

WATER PERMIT NO. 8230-3

Name of Applicant: Cedar Grove Colony

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

Amount of Water Claimed: 85.07 acre-feet (0.15 add'l cfs) Total Acres: NA

Source of Water Supply: existing dam

Water to be used for: irrigation County: Brule

Type of Waste Disposal System:

Location: 9 miles northeast of Platte

PRIORITY Date Received: 6-20-16 Application/License Fee: \$ 500

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

Remarks: construct a reservoir for storage of water withdrawn from existing dam under No. 6263-3 and 5041-3

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

Land to be Irrigated:

Depth of Well:

Well Driller:

Remarks:

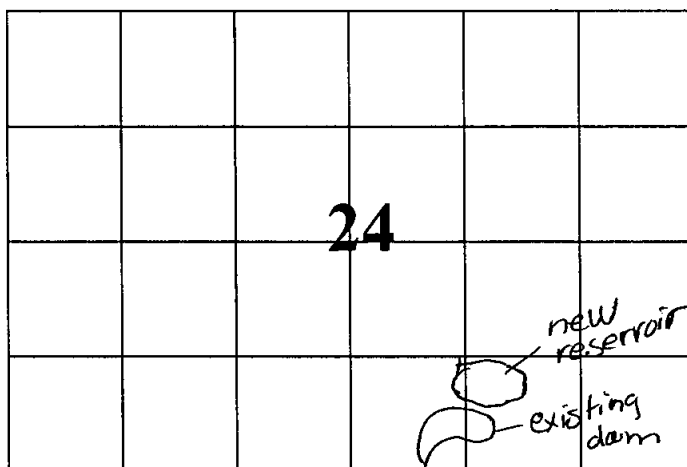
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 6-20-16

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



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

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8230-3</u> (office use only) Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u> <u>605-234-6266</u>
	Newspaper <u>Central Dak. Times Chamberlain</u>
	<u>Daily Republic - Mitchell</u> <u>605-996</u> <u>5514</u>

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JUN 20 2016
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

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

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

Phone 605 337-2404 Mobile 605 680-4631 Email george@cedargrovecolony.com

2. Amount of water claimed 0.15 ^{add} *CFS or NO ^{ADDN.} **GPM 85.07 ***AF Total Acreage NO ^{ADDN.}
(*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, T101N R67W
(example - 3 wells in SW 1/4 NE 1/4 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
NO ADDN.			

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

CONSTRUCT A RESERVOIR FOR STORAGE OF WATER WITHDRAWN FROM THE EXISTING DAM UNDER WATER RIGHTS 6263-3 AND 8041-3. NO ADDITIONAL AMOUNT OF WATER IS CLAIMED, AND NO ADDITIONAL ACRES ARE PROPOSED. THE ACRE- FEET LISTED UNDER #2 IS THE STORAGE OF THE PROPOSED RESERVOIR. DIVERSION FROM THE EXISTING DAM TO THE PIVOTS, FROM THE DAM TO THE EXISTING LAGOONS, FROM THE PROPOSED RESERVOIR TO THE PIVOTS, OR FROM THE PROPOSED RESERVOIR TO THE LAGOONS WOULD BE AT OR BELOW THE CURRENTLY PERMITTED RATE. CONCURRENT DIVERSION FROM BOTH THE DAM AND THE PROPOSED RESERVOIR TO THE PIVOTS IS NOT POSSIBLE.

I, George H. Hofer Sec. Treas., the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

