

WATER PERMIT NO. 8041-3

Name of Applicant: Cedar Grove Colony

Address: 36926 266th St, Platte SD 57369 Phone: 605 680-4631

Amount of Water Claimed: no add'l Total Acres: 700 acres

Source of Water Supply: existing storage dam and wastewater lagoons

Water to be used for: irrigation County: Brule

Type of Waste Disposal System:

Location: 9 miles northeast of Platte

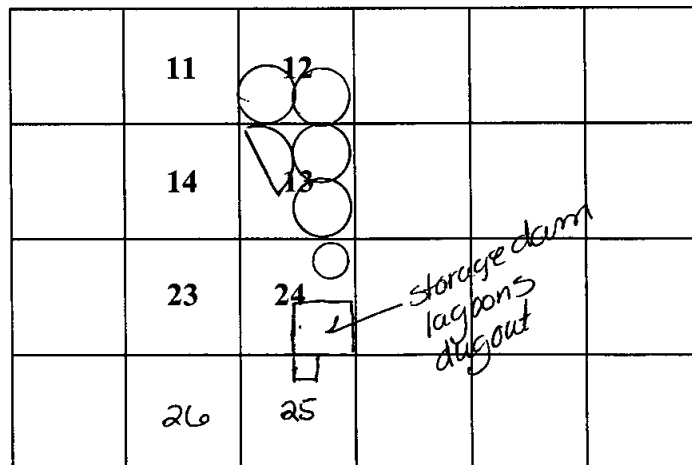
PRIORITY Date Received: 8-26-14 Application/License Fee: \$ 1950

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

Remarks:

Diversion Point: S 1/2 SE 1/4 Sec 24-T101N-R67W

Land to be Irrigated: NE 1/4 Sec 24, E 1/2, NW 1/4, NW 1/4 SW 1/4 Sec 13 and S 1/2 Sec 12; all in T101N-R67W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 8-26-14

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

(office use only)
No. 8041-3 Hydrologic Unit 10140101
Basin Missouri River 605-234-0266
Newspaper Central Dakota Times, Box 125 Chamberlain 57325
605-946-5514
Daily Republic, Box 1258, Mitchell 57301

RECEIVED
AUG 26 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 CEDAR GROVE COLONY

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

(name and complete address if different than above name)

Mailing Address 36926 266TH STREET PLATTE SD 57369
(Address) (City) (State) (Zip Code)

Home Phone 605 337-2404 Cell 605 680-4631 Email Cg.george@sdcolony.com

2. Amount of water claimed NO ADDN. *CFS or NO ADDN. **GPM ***AF Total Acreage 700
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply EXISTING DAM

4. Location of point of diversion S 1/2 of SE 1/4 SECTION 24, T10N R67W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County BRULE

5. County or counties where water will be used BRULE

6. Annual period during which water is to be used APRIL 1 TO OCTOBER 30

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE 1/4 SECTION 24 T10N R67W	80	SE 1/4 SECTION 12 T10N R67W	130
SE 1/4 SECTION 13 T10N R67W	130	SW 1/4 SECTION 12 T10N R67W	130
NE 1/4 SECTION 13 T10N R67W	130		
NW 1/4 SW 1/4 SECTION 13 T10N R67W	90		

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

PUMPING WATER FROM EXISTING DAM TO PIVOTS LISTED IN #7, OR TO EXISTING ANIMAL WASTE LAGOONS FOR DILUTION AND SUBSEQUENT IRRIGATION.

