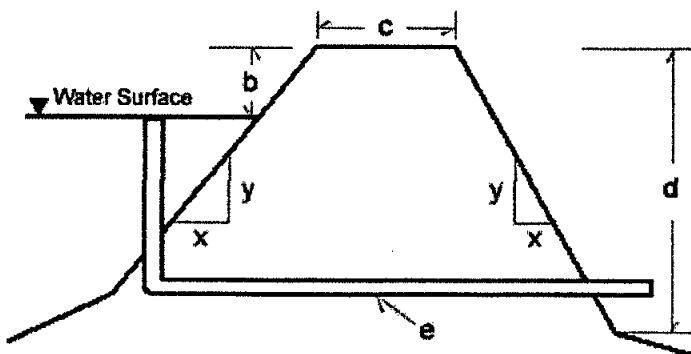
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



Sec 16
T113N
R62W

Sec 15
T113N
R62W

Sec 14
T113N
R62W

Sec 21
T113N
R62W

Sec 22
T113N
R62W

Sec 23
T113N
R62W

Sec 28
T113N
R62W

Sec 27
T113N
R62W

Sec 26
T113N
R62W



Google earth

feet
meters

2000
700

NW 1/4 Sec 22 113-62

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MAR 25 2015
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/25, 20 15

RECEIVED OF Terry Wieting 870 Beach Ave NE Huron SD 57350

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

Fee for Application for Permit No. <u>7570A-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. _____		
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	100	00

No. 07529

By Jeanne Goodman
Chief Engineer

For assistance call (605) 773-3352

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 7572-3Date: 9-18-15I/We request that Water Right/Permit No. 7572-3 formerly owned by:Marshall Bros

be transferred to:

New Owner Name: Herb HoferAddress: 39608 Skillo StCity, State, Zip Huron SD 57350Telephone No. 605 352-9753

Title to the following described land(s)/property has been transferred as described above:

transferring permit 7572-3 to be severed and then transferred
to the NW 1/4 Sec 22 113-62

☒ I understand that the validity of Water Right/Permit No. 7572-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is included to cover the filing fee as required by SDCL 46-2-13.

I, Herb Hofer, the new owner, certify that the above information is true and correct.

Herb Hofer 9/18/15
(signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

September 16, 2015

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Dear Mr. Gronlund:

I am writing to request the transfer of ownership of Water Permit No. 7572-3. The water permit authorizes irrigation of the SW ¼ Section 34, T114N, R64W. That permit is to be transferred to Herb Hofer, and severed and transferred to the NW ¼, Section 22, 113-62.

Sincerely,

Gary Marshall

Gary Marshall

Terry Marshall

Terry Marshall

No. 7572B-3

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Water Permit Application No. 7572B-3, Herb Hofer

ADDRESS: COUNTY: Beadle County

DATE: September 30, 2015 TELEPHONE:

RE: application filing fee

The application filing fee for invalid Permit No. 7570A-3 has been applied to this application.

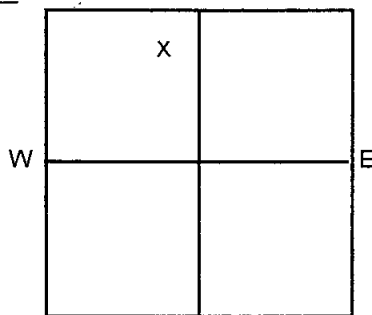
NAME: Eric Greenland

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE ¼ NW ¼ Sec 22 Twp 113 Rg 62County Beadle

North

Please mark well
location with an "X"

Well Completion Date

5/15/2015

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
ft. from _____ (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Rotary

CASING DATA:

If other describe _____

☐ Steel ☒ Plastic ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	<u>16</u> IN	<u>0</u> FT	<u>40</u> FT	<u>25</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>DF Grout</u>	<u>24</u>	<u>Lb/gal</u>	<u>0</u> Ft	<u>36</u> Ft
		<u>Lb/gal</u>	<u>Ft</u>	<u>Ft</u>

Describe grouting procedure _____

SCREEN:

☐ Perforated pipe ☒ Manufactured
 Diameter 16 Inches Length 15 Feet
Material SCH 40 PVCSlot Size 0.060 Set From 40 Feet to 55 Feet

Other information _____

WAS A PACKER OR SEAL USED?