SOUTH DAKOTA
WATER PERMIT NO. 8230-3

Date of first receipt of application June 20, 2016.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8230-3 to Cedar Grove Colony, c/o George G Hofer, 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. 8230-3 authorizes a reservoir with a storage capacity of 85.07 acre-feet of water located in the E 1/2 SE 1/4 Section 24-T101N-R67W and increases the authorized diversion rate authority. The permit holder may withdraw water from an existing dam with a storage capacity of 52 acre feet of water to fill the new reservoir. The existing dam authorized by Water Right No. 6263-3 is located in the S 1/2 SE 1/4 Section 24 with runoff water also impounded in the NW 1/4 NE 1/4 Section 25, T101N, R67W. Water Right No. 6263-3 and Water Permit No. 8041-3, combined authorize a total of 7.65 cubic feet of water per second (cfs) from an existing 52 acre-feet storage dam and wastewater lagoons which are located in the SE 1/4 Section 24-T101N-R67W for irrigation of 1,236 acres. This permit appropriates an additional 0.15 cfs for a total diversion rate of 7.80 cfs from the dam and lagoons. Water may be pumped directly from the storage dam to the proposed additional reservoir for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation prior to being applied to the land authorized for irrigation. The 1,236 acres authorized for irrigation by the existing permits are located in the N 1/2 Section 24; NE 1/4 Section 23; E 1/2 Section 14; E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13; S 1/2 Section 12; all in T101N-R67W. This permit does not increase the existing 1,236 acres authorized for irrigation.
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 30.
3. The date from which applicant may claim right is June 20, 2016.
4. The date of approval of Permit No. 8230-3 is September 6, 2016.
5. One-fifth of the construction is to be completed on or before March 6, 2019.
6. All construction is to be completed on or before September 6, 2021.
7. Water is to be put to beneficial use on or before September 6, 2025.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 8230-3 authorizes an impoundment with a storage capacity of 85.07 acre feet of water and maintenance of the water level by pumping from the storage dam authorized by Water Right No. 6263-3.

WATER MANAGEMENT BOARD

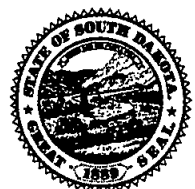
By: 

Jeanne Goodman, Chief Engineer
Water Rights Program

Department of Environment and Natural Resources

OCT 07 2016

date



SOUTH DAKOTA

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☐ Drilling new well(s) ☐ Using existing well(s)a) If new wells, how many ____ Have test holes been drilled ☐ Yes ☐ No Drilled by ____
(if yes, please provide copies of logs)

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

For either Existing or Proposed Wells:

c) Well Depth (required) ____ Depth to Top of Water Bearing Material ____ Depth to Water from Surface ____

d) Distance to nearest domestic well on applicant's property ____ Property owned by others ____

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:

DAKOTA ENVIRONMENTAL INC.
PO BOX 636
HURON, SD 57350

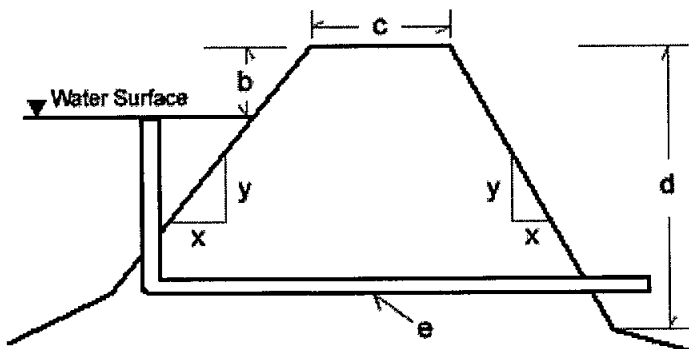
b) Freeboard 4.5'c) Crest Width 20'Crest Length 1883' (PERIMETER)d) Height 13.5' MAXIMUMe) Primary Outlet Capacity N/A

If pipe, diameter ____

f) Secondary Spillway Capacity N/A

Spillway Width ____

g) X & Y Slope (e.g. 3 to 1 is a typical slope)

Upstream 3:1Downstream 3:1h) Surface Area of Impoundment 5.67i) Storage 85.07 Acre Feetj) Drainage Area Above Dam N/A Acres

Sec 14
T101N
R67W

Sec 13
T101N
R67W

Sec 18
T101N
R66W

Sec 23
T101N
R67W

Sec 24
T101N
R67W

Sec 19
T101N
R66W

Sec 26
T101N
R67W

Sec 25
T101N
R67W

Sec 30
T101N
R66W

Sec 35
T101N
R67W

Sec 36
T101N
R67W

Sec 31
T101N
R66W



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/20, 20 16

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>8230-3</u> to Appropriate Water, to construct and to put water to beneficial use	500	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	500 00

No. **07857**

By James Doelman
Chief Engineer



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Dakota Environmental Consultants, Inc.

Engineers...Hydrogeologists...Geologists...Remedial Specialists

"Yours for a cleaner Earth"

June 16, 2016

Tim Schaal
SD DENR
523 E Capitol
Pierre, South Dakota 57501

RE: Proposed Irrigation Reservoir
Cedar Grove Colony, Brule County
DEC Project #99200

Dear Mr. Schaal:

Please find included for your review and approval two copies of plans and specifications for a proposed irrigation water storage reservoir at the above referenced project site.