I, George J. Hoff, 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. 8041-3

Date of first receipt of application August 26, 2014.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8041-3 to Cedar Grove Colony, 36926 266th St, Platte SD 57369 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. 8041-3 authorizes irrigation of 700 new acres. Water Permit Nos. 6138-3 and 6263-3 authorize a total of 8.89 cubic feet of water per second (cfs) from an existing 52 acre-foot storage dam, wastewater lagoons and dugout. The dugout was not developed and is no longer a part of the permit. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation, prior to being land applied. The acreage authorized for irrigation by the existing permits is 640 acres located in the NW 1/4 Section 24, NE 1/4 Section 23 and E 1/2 Section 14, all in T101N-R67W. The storage dam and wastewater lagoons are located in the SE 1/4 Section 24 and NW 1/4 NE 1/4 Section 25; all in T101N-R67W. This permit authorizes irrigation of 700 new acres located in the NE 1/4 Section 24, E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13 and S 1/2 Section 12; all in T101N-R67W. This permit does not increase the authorized 8.89 cfs diversion rate.
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 August 26, 2014.
4. The date of approval of Permit No. 8041-3 is November 3, 2014.
5. One-fifth of the construction is to be completed on or before May 3, 2017.
6. All construction is to be completed on or before November 3, 2019.
7. Water is to be put to beneficial use on or before November 3, 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

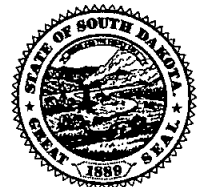
1. The water source for Water Permit No. 8041-3 is the dam authorized by Water Permit Nos. 6138-3 and 6263-3 and wastewater lagoons. The dugout authorized by Water Permit No. 6263-3 was not constructed and is cancelled from Permit No. 6263-3.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed from the dam.
3. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