☒ Yes ☐ No
If so, what material? Pearock

Describe packer(s) and location

36-55'

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Guaridan
☐ No, Why Not?
Lab to which water
quality sample sent for analysisWell Owner: Terry Wieting

Business Name: _____

Address: 39512 193rd StCity, State, Zip: Hitchcock ☒ SD ☒ 57348

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
Yellow Clay	0	15
Yellow Gravel/Sand & Coal	15	33
Grey Sand w/ Gravel & Coal	33	53
Gravel & Rocks	53	55

STATIC WATER LEVEL

FEET

If flowing: closed in pressure _____

PSI

GPM flow _____ through _____ Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

☐ Pumped Describe: _____☐ Bailed☐ Other

Pumping Level Below Land Surface

_____ Ft. After _____ Hrs. pumped _____ GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

JAN 27 2016

WATER RIGHTS
PROGRAM~~XXXXXX~~This well was drilled under license # 440 and this
report is true and accurate.Drilling firm: Fullman DrillingSignature of License Representative: Ken Palmer

Signature of Well Owner or Equitable Property Holder: _____

Date: _____

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, February 16, 2016 7:54 AM
To: Schlaak, Karen
Subject: FW: inquiry on a well completion report

Hope this answers the question

From: Terry Wieting [<mailto:twieting@venturecomm.net>]
Sent: Friday, February 12, 2016 7:05 AM
To: Gronlund, Eric
Subject: RE: inquiry on a well completion report

It the well for Herb Hofer in sec 22 113-62

From: Gronlund, Eric [<mailto:Eric.Gronlund@state.sd.us>]
Sent: Thursday, February 11, 2016 9:46 AM
To: twieting@venturecomm.net
Cc: Schlaak, Karen
Subject: inquiry on a well completion report

Terry

DENR received the attached well completion report from Pullman Drilling for a well completed May 15, 2015 in your name. When we compare the legal description (NE ¼ NW ¼ Section 2, T113N, R62W) with our water permit database, there is not a water permit in place in that quarter section. Further the 2011 plat book does not list you as the owner of this quarter section.

I am inquiring whether the driller misidentified the location of the well. Please take a look at and let us know if this is correct. If it is not, please identify the correct location of the well so that we can put it along with the water permit associated with this well.

Thanks -- Eric Gronlund



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7572B-3, Herb 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. 7572B-3, Herb Hofer, 39608 Stilo Street, Huron SD 57350.

The Chief Engineer is recommending APPROVAL of Application No. 7572B-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 7572B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

for 
Jeanne Goodman, Chief Engineer
October 19, 2015

**REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 7572B-3
HERB HOFER
OCTOBER 7, 2015**

Water Permit Application No. 7572B-3 proposes to amend Water Permit No. 7572-3 by transferring the acreage authorized for irrigation and the authorized point of diversion to new locations. Water Permit No. 7572-3 authorizes the diversion of water from one well located in the center of the SW 1/4 Sec. 34, T114N-R64W, at a maximum rate of 1.78 cubic feet of water per second (cfs). The water permit authorizes the irrigation of 140 acres located in the SW¼ Section 34, T114N-R64W. Application No. 7572B-3 proposes to authorize the irrigation of 140 acres located in the NW¼ Sec. 22, T113N-R62W, instead of the 140 acres located in the SW¼ Sec. 34, T114N-R64W, that were authorized by Water Permit No. 7572-3. Application No. 7572B-3 also proposes to transfer the diversion rate authority of 1.78 cfs and authorize diversion from a well to be located in the center of the NW¼ Sec. 22, T113N-R62W. The new well site and acreage to be irrigated are located approximately 11 miles east and four miles south of the well site and acreage authorized by Water Permit No. 7572-3. The water source for this irrigation system is the Tulare: Western Spink/Hitchcock aquifer, and no increase in the diversion rate or number of acres irrigated is proposed by this application.

**AQUIFER: WESTERN SPINK/HITCHCOCK MANAGEMENT UNIT OF THE
TULARE AQUIFER**

Based on the best information available regarding recharge to the Tulare Western Spink/Hitchcock aquifer as it compares to withdrawals from the aquifer, along with the projected water use associated with acreage currently authorized for irrigation, the Water Management Board found the Tulare Western Spink/Hitchcock aquifer is fully appropriated [In the matter of Water Permit Application Nos. 7725-3, et al., Findings of Fact, Conclusions of law and Final Decision issued December 5, 2013].

SOUTH DAKOTA CODIFIED LAW (SDCL) 46-5-34

SDCL 46-5-34 allows an irrigation water right to be severed from one parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. The applicant indicates that "Quality and Quantity of Water the reason" [for the transfer].