The owner proposed to construct the reservoir to store fresh water pumped from an existing dam under two existing water rights permits. The reservoir will not capture runoff from external sources beyond its embankments, and is therefore not designed with a spillway. The included volume calculations document the ability of the reservoir to contain the Probable Maximum Precipitation volume above the maximum storage level.

The reservoir will be filled from a branch proposed from the existing pipe network used by the owner to withdraw water from the existing dam for irrigation purposes, either by pumping directly to irrigation pivots or to the existing animal waste management system storage structures for blending.

Copies of the included materials are also being submitted to the DENR Water Rights and Feedlot programs, as some of the proposed components are relevant for their review.

We hope you will find the included materials adequate for review and approval of this structure. As always, please contact us if you have any questions or require additional information.

Sincerely,

Brian Friedrichsen, PE
Senior Engineer

Cc: Eric Gronlund
Kent Woodmansey

CEDAR GROVE COLONY RESERVOIR

6/15/2016

Volume Calculations

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	<u>Elev.</u>	<u>Area ft²</u>	<u>Acres</u>	<u>Cubic Feet</u>	<u>Gallons</u>	<u>Total Gallons</u>	<u>Total cubic feet</u>	<u>Total acre feet</u>
	1555.5	42,485	0.98					
	1556	43,926	1.01	21,603	161,610	161,610	21,603	0.50
	1557	46,603	1.07	45,265	338,624	500,234	66,867	1.54
	1558	49,354	1.13	47,979	358,927	859,161	114,846	2.64
	1559	52,179	1.20	50,767	379,784	1,238,945	165,612	3.80
	1560	55,079	1.26	53,629	401,199	1,640,144	219,241	5.03
	1561	58,052	1.33	56,566	423,167	2,063,310	275,807	6.33
	1562	61,100	1.40	59,576	445,688	2,508,998	335,383	7.70
	1563	64,221	1.47	62,661	468,763	2,977,762	398,043	9.14
	1564	67,417	1.55	65,819	492,392	3,470,153	463,862	10.65
	1565	70,687	1.62	69,052	516,578	3,986,732	532,914	12.23
	1566	74,030	1.70	72,359	541,314	4,528,045	605,273	13.90
	1567	77,448	1.78	75,739	566,603	5,094,649	681,012	15.63
	1568	80,940	1.86	79,194	592,450	5,687,099	760,206	17.45
	1569	84,506	1.94	82,723	618,851	6,305,950	842,929	19.35
	1570	88,145	2.02	86,326	645,801	6,951,751	929,254	21.33
	1571	91,860	2.11	90,003	673,309	7,625,060	1,019,257	23.40
	1572	95,648	2.20	93,754	701,374	8,326,433	1,113,011	25.55
	1573	99,510	2.28	97,579	729,988	9,056,422	1,210,590	27.79
	1574	103,446	2.37	101,478	759,157	9,815,579	1,312,068	30.12
	1575	107,456	2.47	105,451	788,879	10,604,458	1,417,519	32.54
	1576	111,541	2.56	109,499	819,158	11,423,616	1,527,017	35.06
	1577	115,699	2.66	113,620	849,991	12,273,607	1,640,637	37.66
	1578	119,931	2.75	117,815	881,374	13,154,981	1,758,452	40.37
	1579	124,239	2.85	122,085	913,318	14,068,299	1,880,537	43.17
	1580	128,619	2.95	126,429	945,815	15,014,115	2,006,966	46.07
	1581	133,073	3.05	130,846	978,859	15,992,973	2,137,812	49.08
	1582	137,602	3.16	135,338	1,012,460	17,005,433	2,273,150	52.18
	1583	142,205	3.26	139,904	1,046,618	18,052,051	2,413,053	55.40
	1584	146,882	3.37	144,544	1,081,330	19,133,381	2,557,597	58.71
	1585	151,633	3.48	149,258	1,116,595	20,249,977	2,706,854	62.14
	1586	156,458	3.59	154,046	1,152,414	21,402,391	2,860,900	65.68
	1587	161,357	3.70	158,908	1,188,787	22,591,178	3,019,807	69.33
	1588	166,329	3.82	163,843	1,225,709	23,816,888	3,183,650	73.09
	1589	171,377	3.93	168,853	1,263,189	25,080,077	3,352,503	76.96
	1590	176,498	4.05	173,938	1,301,226	26,381,303	3,526,441	80.96
Max. storage	1591	181,694	4.17	179,096	1,339,817	27,721,120	3,705,537	85.07
	1592	186,963	4.29	184,329	1,378,962	29,100,082	3,889,865	89.30
	1593	192,306	4.41	189,635	1,418,656	30,518,738	4,079,500	93.65
	1594	197,723	4.54	195,015	1,458,903	31,977,641	4,274,514	98.13
	1595	203,215	4.67	200,469	1,499,709	33,477,350	4,474,983	102.73
Min. Crest	1595.5	206,472	4.74	102,422	766,217	34,243,567	4,577,405	105.08
Top Embankment	Varies	246,859	5.67					