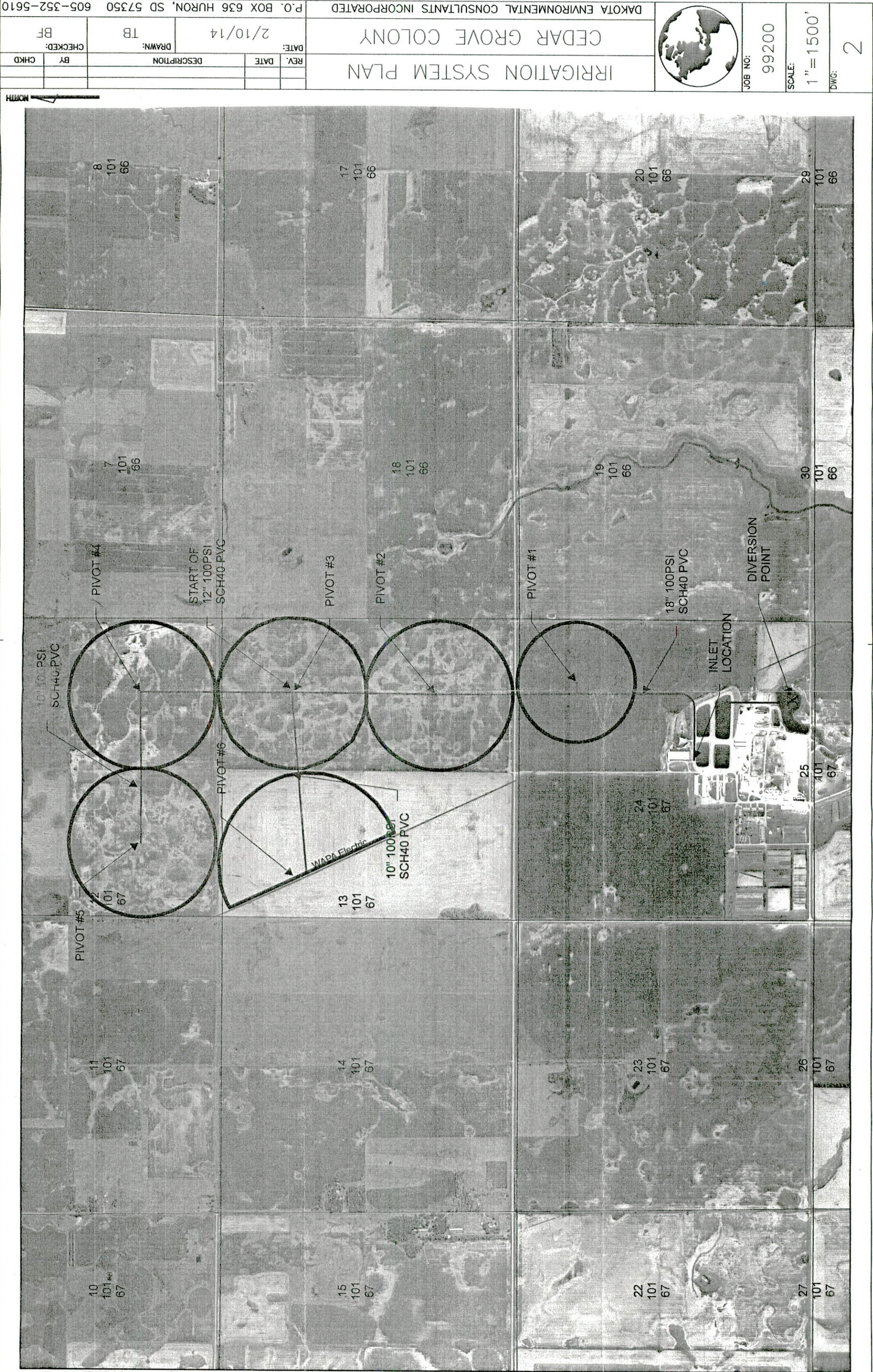
WATER MANAGEMENT BOARD

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

NOV 19 2014

date





IRRIGATION SYSTEM PLAN		CEDAR GROVE COLONY		DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED	
REV.	DATE	DESCRIPTION	DRAWN: TB	DATE: 2/10/14	P.O. BOX 636 HURON, SD 57350
BY	CHECKED: BF	CHKD			



JOB NO:

99200

SCALE:

1"=1500'

DWG:

2

NORTH

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/26, 20 14

RECEIVED OF Cedar Grove Hutterian Brethren 36926 266th St Platte SD 57369

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

Fee for Application for Permit No. <u>8041-3</u> to Appropriate Water, to construct and to put water to beneficial use	1750	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>8041-3</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	1950 00

No. **06930**

By James Hadman
Chief Engineer

9/30/14 T65

Water Permit Application No 8041-3

Cedar Grove Colony

* 2 Existing Permits No. 6138-3 & 6263-3

Existing WPA dam - Cat. 3 - Low Hazard

NID ID No. SD02445

NRCS Annual Yield

$$DA = 3 \text{ mi}^2 = 1920 \text{ Ac}$$

$$CN = 75 \quad ISD = 2 \frac{1}{2}$$

$$60\% \text{ chance} = 0.17$$

$$0.17 \times 1920/2 = \underline{163 \text{ Ac} \cdot \text{ft}}$$

$$50\% \text{ chance} = 0.46$$

$$0.46 \times 1920/2 = \underline{442 \text{ Ac} \cdot \text{ft}}$$

$$10\% \text{ chance} = 2.2$$

$$2.2 \times 1920/2 = \underline{854 \text{ Ac} \cdot \text{ft}}$$

Schlaak, Karen

From: Gronlund, Eric
Sent: Wednesday, July 09, 2014 11:18 AM
To: Schaal, Tim; Schlaak, Karen
Cc: Woodmansey, Kent
Subject: Cedar Grove Colony

On Tuesday, I received a call from Carol Weins (337-3569) concerning Cedar Grove Colony off-loading irrigation equipment and moving in three large earth movers. She was concerned they would be building dams that would impact the ability of their dams to receive water. Their downstream dams are used for livestock watering.

About 3 -4 month ago, Tim and I met with Cedar Grove Colony representatives and their consultant Brian Friedrichsen with Dakota Environmental. They were looking at building new dams and irrigating additional acres to their existing permit. Based on that meeting Mr. Friedrichsen was going to do more design work with the intent of the colony filing an application. An application has not been filed yet.

I then contacted Mr. Friedrichsen regarding whether the colony was proceeding with setting up additional irrigation. He stated he was still working on the dam design but that the colony did get a good deal on some irrigation equipment with the intent of setting it up and applying effluent from their wastewater lagoons as part of the existing CAFO. Mr. Friedrichsen stated they are working on these additional acres as part of their nutrient management plan. Did not ask if that had been filed with the Feedlot Program. Mr. Friedrichsen stated that both he and the colony were fully aware that they'd need to have an approved permit to construct new dams and divert from them for irrigation. The do plan at some point to file an application.