EXISTING RIGHTS:

SDCL 46-5-34 requires that an amendment to transfer a water right/permit is subject to existing rights. Existing water rights/permits filed for diversion points within approximately one mile of the well site proposed by this application are shown in Figure 1 and Table 1.

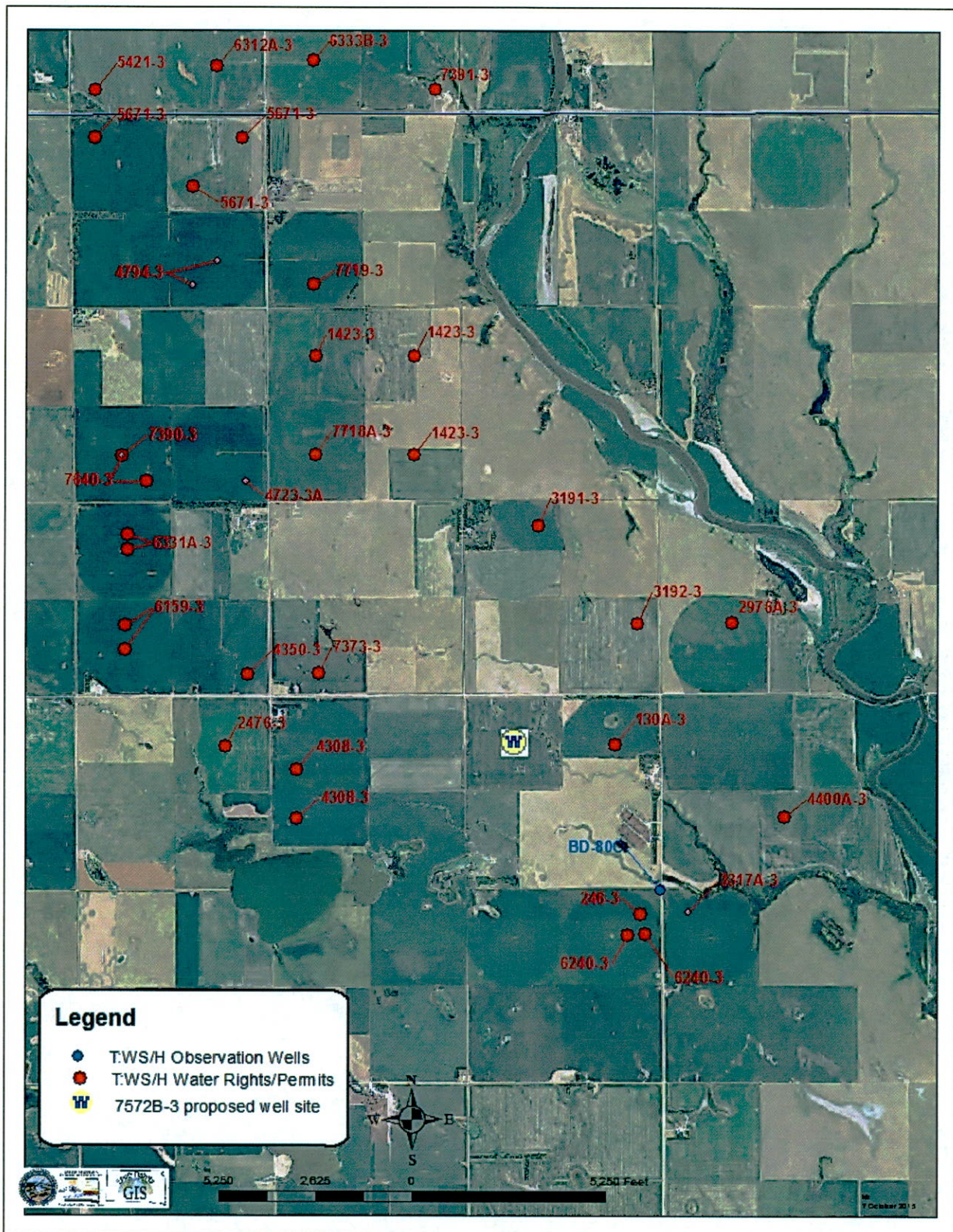


Figure 1. Approximate location of diversion points for Water Rights/Permits appropriating water from the Tulare: Western Spink/Hitchcock aquifer in the vicinity of the well site proposed by Application No. 7572B-3 (Water Rights, 2015b).

Table 1. Tulare: Western Spink/Hitchcock aquifer water rights/permits shown in Figure 1. (Water Rights, 2015b).

