

WATER PERMIT NO. 8019-3

Name of Applicant: **Mark A Hohn**

Address: **40455 266th St, Ethan SD 57334** Phone: **605 770-5436**

Amount of Water Claimed: **1.73 cfs** Total Acres: **145 acres**

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

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

Type of Waste Disposal System:

Location: **6 miles southwest of Ethan**

PRIORITY Date Received: **5-28-14** Application/License Fee: **\$ 1050**

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

Remarks:

Diversion Point: **SE 1/4 NE 1/4 Sec 26-T101N-R61W**

Land to be Irrigated: **NE 1/4 Sec 26-T101N-R61W**

Depth of Well: **120 feet deep**

Well Driller: **Hammond-Wetmore Drilling**

Remarks:

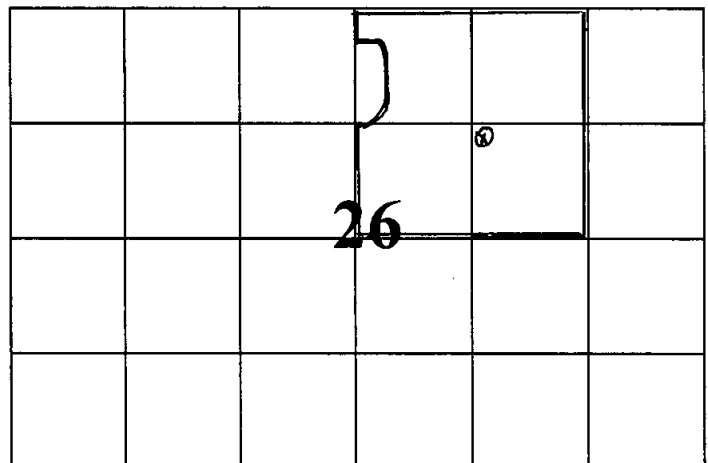
Type of Map:

Prepared by:

Reviewed and the Number Assigned on: **5-28-14**

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>8019-3</u> (office use only) Hydrologic Unit <u>10160011</u>
	Basin <u>James River</u>
	Newspaper <u>Daily Republic</u>
	<u>Box 1288 Mitchell 57301</u> <u>605-986 5514</u>

RECEIVED
MAY 28 2014
WATER RIGHTS PROGRAM

Application For Permit To Appropriate Water For Irrigation

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

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

1. Name to Appear on Irrigation Permit Mark A. Hohn

(check one) ☐ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent _____

(name and complete address if different than above name)

Mailing Address 40455 266th Street Ethan sd 57334
(Address) (City) (State) (Zip Code)

Home Phone _____ Cell 605-770-5436 Email _____

2. Amount of water claimed 1.73*CFS or 780**GPM ***AF Total Acreage 145
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Niobrara Chalk Aquifer

4. Location of point of diversion 1 well in the SE 1/4 of NE 1/4 section 26, T101N, R61W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Davidson

5. County or counties where water will be used Davison

6. Annual period during which water is to be used april-September

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
NE 1/4 of NE 1/4 of Section <u>26</u> T101N, 61W	40		
NW 1/4 of NE 1/4 of Section <u>26</u> T101N, 61W	25		
SW 1/4 of NE 1/4 of Section <u>26</u> T101N, 61W	40		
SE 1/4 of NE 1/4 of Section <u>26</u> T101N, 61W	40		

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

center pivot irrigation of the above described property

I, Mark A. Hohn, 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. 8019-3

Date of first receipt of application May 28, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8019-3 to Mark A Hohn, 40455 266th St, Ethan SD 57334 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. 8019-3 appropriates 1.73 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 26 for irrigation of 145 acres located in the NE 1/4 Section 26; all in T101N-R61W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 – September 30.
3. The date from which applicant may claim right is May 28, 2014.
4. The date of approval of Permit No. 8019-3 is August 11, 2014.
5. One-fifth of the construction is to be completed on or before February 11, 2017.
6. All construction is to be completed on or before August 11, 2019.
7. Water is to be put to beneficial use on or before August 11, 2023.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8019-3 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*

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

SEP 04 2014

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 Richard Hammond
(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 120 Depth to Top of Water Bearing Material 60 Depth to Water from Surface 55

d) Distance to nearest existing domestic well:

On applicant's property 1500' On property owned by others 2000'

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)

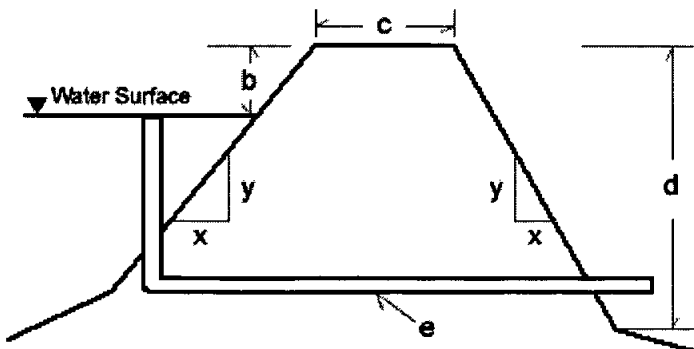
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres





Google earth

feet
meters

2000

800

Black Square outlines
Proposed Irrigated Land, NE $\frac{1}{4}$
Section 25, 101N, 61W, DAVISON Co.