Reservoir Bottom

interval volume, cubic feet

3,705,537

Top of Maximum Storage Level

interval volume, cubic feet

871,868

Crest of Reservoir

Probable Maximum Precipitation (PMP), 72hr 10sqmi (in)

35

PMP volume, cubic feet

720,005

Net Reservoir storage, cubic feet

3,705,537

Net Reservoir storage, acre feet

85.07



CEDAR GROVE COLONY
IRRIGATION RESERVOIR
PLANS AND SPECIFICATIONS
ISSUED 6/16/16

PRODUCER: CEDAR GROVE COLONY
ADDRESS: 36926 266th STREET
PLATTE, SD 57369-7103
PHONE: (605) 337-2404
SITE LOCATION: SE 1/4 of Section 24, T101N R67W
COUNTY: BRULE

LEGEND

- CONCRETE
 ROCK
 SELECT GRANULAR FILL
 EXISTING EARTH
 COMPACTED FILL
 TOPSOIL
 WETLAND
 CLEANOUT
 DEPTH MARKER LOCATION
 SPLASH PAD
 RESIDENCE

CULVERT
 MW MONITORING WELL
 POWER POLE
 PROPERTY LINE
 DRAINAGE SWALE
 EXISTING CONTOUR LINE
 PROPOSED CONTOUR LINE
 BM BENCHMARK OR CONTROL POINT
 1270.00 NEW SPOT ELEVATION
 SBx SOIL BORING
 ELEVATION
 FENCE

SECTION NO.  SECTION TAKEN FROM DRAWING NO.
SECTION LOCATED ON DRAWING NO.

SHEET INDEX

DWG. NO.	DESCRIPTION
1	TITLE PAGE
2	SITE MAP
3	RESERVOIR PLAN
4	RESERVOIR SECTIONS
5	RESERVOIR DETAILS
6	GENERAL NOTES & SPECIFICATIONS



Brion H. Friedrichsen, P.E.

I hereby certify that these plans were prepared by me, or prepared under my direct supervision; and that I am a duly Registered Professional Engineer under the Laws of the State of South Dakota.

TITLE	PAGE
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CEDAR GROVE COLONY

DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED



JOB NO:

99200

SCALE:

NTS

DWG:

1

DATE	CHECKED
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DATE: 6/16/16

Abstract

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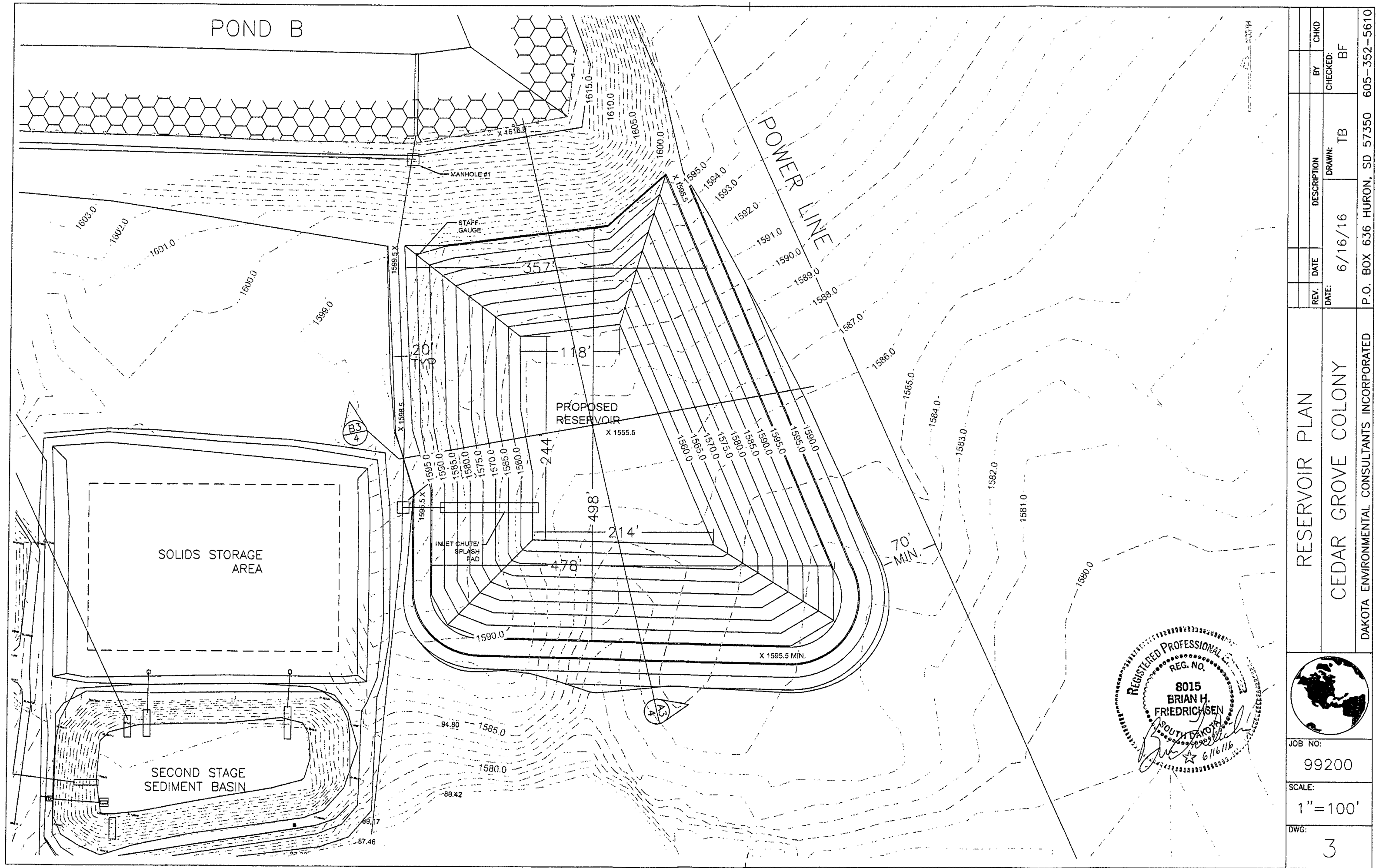
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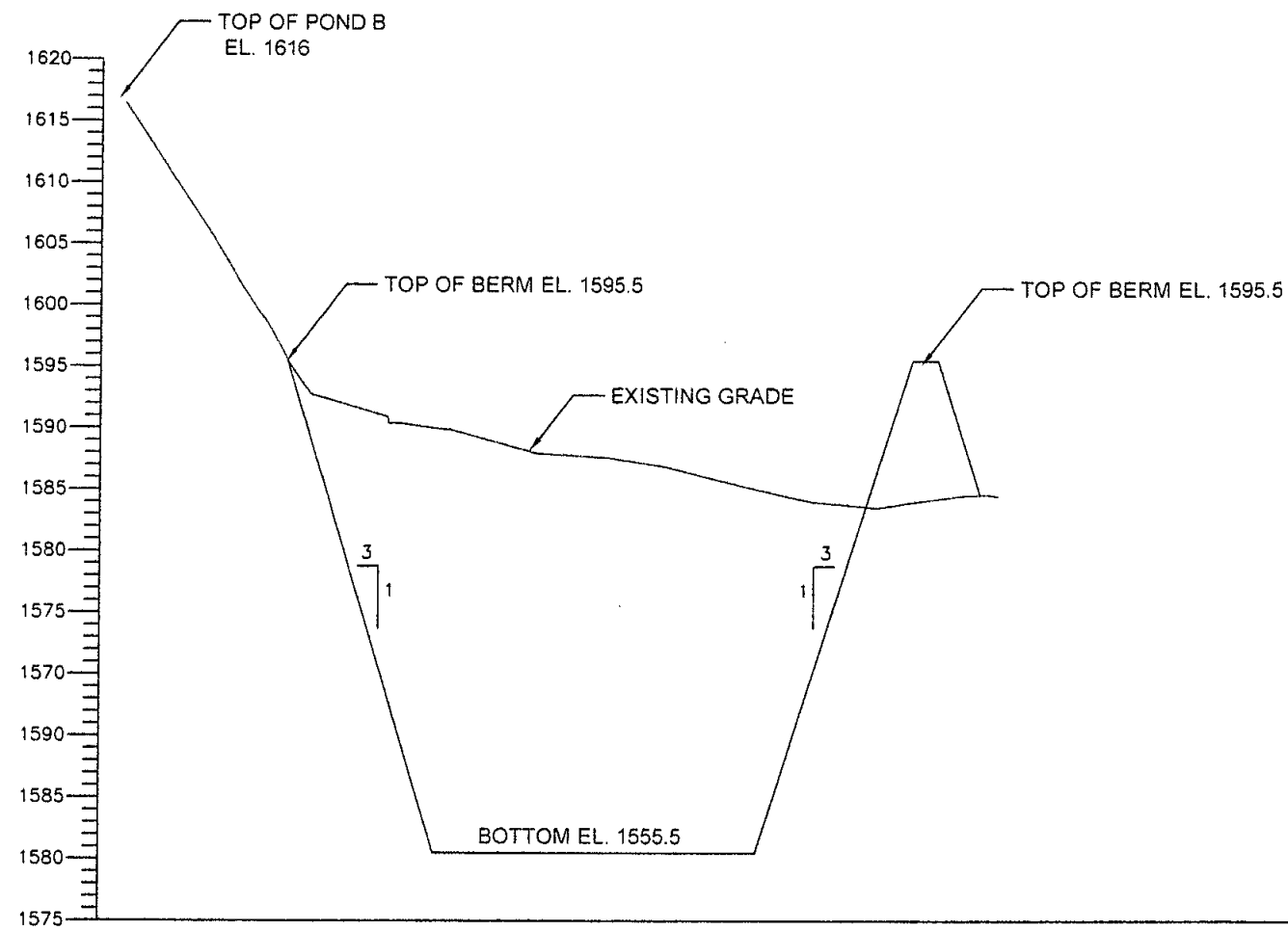
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SITE MAP		REV.	DATE	DESCRIPTION	BY	CHKD
CEDAR GROVE COLONY			6/16/16	DRAWN: TB	CHECKED: BF	
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED		P.O. BOX 636 HURON, SD 57350 605-352-5610				
		JOB NO: 99200				
		SCALE: 1"=300'				
		DWG: 2				