PERMIT NO	NAME	PRIORITY DATE	STATUS	CFS	ACRES
130A-3	HOFER	12/12/1953	LC	1.07	75
1423-3	MOROG FAMILY LIMITED	06/16/1967	LC	1.88	132
246-3	TERRY M WIETING	08/23/1956	LC	1.33	160
2476-3	RANDY R PUFFER	12/09/1975	LC	1	96
2976A-3	LOVETT	08/23/1976	LC	1.44	126
3191-3	SCOTT A MUELLER	10/15/1976	LC	1.69	118
3192-3	RIVERSIDE HTRN BRTH	10/15/1976	LC	1.88	132
3317A-3	TERRY M WIETING	04/01/1987	LC	1.34	104
4308-3	TERRY M WIETING	12/13/1976	LC	1.44	184
4350-3	RANDY R PUFFER	09/03/1976	LC	1.89	132
4400A-3	HURON HTRN BRTH	03/09/1979	LC	1.45	102
4723-3A	GARY MARSHALL	04/09/1981	LC	1.94	136
4794-3	GARY MARSHALL	04/09/1981	LC	2.22	264
5421-3	FLOYD H PETERSON	03/14/1990	LC	2.11	264
5671-3	PETERSON FARMS	07/13/1992	LC	2.89	263
6159-3	TERRY M WIETING	12/09/1999	LC	1.67	128
6240-3	TERRY M WIETING	11/09/2000	LC	1.56	132
6312A-3	FLOYD H PETERSON	03/28/2007	PE	1.56	264
6331A-3	OSCAR INC	03/28/2007	LC	1.34	132
6333B-3	PETERSON FARMS	06/21/2002	LC	1.67	134
7373-3	TERRY M WIETING	06/14/2012	PE	1.78	160
7391-3	PETERSON FARMS	08/03/2012	PE	1.94	136
7640-3	GARY MARSHALL	12/14/2012	PE	1.78	160
7718A-3	TERRY M WIETING	03/03/2014	PE	1.78	135
7719-3	GARY MARSHALL	02/08/2013	PE	1.78	135

Historically, well interference has not been an issue in the Tulare: Western Spink Hitchcock aquifer. The Tulare: Western Spink/Hitchcock aquifer is under confined conditions, and there is currently approximately 30 feet of artesian pressure in this area. The DENR-Water Rights Program monitors an observation well (BD-80C) completed into the Tulare: Western Spink/Hitchcock aquifer, located approximately one mile southeast of the well site proposed by this application (see Figure 1). A hydrograph for the observation well is shown in Figure 2. The hydrograph documents seasonal water level fluctuations that may be the result of nearby well pumping. However, well interference has never been a concern in this aquifer even though there is significant development in the area.

South Dakota Codified Law (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. South Dakota Supreme Court ruled that although SDCL 46-6-6.1 does not require irrigation to be regulated to absolutely protect artesian pressure for domestic uses, reasonable domestic use must be assured (*Fraser v. Water Rights Commission of Dept. of Natural Resource Development*, 1980, 294 N.W.2d 784). In order to balance interests between irrigation use and delivery of water by artesian pressure the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“a well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom

of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs"

Therefore, well interference should not be a concern for adequate domestic wells.