26 / ks

Richard H. Hammond
CPG # 8272

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MAY 28 2014

WATER RIGHTS
PROGRAM

Sec 15
T101N
R61W

Sec 14
T101N
R61W

Sec 13
T101N
R61W

Sec 18
T101N
R60W

Sec 22
T101N
R61W

Sec 23
T101N
R61W

Sec 24
T101N
R61W

Sec 19
T101N
R60W

Sec 27
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Sec 34
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Sec 35
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Sec 36
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Sec 31
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Sec 11
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R62W

Sec 12
T100N
R62W

Sec 7
T100N
R61W

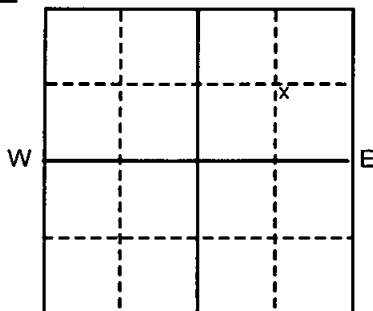
Sec 8
T100N
R61W

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location se 1/4 ne 1/4 Sec 25 Twp 101n Rg 61wCounty Davidson

North

Please mark well
location with an "X"

Well Completion Date

April 28, 2014

1 Mile

Distance to nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)?
1,700.0 ft. from septic tank (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

rotary

CASING DATA:

☐ Steel ☐ Plastic ☐ Other
If other describe none

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
LB/FT	IN	FT	FT	IN
				<u>5</u>
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>bentonite</u>	<u>6</u>	Lb/gal	<u>0.0</u> Ft	<u>121.0</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure
thru drill rods

SCREEN:

☐ Perforated pipe ☐ Manufactured

Diameter _____ Inches Length _____ Feet

Material _____

Slot Size _____ Set From _____ Feet to _____ Feet

Other information _____

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material? _____

Describe packer(s) and location _____

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How? _____

☐ No, Why Not? _____
Lab to which water
quality sample sent for analysisWell Owner: Mark Hohn

Business Name: _____

Address: 40455 266th StreetCity, State, Zip: Ethan, sd 57334

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
topsoil, Dk Brown	0	2
Clay, silty, pebbly, tan, Glacial till	2	39
Chalk, gray, silty;	39	121

STATIC WATER LEVEL 55.0 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

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WATER RIGHTS
PROGRAMThis well was drilled under license # 666 and this
report is true and accurate.Drilling firm: Hammond Wetmore Drilling

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 5/1/2014

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

RECEIVED OF Mark A Hohn 40455 266th St Date 5/28, 20 14
Ethan SD 57334

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

Fee for Application for Permit No. <u>8019-3</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>8019-3</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. **06869**

By *James J. [Signature]*
Chief Engineer

Water Rights Program - File Documentation

NAME: Mark Hohn

ADDRESS: Ethan SD

DATE: 5-28-14 **COUNTY:** Davison **TELEPHONE:** 605 770-5436

RE: Pending application

COMMENTS:

Mark Hohn verified that his application should be amended. The area to be irrigated and well are located in the NE 1/4 Section 26-T101N-R61W. Arcmap verifies this location.

I told him I would make the change on his application and map.



Karen Schlaak
Water Rights Program



**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. 8019-3, Mark A Hohn**

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. 8019-3, Mark A Hohn, 40455 266th Street, Ethan SD 57334..

The Chief Engineer is recommending APPROVAL of Application No. 8019-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8019-3 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.

Jeanne Goodman, Chief Engineer
July 24, 2014

REPORT TO THE CHIEF ENGINEER
ON
WATER PERMIT APPLICATION NO. 8019-3
MARK A. HOHN
JULY 24, 2014

Water Permit Application No. 8019-3 proposes to appropriate water at a maximum diversion rate of 1.73 cubic feet of water per second (cfs) from a well to be completed into the Niobrara aquifer to irrigate 145 acres located in the NE ¼ Section 26; T101N-R61W. The well is expected to be approximately 120 feet deep and located in the SE ¼ NE ¼ Section 26; all in T101N-R61W in Davison County.

AQUIFER: Niobrara (NBRR)

Aquifer Characteristics:

The Niobrara Formation is composed of fractured, gray calcareous marl that may contain solution cavities (Hansen, 1983). The formation is commonly known by the local well drillers as “chalkrock” (Hedges et. al, 1982). In southern Davison County, the area of the application, the marl is indurated and brittle (Hansen, 1983). The portion of the formation that is fractured, contains solution cavities, and is saturated is known as the Niobrara aquifer. The aquifer underlies approximately 400 square miles (256,000 acres) of Davison County alone (Hedges et. al, 1982). In Davison and Hanson counties, the Niobrara aquifer is up to 140 feet thick with an average thickness of 65 feet (Hansen, 1983). The general direction of water movement in the aquifer is to the northeast at a gradient of 5 to 10 feet per mile (Hansen, 1983). The aquifer is generally under confined conditions, but may be unconfined locally (Hansen, 1983). The potentiometric surface of the aquifer in the area is expected to be approximately 50 to 60 feet below land surface (1,370 to 1,380 feet above mean sea level) (Water Rights, 2014a).

The test hole log submitted with the application identified glacial till from ground surface to 39 feet below grade and “Chalk, gray, silty,” (Niobrara Formation) from 39 to 121 feet below ground surface with a static water level of 55 feet below ground surface in April, 2014.

South Dakota Codified Law (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 this 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 effects on existing rights from the aquifer that are pertinent to this application.

WATER AVAILABILITY:

This application proposes to appropriate water from the Niobrara aquifer. If this application is approved, average annual water use will likely be less than 145 acre-feet annually (ac-ft/yr). The probability of unappropriated water available from the aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water

withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older or lower than the Greenhorn Formation and a public water system has applied for a permit, the Board need not consider the recharge/withdrawal issue. In this case, the aquifer is not stratigraphically lower than the Greenhorn Formation and the applicant is not a public water system.

In applying SDCL 46-6-3.1, the Sixth Judicial Circuit Court ruled in 2005 that if the Water Management Board uses average annual recharge, then it should also use average annual withdrawals to determine if unappropriated water is available from the aquifer (*Hines v. South Dakota Dept. of Environ. and Nat'l Resources, Hughes County 04-37*) (Memorandum Decision, April 29, 2005).