As far as the earth moving equipment, Mr. Friedrichsen state there are a number of rubble and junk piles on the property and indicated it was the colony's intent to clean those up in the very near future and that was the purpose of earth moving equipment at this time.

I called Mr. Weins back to update her on what I found out.

Eric

George Hofer
Cedar Grove Colony
36926 266th Street
Platte, SD 57369
August 22, 2014

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AUG 26 2014

**WATER RIGHTS
PROGRAM**

Eric Gronlund
SD DENR Water Rights Program
523 East Capitol
Pierre, SD 57501

Dear Mr. Gronlund:

Please find attached an application to appropriate water for irrigation for Cedar Grove Colony, as well as the calculated application fee.

This application is submitted as a new application to add additional acres to be irrigated from the same source indicated on existing water rights permit numbers 6138-3 and 6263-3. Water will be withdrawn from the diversion point to either be pumped to the pivots in the listed fields, or to be pumped to the existing system of animal waste storage lagoons, to be blended with the lagoon contents and subsequently irrigated through the same pivots. Please refer to the attached map for additional information.

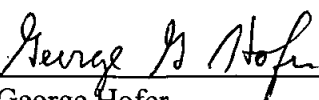
At this time, no additional gallons per minute of diversion are applied for claiming, as the existing withdraw rate under the permits referenced above is believed adequate to operate as many pivots simultaneously as desired.

The acres listed on the application were determined with the intent of not installing cornering systems on the pivots.

Please refer to the Form 2A sheets previously submitted under the above referenced permit numbers, as all information on this form will remain the same.

Please contact me if there are any questions.

Sincerely,


George Hofer

Schaal, Tim

From: Konda, Neal
Sent: Tuesday, September 30, 2014 2:44 PM
To: Schaal, Tim
Subject: RE: Cedar Grove Colony

Tim,

Cedar Grove Colony is covered under the General Water Pollution Control Permit for Concentrated Animal Feeding Operations permit number SDG-0109103. George Hofer is the signatory on our permit documents.

From: Konda, Neal
Sent: Tuesday, September 30, 2014 2:36 PM
To: Schaal, Tim
Subject: Cedar Grove Colony

Tim,

241.2

64.8 Department records indicate the holding ponds (A-D) have an approximate capacity of 10,506,771 cubic feet and the animal feeding operation, including runoff from the yard area directed to the holding ponds, contributes approximately 2,605,385 cubic feet per year. This includes the volume considered for the 25 year/24 hour storm events (February 2, 2010, approval letter). Volumes noted above are volumes submitted by Dakota Environmental, Inc.

The Feedlot Permit Program has a total of 10 center pivot irrigation systems approved and 4 systems permitted.

Proposed and approved pivots:

- Pivot 1 - Northeast $\frac{1}{4}$ of Section 24, Township 101 North, Range 67 West;
- Pivot 2 - Southeast $\frac{1}{4}$ of Section 13, Township 101 North, Range 67 West;
- Pivot 3 - Northeast $\frac{1}{4}$ of Section 13, Township 101 North, Range 67 West;
- Pivot 4 - Southeast $\frac{1}{4}$ of Section 12, Township 101 North, Range 67 West;
- Pivot 5 - Southwest $\frac{1}{4}$ of Section 12, Township 101 North, Range 67 West; and
- Pivot 6 - Northeast $\frac{1}{4}$ of Section 13, Township 101 North, Range 67 West.

The proposed and approved pivots and associated piping are not permitted and may not be used for distribution of wastewater at this time. The department approved these plans with the understanding that only wastewater may be applied to the fields covered by the above pivots and it would be the colony's responsibility to ensure they complied with their existing water right.