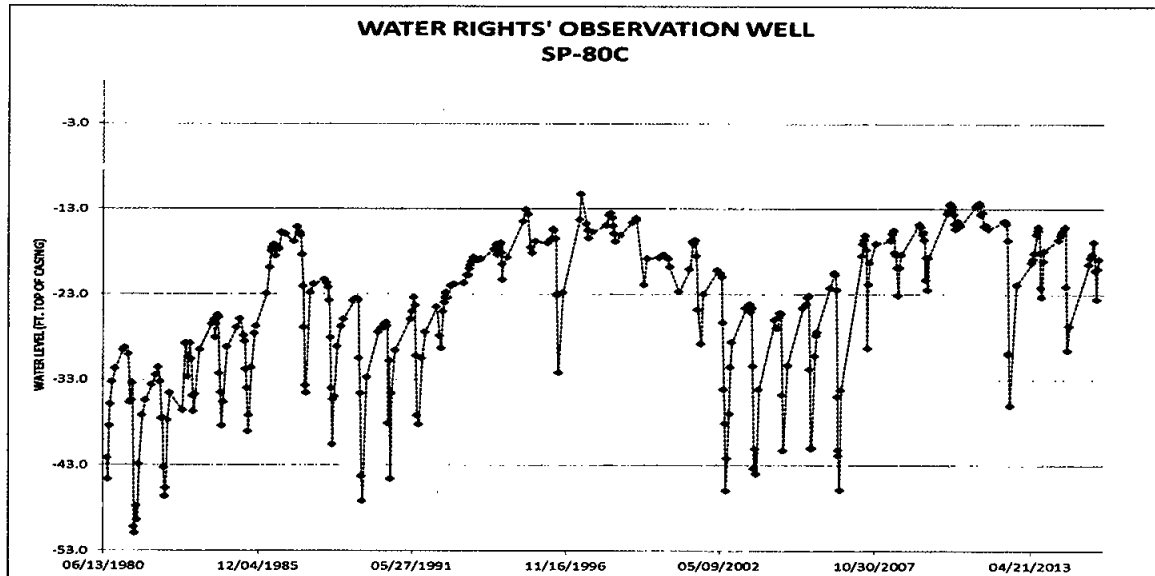


Figure 2. Hydrograph for DENR-Water Rights Program observation well completed into the Tulare: Western Spink/Hitchcock aquifer (Water Rights, 2015a).

CONCLUSIONS:

1. SDCL 46-5-34 provides authority to sever an irrigation right from one parcel of land and simultaneously transfer it to another parcel.
2. The Tulare: Western Spink Hitchcock aquifer was determined to be fully appropriated from 2008 to 2012 and from 2013 to present.
3. The availability of unappropriated water is not a consideration required in SDCL 46-5-34.
4. Diversions from the well site proposed by this application are not expected to adversely impact existing water rights.

Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Water Rights, 2015a, Observation Well Data, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501
- Water Rights, 2015b, Water Rights/Permits Database, SD DENR-Water Rights Program, Joe Foss Building, Pierre, SD 57501

Affidavit of Publication

STATE OF SOUTH DAKOTA,
County of Spink: ss.

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NOV 12 2015

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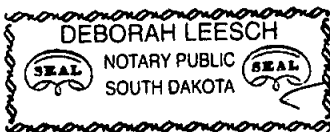
I, Mark E. Davis, of said County & State, being first duly sworn on oath, say that THE REDFIELD PRESS is a legal weekly newspaper as defined in Sec. 65.0508 South Dakota Code 1939, as amended by Chapter 298 of the Session of Laws of 1939, printed and published in the English language in the City of Redfield, in said County and State, by THE REDFIELD PRESS, and has been such newspaper during the time hereinafter mentioned, and that I Mark E. Davis, 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 legal or official notice entitled:

#1623 NOTICE OF APPLICATION

A printed copy of which is hereto attached, was printed and published in said newspaper in 1 issue, to wit: The first publication being made on October 28th, 2015, that Twenty-nine and .05/100 Dollars, insures to the benefit of the publisher of THE REDFIELD PRESS, 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.



Subscribed and sworn to before me this 28th day of October, 2015.


Notary Public, South Dakota

My commission expires 10/09/2019

NOTICE OF APPLICATION

#1623

NOTICE OF APPLICATION
NO. 7572B-3

Notice is given that Herb Hofer, 39608 Stilo St, Huron SD 57350 has filed Application No. 7572B-3 which requests to amend Water Permit No. 7572-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7572-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in

T114N-R64W. This application proposes to move the project approximately 11 miles east and 4 miles south with the well to be located in the center of the NW 1/4 Section 22 to irrigate 140 acres located in the NW 1/4 Section 22; all in T113N-R62W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

State Law (SDCL 46-5-34) allows an irrigation water right to be severed from on parcel of land and simultaneously transferred to another parcel if it becomes impracticable to use all or any part of the water beneficially or economically for irrigation on the current land. Mr. Hofer indicates his justification for this change being a better quality and quantity of water at this location.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7572B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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 November 9, 2015.

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 one time at the total approximate cost of \$29.05. (Oct. 28)

PRINTER'S AFFIDAVIT

STATE OF SOUTH DAKOTA,
COUNTY OF BEADLE: ss

RECEIVED

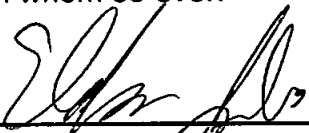
NOV - 4 2015

WATER RIGHTS
PROGRAM

I, ELDON JACOBS, being duly sworn on oath say that the PLAINSMAN is a daily paper published at Huron, Beadle County, South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am Legal Advertising Coordinator of said newspaper and know the facts herein state. The annexed notice headed:

**SD DEPT OF ENVIROMENTAL – WATER
RIGHTS – HERB HOFER**

was published for one day, in said newspaper, and not in any supplement of the said newspaper, the publication was of the 28TH day OCT 2015. That the full amount of the fee charged for publishing is: **FORTY-THREE & 87/100** dollars insures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whom so ever.