A 2012 First Judicial Circuit Court’s rulings ultimately stated that data must be present to show it is probable the average annual recharge exceeds the average annual discharge by at least the amount requested by the water permit application being considered (*Hanson County Dairy v. Robert Bender and Stace Nelson*) (Memorandum Decision, April 11, 2012).

Later in 2012, the First Judicial Circuit Court stated that in deciding whether or not it is probable that the quantity of water withdrawn will exceed the quantity of the average estimated annual recharge is to be based according to the best information reasonably available, and that nothing in South Dakota law requires a recharge study (*Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l Resources*) (Memorandum Decision, May 17, 2012).

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 58 observation wells completed into the Niobrara aquifer with 13 in Davison County alone (Water Rights, 2014a). A map of the area including observation wells, water rights/permits authorized to withdraw water from the Niobrara aquifer, and pending Application Nos. 8005-3 and 8019-3 are shown in Figure 1. The hydrographs for the nearest of the observation wells are shown in Figures 2, 3, and 4. The hydrographs for observation wells completed into the Niobrara aquifer in Davison County all show a stable or increasing water level over the period of record, except for DN-79H. Observation well DN-79H is a replacement for DN-66A. Observation well DN-66A did not work properly and needed to be replaced. Since DN-77H was installed to replace DN-66A, the water level in the observation well has been fairly stable and has had a slight upward trend. The water level in the observation wells is representative of the aquifer.

The water level in the observation wells shows good response to climatic conditions. The water level rises (recharge) during wet years and gradually declines during dry years. The climatic effects on water level greatly mask the temporal impacts of well withdrawals. Therefore, recharge to and natural discharge from the Niobrara aquifer can be captured for pumping, and the hydrographs document that unappropriated water is available for this proposed appropriation.

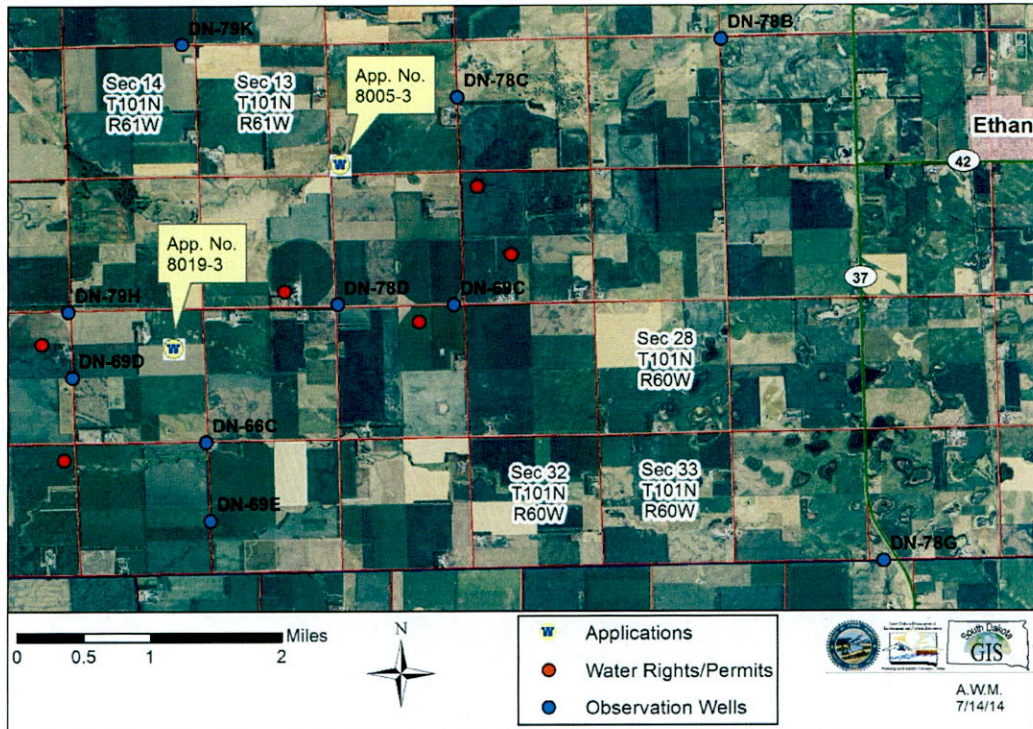


Figure 1- Map of the area of App. No. 8019-3 including observation wells and water rights/permits (Water Rights, 2014a and 2014b)

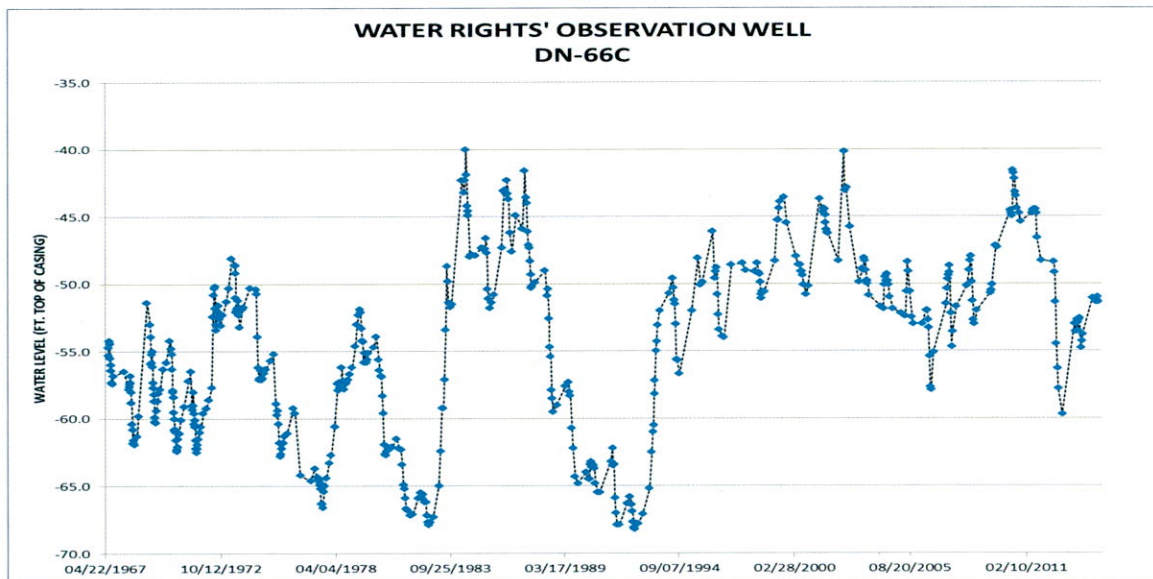


Figure 2- Hydrograph for observation well DN-66C (Water Rights, 2014a)