Existing and permitted pivots:

- Pivot 1 – Northwest $\frac{1}{4}$, Section 24, Township 101 North, Range 67 West
- Pivot 2 – Northeast $\frac{1}{4}$, Section 23, Township 101 North, Range 67 West
- Pivot 3 – Southeast $\frac{1}{4}$, Section 14, Township 101 North, Range 67 West
- Pivot 4 – Northeast $\frac{1}{4}$, Section 14, Township 101 North, Range 67 West

If you need additional information let me know. I think I covered what we talked about.

Regards,

Neal Konda



DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES

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



October 17, 2014

Carol Weins
38046 267th Street
Platte SD 57369

Dear Mrs. Weins:

A few months back you called the Department of Environment and Natural Resources (DENR) with concerns regarding construction activity by Cedar Grove Colony. Your primary concern was if they build additional dams in a drainage it may impact downstream flow of water relied upon for livestock.

On August 28th, Cedar Grove Colony did file a water permit application to irrigate additional acres from their existing dam and wastewater ponds that are part of the animal confinement facility. At this time, the colony has not filed any application for additional storage dams to help supply their irrigation systems. If they do construct dams in the future for this purpose an additional water permit application will need to be filed and processed by DENR.

I am sending you the staff report, recommendation and public notice on the current application pending. The notice will be published in the Central Dakota Times and Mitchell Daily Republic. The date to petition to intervene is including in the notice.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

enclosures



**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. 8041-3, Cedar Grove Colony**

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. 8041-3, Cedar Grove Colony, c/o George G Hofer, 36926 266th Street, Platte SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 8041-3 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 water source for Water Permit No. 8041-3 is the dam authorized by Water Permit Nos. 6138-3 and 6263-3 and wastewater lagoons. The dugout authorized by Water Permit No. 6263-3 was not constructed and is cancelled from Permit No. 6263-3.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed from the dam.
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
October 16, 2014

NOTE: The water from the dam and the colony's wastewater ponds may not provide sufficient water to meet the irrigation needs of the 640 acres authorized by Permit Nos 6138-3 and 6263-3 and the 700 new acres requested by Application No. 8041-3. DENR views it as a management issue for the water permit holder to determine which acres to apply water in order to maximize crop production.

REPORT ON
WATER PERMIT APPLICATION NO. 8041-3
CEDAR GROVE COLONY
September 30, 2014

Water Permit Application No. 8041-3 has been filed by Cedar Grove Colony to irrigate 700 new acres. The 700 new acres will be located in the NE $\frac{1}{4}$ of Section 24, E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 13 and the S $\frac{1}{2}$ of Section 12; all in T101N-R67W.

Discussion:

The Cedar Grove Colony holds Water Permit Nos. 6138-3 and 6263-3, which authorize a total of 8.89 cubic feet of water per second (cfs) from an existing 52 acre-feet storage dam, wastewater lagoons and dugout. The proposed dugout was not developed and is no longer a part of Water Permit No. 6263-3. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation, prior to being land applied.

The existing storage dam and wastewater lagoons are located in the SE $\frac{1}{4}$ of Section 24 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25; all in T101N-R67W. The acreage authorized for irrigation by Water Permit Nos. 6138-3 and 6263-3 is 640 acres and located in the NW $\frac{1}{4}$ of Section 24, the NE $\frac{1}{4}$ of Section 23 and the E $\frac{1}{2}$ of Section 14; all in T101N-R67W.

The existing dam (SD ID No. SD02445) is classified as a small size Category 3, Low hazard dam. It has a dam height of 19 feet and normal storage capacity of 52 acre-feet with a reservoir level at the spillway elevation, and a maximum storage capacity of 80 acre-feet with a reservoir level at the top of dam elevation. The dam was constructed by the WPA in 1937, before the Water Management Board Safety of Dams Rules became effective in October 1986, and it is exempt from specific spillway capacity requirements. A dam of this size and hazard classification would normally be required to have a minimum spillway design capable of passing a 25-year frequency event.

The Cedar Grove Colony Dam has an earthcut spillway with a trapezoidal concrete weir section with a base width of 30 feet with approximately 6 feet of freeboard. The spillway has a capacity of approximately 1500 cfs. The dam has a drainage area of approximately three square miles. This drainage area would produce a 25-year frequency event peak of 183 cfs.