Subscribed and sworn to me before this 28TH Day
of OCT 2015.


Notary Public, South Dakota

My term expires 01/27/2018
Legal #2092

F.P. 10-28-15
**NOTICE OF
APPLICATION
NO. 7572B-3**

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Steven M. Pirner
Secretary, Department
of Environment and
Natural Resources
No. 2092 (adv.)

Published once at the
total approximate cost of
\$43.86.

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 20, 2015 8:18 AM
To: 'office.redpress@midconetwork.com' (office.redpress@midconetwork.com)
Subject: 7572B-3, Herb Hofer
Attachments: 7572B-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on October 28, 2015.

Herb Hofer, 39608 Stilo St, Huron SD 57350 (h 605 352-9753 or c 605 354-3593) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 20, 2015 8:17 AM
To: Ruby Crandall (rnewman.plainsman@midconetwork.com)
Subject: 7572B-3, Herb Hofer
Attachments: 7572B-3public.short.docx; FORM8.FRM.doc

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Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

October 19, 2015

Herb Hofer
39608 Stilo St
Huron SD 57350

Dear Mr. Hofer:

Water Permit Application No. 7572B-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 Redfield Press printed at Redfield SD (Ph # 605-472-0822) and the Plainsman printed at Huron SD (Ph # 605-353-7401). 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

cc: Terry Wieting, 870 Beach Ave NE, Huron SD 57350

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.

NOTICE OF APPLICATION NO. 7572B-3

Notice is given that Herb Hofer, 39608 Stilo St, Huron SD 57350 has filed Application No. 7572B-3 which requests to amend Water Permit No. 7572-3 by transferring the irrigated acreage and point of diversion to other land. Water Permit No. 7572-3 appropriates 1.78 cubic feet of water per second (cfs) from one well located in the center of the SW 1/4 Section 34 for irrigation of 140 acres located in the SW 1/4 Section 34; all in T114N-R64W. This application proposes to move the project approximately 11 miles east and 4 miles south with the well to be located in the center of the NW 1/4 Section 22 to irrigate 140 acres located in the NW 1/4 Section 22; all in T113N-R62W. The water source for this irrigation system is the Tulare:Western Spink Hitchcock Aquifer and no increase in the diversion rate or number of acres irrigated is authorized by this application.

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7572B-3 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) 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.

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Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

FEB 23 2016

Herb Hofer
39608 Stilo St
Huron SD 57350

Dear Mr. Hofer:

Enclosed is Water Permit No. 7572B-3 authorizing construction of the 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,

Jeanne Goodman, Chief Engineer
Water Rights Program

(605) 773-3352

cc: Terry Wieting, Renter, 870 Beach Ave NE, Huron SD 57350

enclosures

RECEIVED

MAR 14 2016

WATER RIGHTS
PROGRAMNOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USEDate 2-26-16TO: Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181FROM: Herbert Hofer
(name)39608 5410 St
(address)Huron SD 57350
(city, state, zip)605-352-9753
(phone)

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

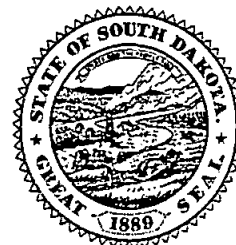
Water Permit No. 7572B-3 states that the water use system is to be constructed by May 2 2018, and water is to be put to beneficial use by May 2 2022.
(date) (date)

The water use system was completed on 11-30-2015.
(date)

Applying the water to beneficial use was completed on 11-30-2015.
(date)

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

Herbert Hofer
(signature)



Permit No. 7572B-3

Contact Person & Address: **Herb Hofer, 39608 Stilo St., Huron, SD 57350**

Report of Examination of Works

On, **November 5, 2019**, I made a thorough examination of the water use system constructed by **Herb Hofer** holder of Permit No. **7572B-3**, bearing the priority of **December 14, 2012** authorizing the diversion of **1.78** cu. ft. per second of the waters of **Tulare: Western Spink Hitchcock Aquifer** for **irrigation** purposes, in **Beadle** County.