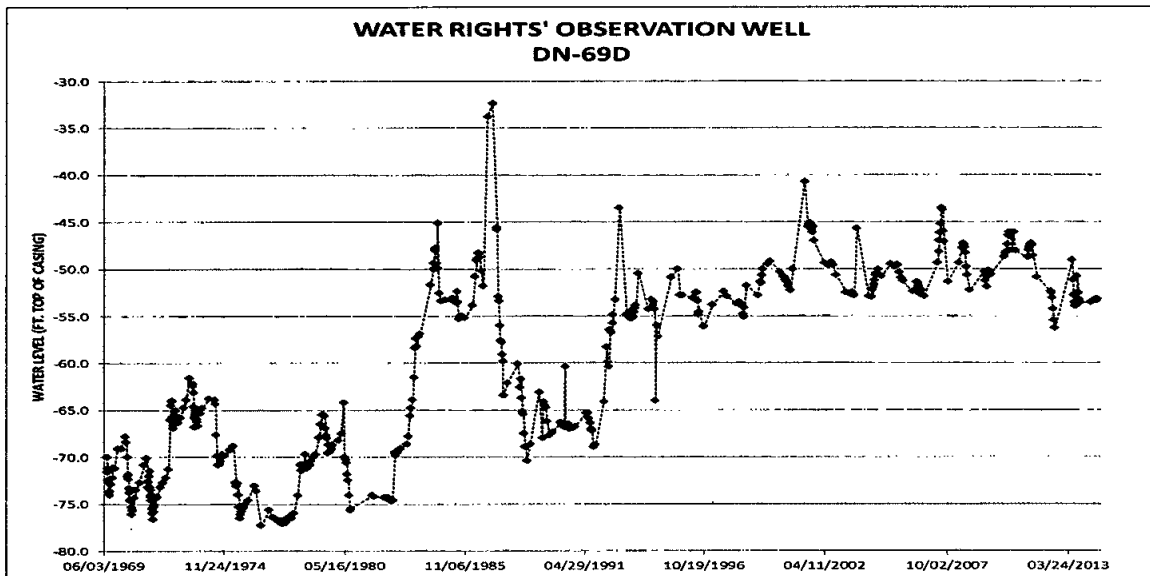


Figure 3- Hydrograph for observation well DN-69D (Water Rights, 2014a)

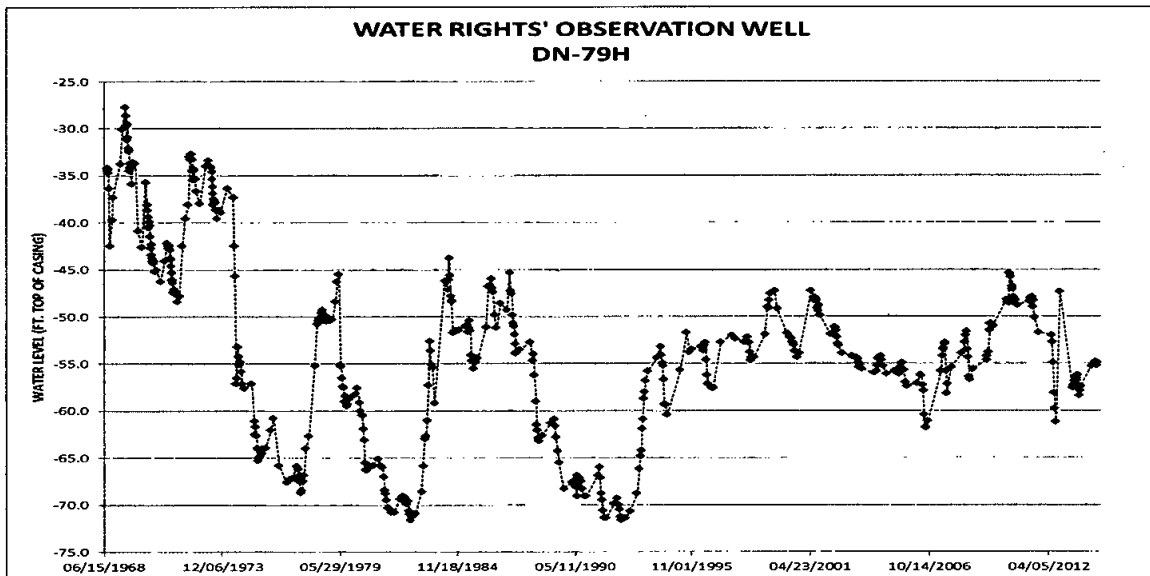


Figure 4- Hydrograph for observation well DN-79H (Water Rights, 2014a)

Recharge and Discharge:

Recharge:

Recharge to the Niobrara aquifer in Davison County is from precipitation and snowmelt on the outcrop area, located in the flood plain of the North Fork of Twelve Mile Creek (Hansen, 1983). Furthermore, Hedges and others (1985) stated,

“The Niobrara Formation, Codell Sandstone, Inyan Kara Group, and Madison Group have such high storage and low use that it is unlikely that use is approaching or exceeding recharge. Furthermore, there is no evidence of significant head loss in any of these aquifers over the years that would suggest that use is exceeding recharge.”