The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 27 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 74 acre-feet, and the annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 352 acre-feet. In the past, the dam has also received discharges from Torrey Lake, which is located about three upstream of the existing dam.

Cedar Grove Colony also holds a Department of Environment and Natural Resources General Water Pollution Control Permit for Concentrated Animal Feeding Operations permit number SDG-0109103. The Colony's wastewater lagoons are covered under this permit and have a combined capacity of 10,506,771 cubic feet (241.2 acre-feet), and the animal feeding operation contributes approximately 2,605,385 cubic feet (59.8 acre-feet).

The Cedar Grove Colony Dam is located on an unnamed tributary to Platte Creek approximately five miles upstream of the confluence of the unnamed tributary and Platte Creek. There are no existing Water Permits/Rights on the unnamed tributary between the dam and Platte Creek. The Department of Game, Fish and Parks holds Vested Water Right Claim No. 725-3 for the storage of 360 acre-feet of water in Carroll Lake, which is located on Platte Creek near the confluence with the unnamed tributary.

Conclusions:

1. Cedar Grove Colony proposes to irrigate 1340 acres, with 700 new acres under this application and 640 existing acres under Water Permit Nos. 6138-3 and 6263-3.
2. The Colony has a potential for 293 acre-feet of storage with the existing 52 acre-feet storage dam and 241 acre-feet wastewater lagoons.
3. Water Permit Application No. 8041-3 should be approved since unappropriated water is available and approval should not have any adverse effects on existing Water Permits/Rights.
4. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 8041-3.
5. If approved, Water Permit Application No. 8041-3 does not change the 8.89 diversion rate authorized under Water Permits No. 6138-3 and 6263-3.



Timothy G. Schaal, P.E.
Engineer IV

AFFIDAVIT OF PUBLICATION

State of South Dakota

County of Brule

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OCT 24 2014

WATER RIGHTS
PROGRAM

Debi Ruiz of said county, being, first duly sworn, on oath, says: That she is the publisher of *Central Dakota Times*, a weekly newspaper, published in the City of Chamberlain, in said County of Brule, and State of South Dakota; that 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 Brule 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 of Application No. 8041-3
To Appropriate Water

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

one

successive week(s) to wit:

October 22, 2014; _____, 20____;
_____, 20____; _____, 20____;
_____, 20____; _____, 20____;

That the full amount of the fee charged for the publication of the attached public notice inures 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:

\$27.90

Signed: Debi Ruiz

Subscribed and sworn to before me this 23rd day
of October, 2014.

Janet L. Petrak
Notary Public in and for the County of Brule,
South Dakota

JANET L. PETRAK
Notary Public
SEAL
South Dakota

NOTICE OF APPLICATION NO. 8041-3 TO APPROPRIATE WATER

Notice is given that Cedar Grove Colony, c/o George G. Hofer, 36926 266th Street, Platte, SD 57369, has filed an application for a water permit to irrigate 700 new acres. Water Permit Nos. 6138-2 and 6263-3 authorize a total of 8.89 cubic feet of water per second (cfs) from an existing 52 acre-feet storage dam, wastewater lagoons and dugout. The dugout was not developed and is no longer a part of the permit. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation, prior to being land applied. The acreage authorized for irrigation by the existing permits is 640 acres located in the NW 1/4 Section 24, NE 1/4 Section 23 and E 1/2 Section 14, all in T101N-R67W. The storage dam and wastewater lagoons are located in the SE 1/4 Section 24 and NW 1/4 NE 1/4 Section 25; all in T101N-R67W. This application proposes to irrigate 700 new acres located in the NE 1/4 Section 24, E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13 and S 1/2 Section 12; all in T101N-R67W. This application, if approved, does not increase the authorized 8.89 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the chief engineer recommends Approval of Application No. 8041-3 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 East 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 Nov. 3, 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. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above water rights program address to request copies of information pertaining to this application.