The system is in the following condition **good**. The point of diversion is located **from the NW ¼ corner of Section 22, T113N, R62W 2,138' East and 1,268' South** with latitude of **44.58567** and a longitude of **-98.27304** as determined using **GPS**. The works are capable of diverting and conveying to the place of use **1.78** cu. ft. per second of water which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

All land is located in **Sec 22, T113N, R62W**

NW ¼ NW ¼ - 33.75 ac NE ¼ NW ¼ - 33.75 ac SE ¼ NW ¼ - 33.75 ac SW ¼ NW ¼ - 33.75 ac

comprising a total of **135** acres of land and the license should be issued for **1.78** cfs.

Review of Permit Qualifications and Regulations:

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**.
- 4) Exceptions to compliance are: **none**.

Report On the Specifics of the System

Diversion Point Information:

Well Information:

- 1) Well Drilling Firm: **Pullman Drilling** 2) No. of Wells **1** 3) Depth(s) **55** feet 4) Well log is available **yes**

Casing:

- 1) Diameter **16** inches 2) Length **40** feet 3) Type **PVC**

Screen:

- 1) Type **PVC** 2) Length **15** feet 3) Static water level **na** feet

Pump:

- 1) Make **Submersible** 2) Model **na** 3) Size **na** 4) Capacity **800** GPM

Motor:

- 1) Make **NA** 2) Model No. **NA** 3) Horsepower rating **40** hp

DISTRIBUTION LINES OR CANALS:

- 1) Type PVC 2) Size 8 inches 3) Length 820 feet

SYSTEM TYPE:

Center pivot:

- 1) Make Zimmatic 2) Overall length 1,300 feet
3) Number of towers 7 4) End gun yes
5) High or low pressure low 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

Comments: Some information included in this report was provided by Terry Wieting, renter of the land.