Discharge:

Discharge from the Niobrara aquifer in the area of this application is by evapotranspiration east of the Town of Ethan, to the Ethan aquifer, and well withdrawals (Hansen, 1983). There are 76 water rights/permits and one other pending permit, Application No. 8005-3, authorized to withdraw water from the Niobrara aquifer in South Dakota and a breakdown by permitted uses is shown in Table 1 (Water Rights, 2014b). The 11 municipal water rights/permits belong to nine different municipalities. All of the municipal permits, except for Water Right Nos. 5872-3 for Forestburg Well Co. and 5876-3 for the City of Woonsocket, are used as backup supplies (Friedeman, 2014). The estimated water use by non-irrigation water rights/permits, excluding the nine municipal permits that are used on a backup supply basis, is 980 ac-ft/yr (Water Rights, 2014b). The amount of water that can be expected to be withdrawn by non-irrigation appropriations is estimated by assuming pumping at the maximum permitted diversion rate for 60 percent of the time.

Use	No. of Permits
Commercial	7
Commercial/Livestock Confinement Operation	1
Geothermal	1
Groundwater Remediation	1
Industrial	1
Institutional	5
Irrigation	49
Irrigation-Pending	1
Municipal	11

Table 1- Number of permits authorized for each type of use from the Niobrara aquifer in South Dakota (Water Rights, 2014b)

There are a number of domestic wells completed into the Niobrara aquifer (Water Rights, 2014c). However, the amount of water withdrawn for domestic use is not a significant portion of the average annual withdrawal from the aquifer and many of those domestic wells have been replaced by rural water. Historic irrigation pumpage from the Niobrara aquifer is shown in Table 2. Estimated average annual withdrawal from the Niobrara aquifer in South Dakota is 2,049 ac-ft/yr.

Considering the relatively low use compared to the large area and volume of water in storage in the Niobrara aquifer, there is a reasonable probability that unappropriated water is available for this proposed appropriation.

Year	Permits Reporting	Appropriation (ac-ft/yr)	Pumpage Reported (ac-ft/yr)
2012	30	10831.6	4050.19
2011	24	8465.6	947.24
2010	23	7825.6	418.41
2009	24	8476.6	356.21
2008	23	7387.6	1453.04
2007	23	7387.6	1313.12
2006	23	6975.6	1402.34
2005	22	6457.6	1085.11
2004	21	6793	1124.64
2003	22	6801	1350.01
2002	19	6025	1473.08
2001	19	5649	654.25
2000	19	5649	884.53
1999	20	6073	597.56
1998	20	6073	728.39
1997	21	7033	693
1996	21	7033	1132.44
1995	19	7597	731.15
1994	17	7107	902.1
1993	20	8197.2	201.3
1992	20	8219.2	803
1991	20	8802.2	1358.1
1990	19	8322.2	1214.5
1989	21	9512.2	1730.6
1988	20	9583.2	2172.1
1987	21	10063.2	933
1986	22	10543.2	784
1985	21	10156	720
1984	22	11116	517
1983	21	10033.2	854.5
1982	18	9088	1031.49
1981	24	11499	1374
1980	21	10699	851
1979	20	10219	505
Min	17	5649.0	201.3
Max	30	11499.0	4050.2
Avg.	21.2	8285.1	1069.0

Table 2- Irrigation water use from the Niobrara aquifer in South Dakota (Water Rights, 1980-2013)

EXISTING WATER RIGHTS:

There are three water rights/permits authorizing wells completed into the Niobrara aquifer within approximately 1.5 miles of the proposed well site (Water Rights, 2014b). The nearest well to the proposed well site authorized by an appropriative right completed into the Niobrara aquifer is approximately one mile away. There are a number of domestic wells on file with the SD DENR-Water Rights Program within approximately 1.5 miles of the proposed well site that appear to be completed into the Niobrara aquifer (Water Rights, 2014c). The nearest domestic well on file completed into the Niobrara aquifer is approximately 0.3 miles away from the proposed well site (Water Rights, 2014c).

Both observation well DN-69C and DN-78D are within one-quarter mile of a high capacity well and within approximately one-half mile of two or more high capacity wells, as shown in Figure 1. The hydrographs for DN-69C and DN-78D are shown in Figures 5 and 6, respectively. The

hydrographs document the effects of pumping on the water level. However, the largest decline of water level in one year was 18 and 13 feet in DN-69C and DN-78D, respectively. At DN-69C there were still four feet of artesian head pressure and approximately 60 feet of saturated thickness below the lowest recorded water level (Water Rights, 2014a). At DN-78D there was approximately 60 feet of saturated thickness below the lowest water level (Water Rights, 2014a). Simply put, an adequate well as defined in ARSD 74:02:04:20(6) should not be adversely impacted by pumping this proposed diversion.