Steven M. Pirmer, Secretary, Department of Environment and Natural Resources.
(Published one week, October 22, 2014 at a total approximate cost of \$27.90.)
(October 22)

RECEIVED

OCT 24 2014

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION
NO. 8041-3
to Appropriate Water**

Notice is given that Cedar Grove Colony, c/o George G. Hofer, 36926 266th St, Platte SD 57369 has filed an application for a water permit to irrigate 700 new acres. Water Permit Nos. 6138-2 and 6263-3 authorize a total of 8.89 cubic feet of water per second (cfs) from an existing 52 acre-foot storage dam, wastewater lagoons and dugout. The dugout was not developed and is no longer a part of the permit. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation, prior to being land applied. The acreage authorized for irrigation by the existing permits is 640 acres located in the NW 1/4 Section 24, NE 1/4 Section 23 and E 1/2 Section 14, all in T101N-R67W. The storage dam and wastewater lagoons are located in the SE 1/4 Section 24 and NW 1/4 NE 1/4 Section 25; all in T101N-R67W. This application proposes to irrigate 700 new acres located in the NE 1/4 Section 24, E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13 and S 1/2 Section 12; all in T101N-R67W. This application, if approved, does not increase the authorized 8.89 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8041-3 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 November 3, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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 \$78.44.

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:

Wednesday, October 22, 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: \$78.44

Signed: Penny Hohbach

Subscribed and sworn to before me this 22nd day of October, 2014.

Deb Townsend

Notary Public
County of Davison

My Commission Expires: 09-21-18

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



October 16, 2014

Central Dakota Times
PO Box 125
Chamberlain SD 57325

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 8041-3 to Appropriate Water. Please publish the notice once on October 22, 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 Cedar Grove Colony, c/o George G Hofer, 36926 266th St, Platte SD 57369 (Ph # 605-337-2404).

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

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
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October 16, 2014

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enclosures



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 16, 2014

Cedar Grove Colony
George G Hofer
36926 266th St
Platte SD 57369

Dear Mr. Hofer:

Water Permit Application No. 8041-3 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 Central Dakota Times printed at Chamberlain SD (Ph # 605-234-0266) and the Daily Republic printed at Mitchell SD (Ph # 605-996-5514). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the 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: Dakota Environmental, Brian Fredrichsen, PO Box 636, 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.

Instruction to Newspaper - Publish the Notice on October 22, 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. 8041-3 to Appropriate Water

Notice is given that Cedar Grove Colony, c/o George G Hofer, 36926 266th St, Platte SD 57369 has filed an application for a water permit to irrigate 700 new acres. Water Permit Nos. 6138-2 and 6263-3 authorize a total of 8.89 cubic feet of water per second (cfs) from an existing 52 acre-feet storage dam, wastewater lagoons and dugout. The dugout was not developed and is no longer a part of the permit. Water may be pumped directly from the storage dam for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation, prior to being land applied. The acreage authorized for irrigation by the existing permits is 640 acres located in the NW 1/4 Section 24, NE 1/4 Section 23 and E 1/2 Section 14, all in T101N-R67W. The storage dam and wastewater lagoons are located in the SE 1/4 Section 24 and NW 1/4 NE 1/4 Section 25; all in T101N-R67W. This application proposes to irrigate 700 new acres located in the NE 1/4 Section 24, E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13 and S 1/2 Section 12; all in T101N-R67W. This application, if approved, does not increase the authorized 8.89 cfs diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8041-3 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 November 3, 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. Information concerning this application is available at <http://denr.sd.gov/public>. 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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denr.sd.gov



NOV 19 2014

Cedar Grove Colony
George G Hofer
36926 266th St
Platte SD 57369

Dear Mr. Hofer:

Enclosed is Water Permit No. 8041-3 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

8041-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: CEDAR GROVE COLONY, GEORGE G HOFER, 36926 266TH ST, PLATTE, SD 57369

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 6263-3 & 8041-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 6263-3 & 8041-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 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) 6263-3 & 8041-3 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 2, 2022** 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://danr.sd.gov/iq> using this password: TTOEUC**

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.