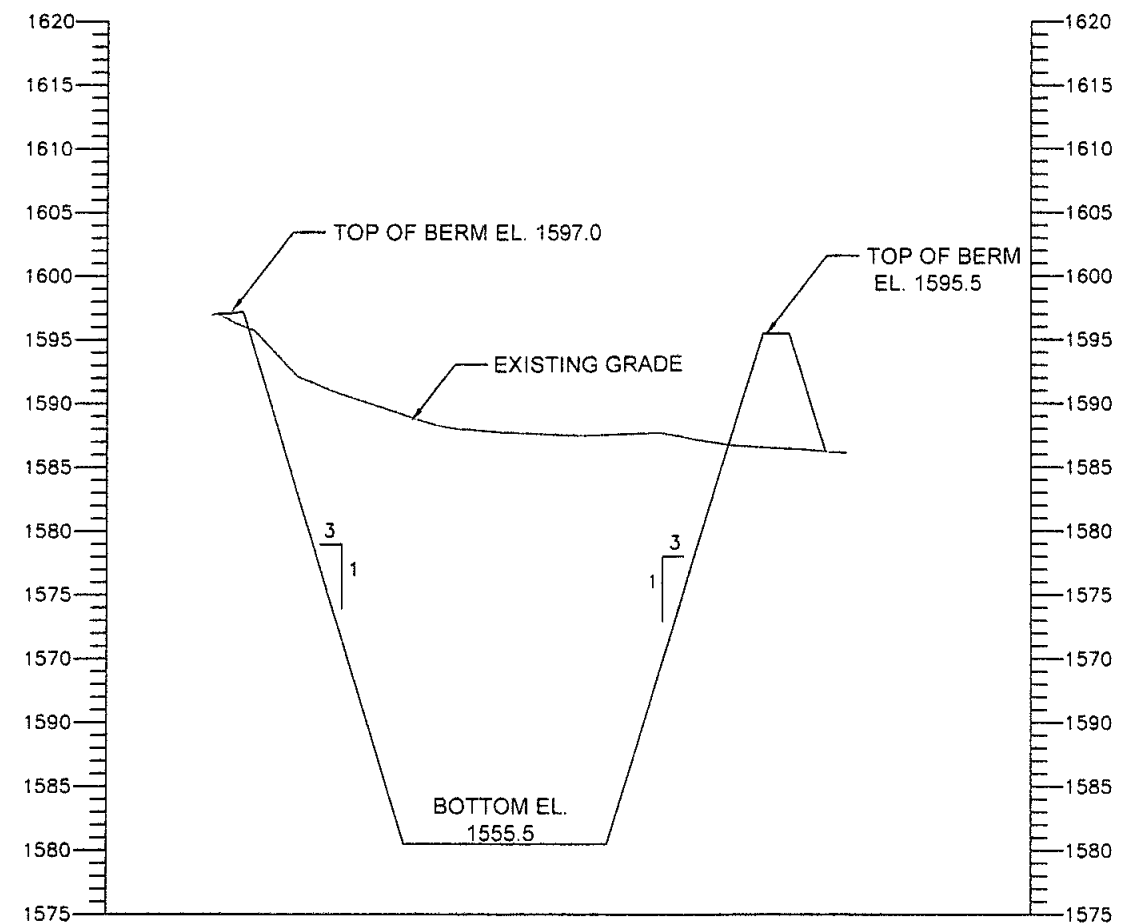


RESERVOIR PLAN		REV.	DATE	DESCRIPTION	BY	CHKD
CEDAR GROVE COLONY			6/16/16	DRAWN: TB	CHECKED: BF	
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED		P.O. BOX 636 HURON, SD 57350 605-352-5610				
		JOB NO: 99200				
		SCALE: 1"=100'				
		DWG: 3				



A3
4

RESERVOIR
NORTH - SOUTH SECTION



B3
4

RESERVOIR
WEST-EAST SECTION

HORIZONTAL 1" = 150'
VERTICAL 1" = 15'