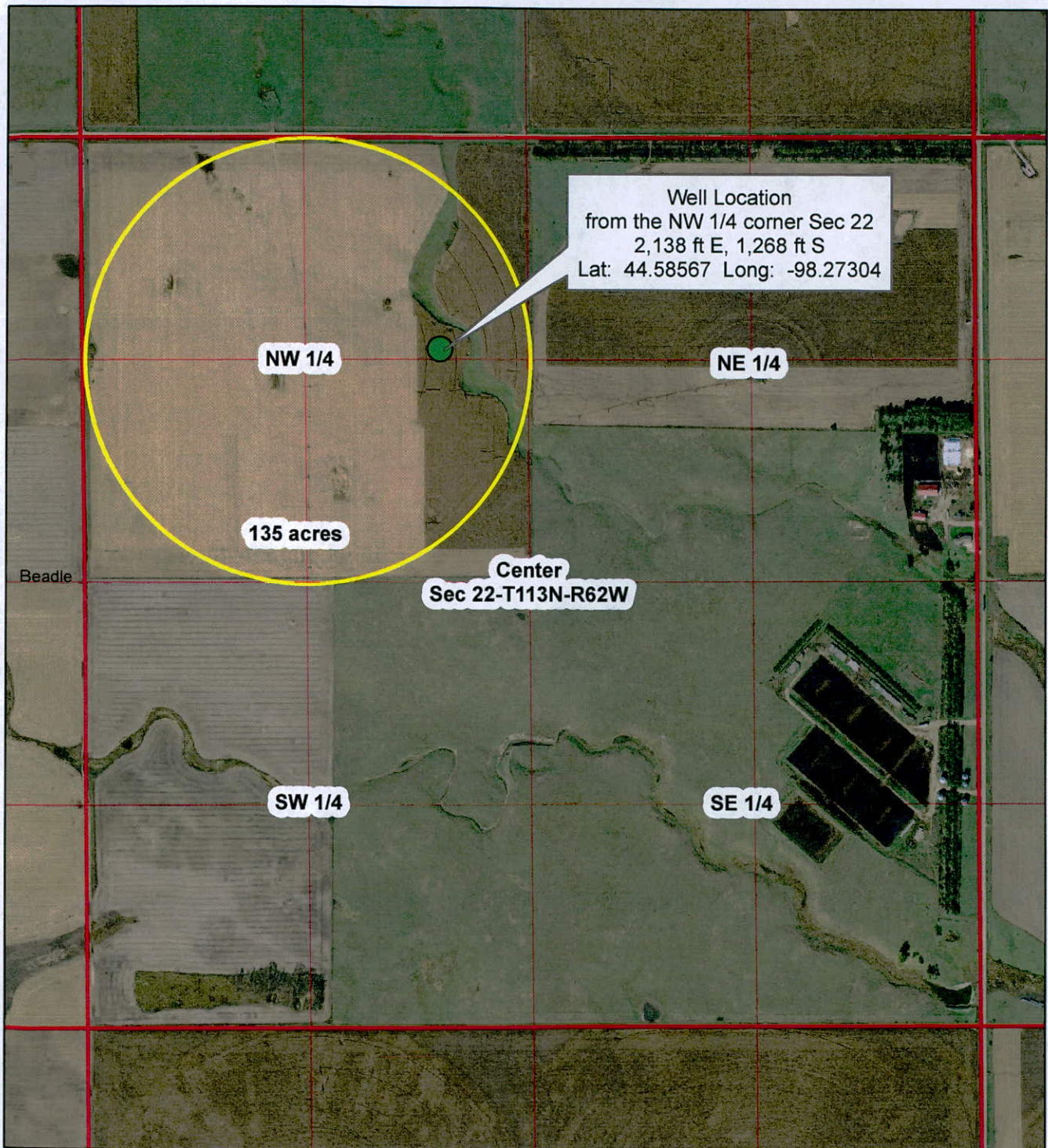
Dated: November 21, 2019



Terry D Helms

Water Rights Inspector

Water Right No. 7572B-3, Herb Hofer



0 325 650 1,300 1,950 2,600 Feet



Terry D Helms

Terry D Helms, PE
Water Rights Inspector
DENR, Water Rights Program
November 5, 2019

7572B-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 24 2020

7572-3
7572B-3

Herb Hofer
39608 Stilo St
Huron SD 57350

Dear Mr. Hofer:

Enclosed is Water License No. 7572B-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

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

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

Sincerely,

A handwritten signature in cursive script that reads 'Jeanne Goodman'.

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

enclosures

c: Terry Wieting, 40270 Riverbend Ln, Huron SD 57350

NOTE: Upon licensing, the applicable portions of Water Permit No. 7572-3 were incorporated into Water License No. 7572B-3.

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 7572B-3

(1) Herb Hofer, 39608 Stilo St, Huron SD 57350 made Application No. 7572B-3, September 21, 2015 for a water permit to amend Water Permit No. 7572-3 by transferring the irrigated acreage and point of diversion to other land. The water source for the irrigation system, located in Beadle County is the Tulare: Western Spink Hitchcock Aquifer. No increase in the diversion rate or number of acres irrigated were authorized. Permit No. 7572B-3, with a priority date of December 14, 2012 (established under Permit No. 7572-3) was approved November 9, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 2, 2018 and for the application to beneficial use of water on or before May 2, 2022.

Water Permit No. 7572-3 appropriated 1.78 cubic feet of water per second (cfs) from on well located in the center of the SW ¼ Section 34 to irrigate 140 acres located in the SW ¼ Section 34, all in T114N, R64W, Water Permit No. 7572B-3 authorized moving the entire project approximately 11 miles east and 4 miles south to the NW ¼ Section 22, T113N, R62W.

The applicable portions of Water Permit No. 7572-3 are incorporated into this Water License No. 7572B-3.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 2,138'E and 1,268'S of the NW ¼ corner of Section 22, T113N, R62W (NE ¼ NW ¼)
Latitude of 44.58567, Longitude -98.27304

(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

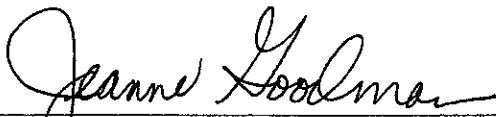
T113N, R62W Section 22	NW ¼ NW ¼	33.75 acres
	NE ¼ NW ¼	33.75 acres
	SE ¼ NW ¼	33.75 acres
	SW ¼ NW ¼	33.75 acres
Total		135.00 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Herb Hofer, 39608 Stilo St, Huron SD 57350 the holder and/or owner of Incorporated Water Right No. 7572B-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from ground water, one well (Tulare: Western Spink Hitchcock Aquifer) with a priority date of December 14, 2012 from the location specified in (2) of this license for irrigation purposes.

Continued

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7572B-3 and subject to the following qualifications:

- The well approved under this Water Right 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.
- The well authorized by Permit No. 7572B-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with the 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. *The well was drilled in May, 2015 by Pullman Drilling. A copy of the well completion report is on file with the Water Rights Program.*
- This Water Right is approved subject to the irrigation water use questionnaire being submitted each year.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 24 2020

date