8041-3

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 3, 2022

NOTICE

TO: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369

FROM: Eric Gronlund, Chief Engineer *Eric Gronlund*
Water Rights Program

SUBJECT: One Year Suspension of Water Right No. 6263-3 and Water Permit No. 8041-3

On March 2, 2022, the Water Management Board ordered:

Effective April 4, 2022, Water Right No. 6263-3 and Water Permit No. 8041-3 be suspended for the 2022 irrigation season for failure to submit the 2021 irrigation questionnaires.

If the 2021 irrigation questionnaires are received prior to April 4, 2022, the suspensions will not take effect.

The 2021 irrigation questionnaires for Cedar Grove Colony were received March 3rd. Since the questionnaires are now on file, no violations have occurred, and the suspensions will not take effect.

“Notices” concerning late questionnaires and Board actions are made part of the administrative file for each water right. Please try to submit future irrigation questionnaires by the deadline.

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

CERTIFICATION

I hereby certify that on March 3, 2022, I have personally deposited with the United States mail at Pierre, South Dakota, a first class postage prepaid envelopes containing a "Notice" dated March 3, 2022, concerning Board action to amend and/or suspend water rights to the following:

Amendments:

No. 3487-3: Dave Hanson, 31489 455th Ave., Meckling SD 57069
 No. 2460-3: Ryan Patterson, 10946 425th Ave., Britton SD 57430
 Patterson Farm Inc, 42474 SD Hwy 10, Britton SD 57430

Amend & Suspend:

Nos. 1397-2, 2647-2 & 2701-2: Cody Burull, 25299 Deer Valley Rd, Reliance SD 57569

Nos. 2072-3, 2126-3, 3204-3, 7236-3 & 7237-3:

- David Ulvestad, 46720 201st St., Bruce SD 57220
- Darwin Ulvestad, 46679 201st St, Bruce SD 57220

Three year suspensions:

No. 410B-2: Kathi Koester, PO Box 206, Custer SD 57730-0206
 Nos. 1350-3 & 6042-3: Scott Jensen, 24348 478th Ave., Dell Rapids SD 57022

One year suspensions:

No. 6947-3: Joe Adler, 48353 149th St, Milbank SD 57252
 Nos. 6263-3 & 8041-3: George G Hofer, Cedar Grove Colony, 36926 266th St, Platte SD 57369
 No. 881-2: Ryan Edwards, 25331 Yellow Eagle Rd, White River SD 57579
 No. 6316-3: Howard Athletic Club Inc., 508 E Farmer Ave., Howard SD 57349-9017
 Nos. 2851-3 & 4955-3: David Huber, 16010 413th Ave., Conde SD 57434

 Nos. 2390A-3, 3268A-3, 4400A-3, 5651-3, 6431-3, 7365-3, 7366-3, 7367-3, 7370-3, 7395-3, 7905-3, 7906-3, 7369A-3, 7369B-3, 7369C-3, 7906A-3: Joey Waldner Colony, 40068 Huron Colony Lane, Huron SD 57350-8001

 Nos. 7286-3 & 7543-3: Brian Kozak, 30620 417th Ave., Tyndall SD 57066
 No. 5665-3: Pat Mentele, PO Box 41, Woonsocket SD 57385-0041
 No. 8326-3: Jerry D Nelsen, 45125 291st St., Viborg SD 57070
 No. 7005-3: Troy Randall, Randall Enterprise LLC, 24250 479th Ave., Dell Rapids SD 57022 6139
 No. 2497-2: Marty Vanderploeg, 22958 293rd St, Martin SD 57551-5930
 No. 8265-3: Carl Pulvermacher, Wiskota Farm, 14050 SD Hwy 25, Webster SD 57274
 Nos. 516-1 & 715-1: Lawrence Woodward, PO Box 220, Dupree SD 57623-0220


 Genny McMath

Program Assistant-Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 3rd day of March, 2022.



Karen Schlaak

Notary Public

My Commission expires April 1, 2025