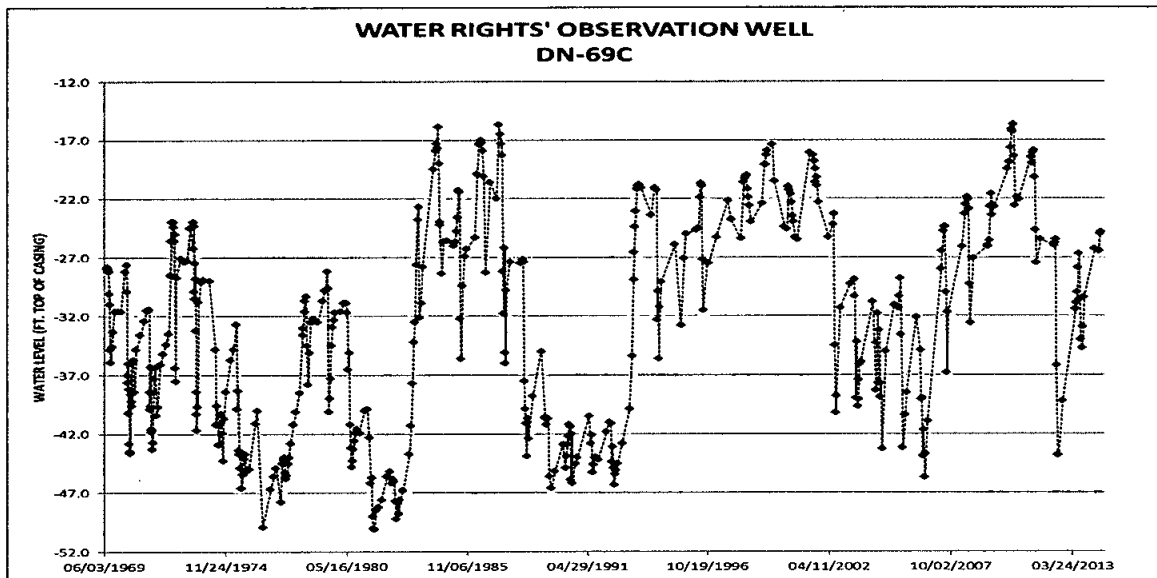


Figure 5 – Hydrograph for observation well DN-69C (Water Rights, 2014a)

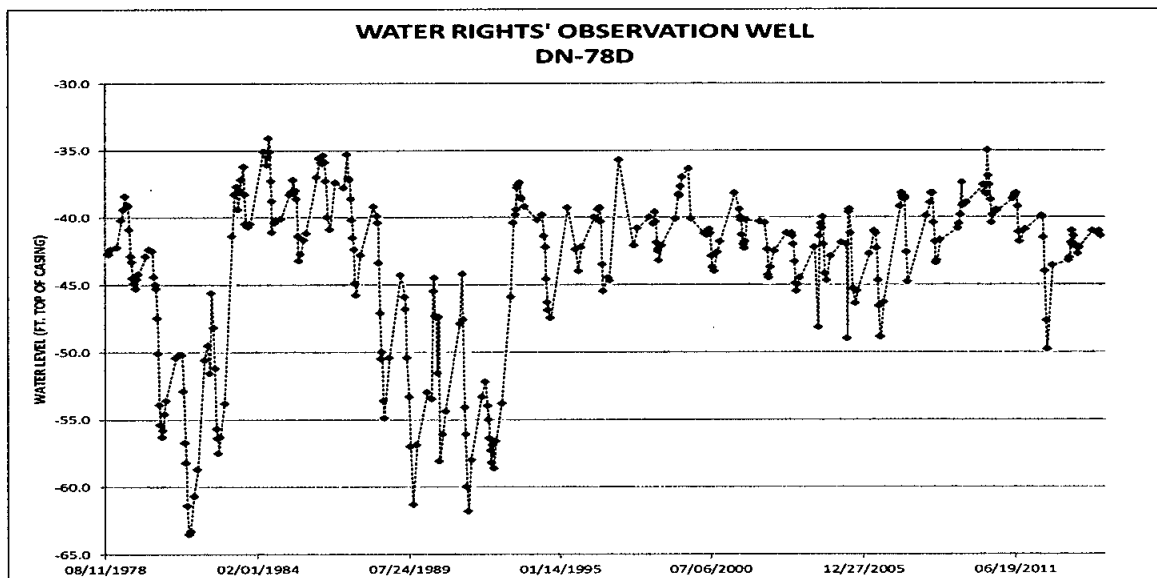


Figure 6 – Hydrograph for observation well DN-78D (Water Rights, 2014a)

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. 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”

Depending on the specific characteristics of the Niobrara aquifer at the well site proposed by this application, some existing well owners may need to lower their pumps to accommodate for deeper water levels. However, when considering the statute (SDCL 46-6-6.1) and rule (ARSD 74:02:04:20(7)), well interference from this proposed appropriation is not likely to cause a significant impact. Therefore, there is a reasonable probability that any interference will not be adverse.

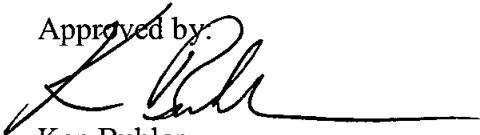
CONCLUSIONS:

1. This application proposes to appropriate water from the Niobrara aquifer at a maximum diversion rate of 1.73 cfs for the irrigation of 145 acres in Davison County.
2. There is a reasonable probability that unappropriated water is available from the Niobrara aquifer for this proposed appropriation.
3. There is a reasonable probability that the diversion proposed by this application can be made without adversely impact existing appropriative or domestic users.



Adam Mathiowetz
SD DENR-Water Rights Program

Approved by:



Ken Buhler
SD DENR-Water Rights Program

REFERENCES:

- Circuit Court of South Dakota, First Judicial Circuit, 2012, May 17, 2012 Memorandum Decision re: Longview Farms, LLP v. South Dakota Dept. of Environ. and Nat'l. Resources.
- Circuit Court of South Dakota, First Judicial Circuit, 2012, April 12, 2012 Memorandum Decision re: Hanson County Dairy v. Robert Bender and Stace Nelson.
- Circuit Court of South Dakota, Sixth Judicial Circuit, 2005, April 29, 2005 Memorandum Decision re: HU04-37 Hines v. SD Department of Environment and Natural Resources.
- Friedeman, B. Personal Communication. SD DENR-Drinking Water Program: Environmental Scientist II. July 14, 2014.
- Hansen, D.S. 1983. Water Resources of Hanson and Davison Counties, South Dakota. Water-Resources Investigations Report 83-4108. U.S. Geological Survey. Huron, SD.
- Hedges, L.S., Allen, J., 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; U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., S.L. Burch, D.L. Iles, R.A. Barari, and R.A. Schoon. 1982. Evaluation of Ground-water Resources in 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.
- Water Rights. 1980-2013. "1979-2012 Irrigation Summaries by Aquifer": SD DENR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.
- Water Rights. 2014a. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014b. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.
- Water Rights. 2014c. Well Completion Reports. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

RECEIVED

AUG - 8 2014

WATER RIGHTS
PROGRAM

NOTICE OF APPLICATION NO. 8019-3 TO
APPROPRIATE WATER

Notice is given that Mark A. Hohn, 40455 266th St, Ethan SD 57334 has filed an application for a water permit to appropriate 1.73 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 26 for irrigation of 145 acres located in the NE 1/4 Section 26; all in T101N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8019-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foes 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 August 11, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner
Secretary, Department of
Environment and Natural
Resources.

Published once at the total approximate cost of \$58.10

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 issues(s), to wit:

Friday, August 1, 2014

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: \$58.10

Signed:

Penny Hohbach

Subscribed and sworn to before me this 5th day of August, 2014.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 9-21-18

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

DEB TOWNSEND
Notary Public
SEAL
South Dakota



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



July 24, 2014

Daily Republic
PO Box 1288
Mitchell SD 57301

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8019-3 to Appropriate Water. Please publish the notice once on August 1, 2014. 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 Mark A Hohn, 40455 266th St, Ethan SD 57334 (Ph # 605-770-5436).

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

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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.**

July 24, 2014

Mark A Hohn
40455 266th St
Ethan SD 57334

Dear Mr. Hohn:

Water Permit Application No. 8019-3 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 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 recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on August 1, 2014. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 8019-3 to Appropriate Water

Notice is given that Mark A Hohn, 40455 266th St, Ethan SD 57334 has filed an application for a water permit to appropriate 1.73 cubic feet of water per second from one well to be completed into the Niobrara Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 26 for irrigation of 145 acres located in the NE 1/4 Section 26; all in T101N-R61W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8019-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 11, 2014.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.



DEPARTMENT OF ENVIRONMENT
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PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



SEP 04 2014

Mark A Hohn
40455 266th St
Ethan SD 57334

Dear Mr. Hohn:

Enclosed is Water Permit No. 8019-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures



8019-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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January 26, 2018

NOTICE

TO: MARK HOHN, 40455 266TH ST, ETHAN, SD 57334

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaire(s)

Our records indicate your 2017 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8019-3. The request for the Questionnaire was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8019-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8019-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

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ETHAN, SD 57334

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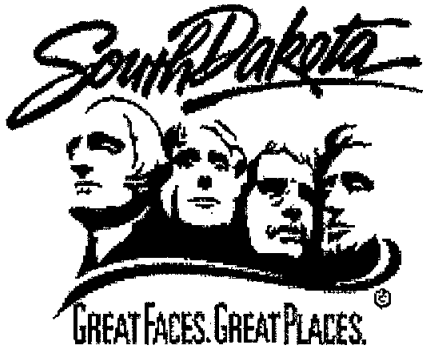
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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
MARK HOHN 40455 266TH ST ETHAN SD 57334	
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See Less ^

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Go to our FAQs section to find answers to your tracking questions. **How can I help you?**



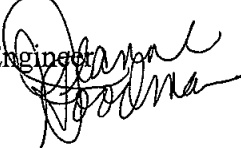
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March 8, 2018

NOTICE OF ENTRY OF ORDER FOR ONE YEAR SUSPENSION OF WATER PERMIT

TO: Mark Hohn 40455 266th St, Ethan SD 57334

FROM: Jeanne Goodman, Chief Engineer
Water Rights Program 

SUBJECT: One Year Suspension of Water Permit No. 8019-3

On March 7, 2018, the Water Management Board ordered:

Effective April 7, 2018, Water Permit No. 8019-3 be suspended for the 2018 irrigation season for failure to submit the 2017 irrigation questionnaire.

If the 2017 irrigation questionnaire is received prior to April 7, 2018, the suspension will not take effect.

Suspension of a water permit means water may not be pumped during the 2018 irrigation season. Consistent with the Board's order, you are not permitted to irrigate in 2018 unless the 2017 irrigation questionnaire is submitted by April 7th.

After April 7th, you may petition the Water Management Board to rescind the suspension. You will need to submit the 2017 irrigation questionnaire and a letter to our office requesting time on the agenda for the next Water Management Board meeting scheduled for May 2-3, 2018, in Pierre, SD. The letter should include your reasons for not completing the 2017 irrigation questionnaire. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

Water Rights Staff will conduct compliance checks of suspended water rights this summer to determine if irrigation is taking place.

Please contact Genny McMath (605) 773-3352, if you have any questions.

CERTIFICATION

I hereby certify that on March 8, 2018, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 8, 2018 regarding Water Management Board action taken March 7, 2018 for Irrigation Questionnaire violations addressed as stated below:

Amendments:

Water Right No. 410-2: John Anthony DeRungs, 11684 Indian Canyon Rd, Edgemont SD 57735
Water Right No. 4309B-3: Ronald J Gorder, PO Box 185, Estelline SD 57234-0185
Water Right No. 394-1: Larry B Reinhold, Lonetree Ranch, 14666 Lonetree, Sturgis SD 57785
Water Right No. 2350-3: Bill Boyer, River Valley Farms, PO Box 486, Alcester SD 57001

One Year Suspensions:

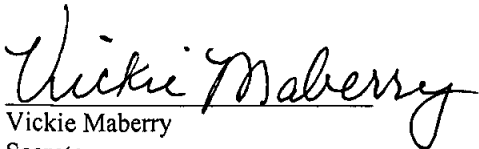
Water Right No. 4472-3, Darrell Biddle, 37461 287th St, Geddes SD 57342
Water Right No. 635-2: Tom Lauing, Dakota Hills Inc., 14129 Ringneck Rd, Oral SD 57766
Water Permit No. 8019-3: Mark Hohn 40455 266th St, Ethan SD 57334
Water Right No. 1213B-1: Charles & Cathy Kimbril, 19027 137th Ave, Vale SD 57788
Water Right No. 1233-1: Ed & Kathy Kling, 12345 Vallery Rd, Nisland SD 57762-9717
Water Permit Nos. 6961-3, 6962-3, 6963-3 & 7233-3, Norman Kramer, 31105 436th Ave., Yankton SD 57078
Water Permit Nos. 7265-3 & 7265A-3: Leigh Leesman, Leesman Ranch, 30729 206th St, Pierre SD 57501
Water Right No. 5441-3, Water Permit Nos. 6408A-3 & 7118-3: Barry Little, 45696 SD Hwy 22, Castlewood SD 57223-5220
Water Right No. 5735-3: Mark McCloud, 33670 183rd St, Highmore SD 57345
Water Permit No. 1923-1: Jim Montieth, PO Box 1238, Spearfish SD 57783 8502
Water Right No. 962B-1: Steve Olinger, 12241 Vallery Rd, Nisland SD 57762-7600
Water Right No. 2074-2: Tamara Rogers, Prairie Gardens Inc., 13979 Cobb Rd, Hermosa SD 57744-5415
Water Right Nos. 1612-3 & 1997-3: Brandon Vostad, Prairie Winds Golf Club, 555 S Lake Dr, Watertown SD 57201
Water Right No. 2106-2: Stuart Rice, 2300 Skyline Ranch Rd., Rapid City SD 57701
Water Right No. 2696-3A: Danny Schmidt, 18684 421st Ave., Willow Lake SD 57278
Helen M Schmidt, 19053 427th Ave., Willow Lake SD 57278
Water Right No. 4292-3: Stanley S Schulz, 41300 SD Hwy 20, Conde SD 57434
Water Right No. 1554A-1/Water Permit No. 1935-1: Donald J Stange, 2807 Gamble Ct, Mitchell SD 57301-6411
Water Permit Nos. 8164-3, 8165-3 & 8166-3: Todd Swenson, 38770 235th St., Wessington Springs SD 57382
Water Right No. 2954-3: Lane Tekrony, 47840 180th St, Clear Lake SD 57226-5405

Second violation - Three year suspensions:

Water Right No. 495-2: Harlan Eisenbraun, 21362 Creighton Rd, Wall SD 57790
Water Right No. 1530-2, Viola Keszler, 30317 289th St, Clearfield SD 57580

Third violation - Cancellation:

Water Right No. 3937-3: Wendell Schubloom, 20608 Hwy 25, DeSmet SD 57231



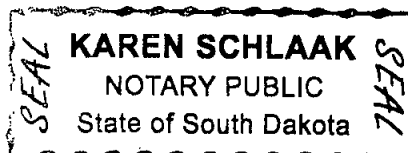
Vickie Maberry
Secretary
Water Rights Program

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 8th day of March, 2018.



Karen Schlaak
Notary Public
My Commission expires April 1, 2019





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 27, 2018

8019-3

Mark Hohn
40455 266th St
Ethan SD 57334

Dear Mr. Hohn:

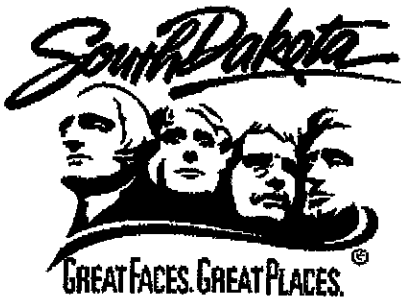
On March 7th the Water Management Board ordered Water Permit No 8019-3 suspended if the 2017 irrigation questionnaire was not received prior to April 7, 2018. The questionnaire information for your water right has been received.

Since the irrigation questionnaire is on file, no violation has occurred and no suspension will take place. You may irrigate during the 2018 irrigation season.

If you have any questions, please contact Genny McMath at (605) 773-3352.

Sincerely,


Jeanne Goodman, Chief Engineer
Water Rights Program



8019-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2020

NOTICE

TO: MARK A HOHN, 40455 266TH ST, ETHAN, SD 57334
FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaire(s)

Our records indicate your 2019 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8019-3 & 8361-3. The request for the Questionnaire was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8019-3 & 8361-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8019-3 & 8361-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: IXTMOF**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

8019-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 3, 2020

8019-3
8361-3

Mark A Hohn
40455 266th St
Ethan SD 57334

Dear Mr. Hohn:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Permit Nos. 8019-3 and 8361-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



8019-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

November 7, 2022

8019-3
8361-3

Hohn Family
515 N Union Ave
Madison SD 57042 2045

Dear Ms. Hohn:

Enclosed is a "Notice" dated October 21, 2022 concerning the 2022 irrigation questionnaires.

The notice was originally mailed to Ethan SD. The post office notified us the address has changed, and I will update our records accordingly.

If the permits should be transferred out of Mark's name, please let me know and I can send you transfer forms. If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us

enclosures

8361-3,
8019-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2026

NOTICE

TO: SAMANTHA HOHN, 515 N UNION AVE, MADISON, SD 57042 2045

FROM: Ron Duvall, Engineer III
for Adam Mathiowetz, PE, Acting Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2025 Irrigation Questionnaire(s)

Our records indicate your 2025 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 8019-3 & 8361-3. The request for the Questionnaire was dated October 8, 2025. The Water Management Board has directed owners of water permits who have not submitted the 2025 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 8019-3 & 8361-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 4, 2026 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 8019-3 & 8361-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2026** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Shannon Konst at (605) 773-3352 or email at shannon.konst@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: OIXHXN**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

8019-3

8361-3

January 28th, 2026

SAMANTHA HOHN
515 N UNION AVE
MADISON SD 57042

Dear Ms. Hohn,

I am writing to acknowledge receipt of your 2025 irrigation questionnaire(s).

You may disregard the January 20, 2026, "Notice" concerning irrigation reporting requirements for your water permit/right(s). The information was received in our office prior to the Water Management Board meeting, and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Shannon Konst
Water Rights Program
605 773-8204
Shannon.konst@state.sd.us