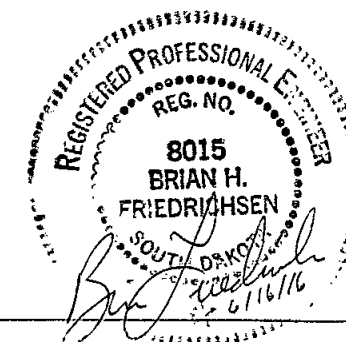
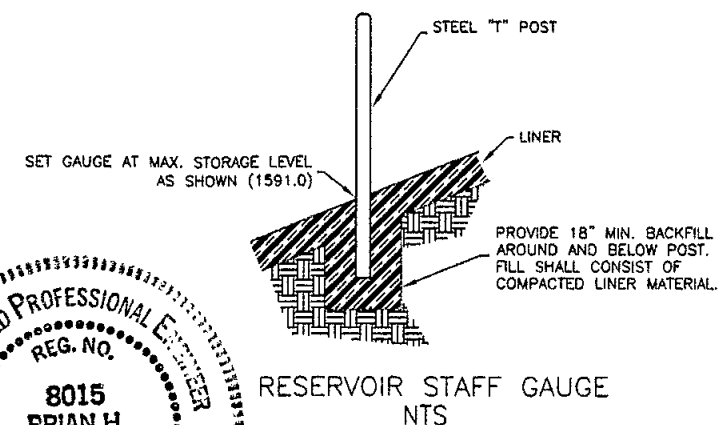
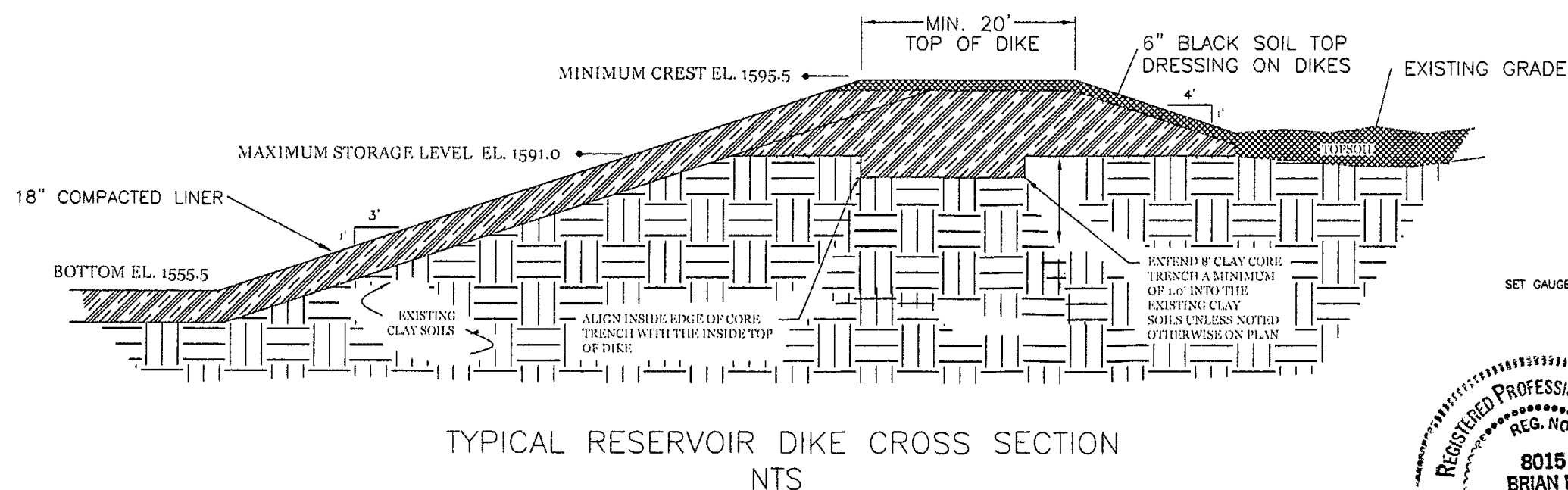
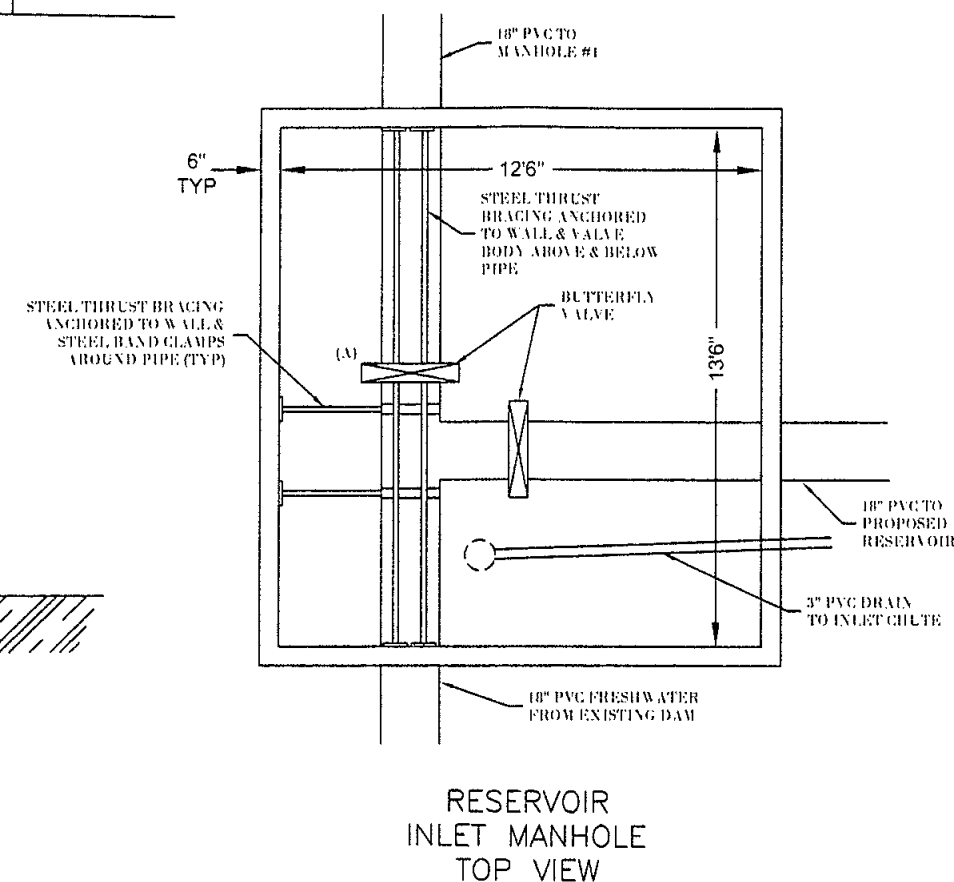
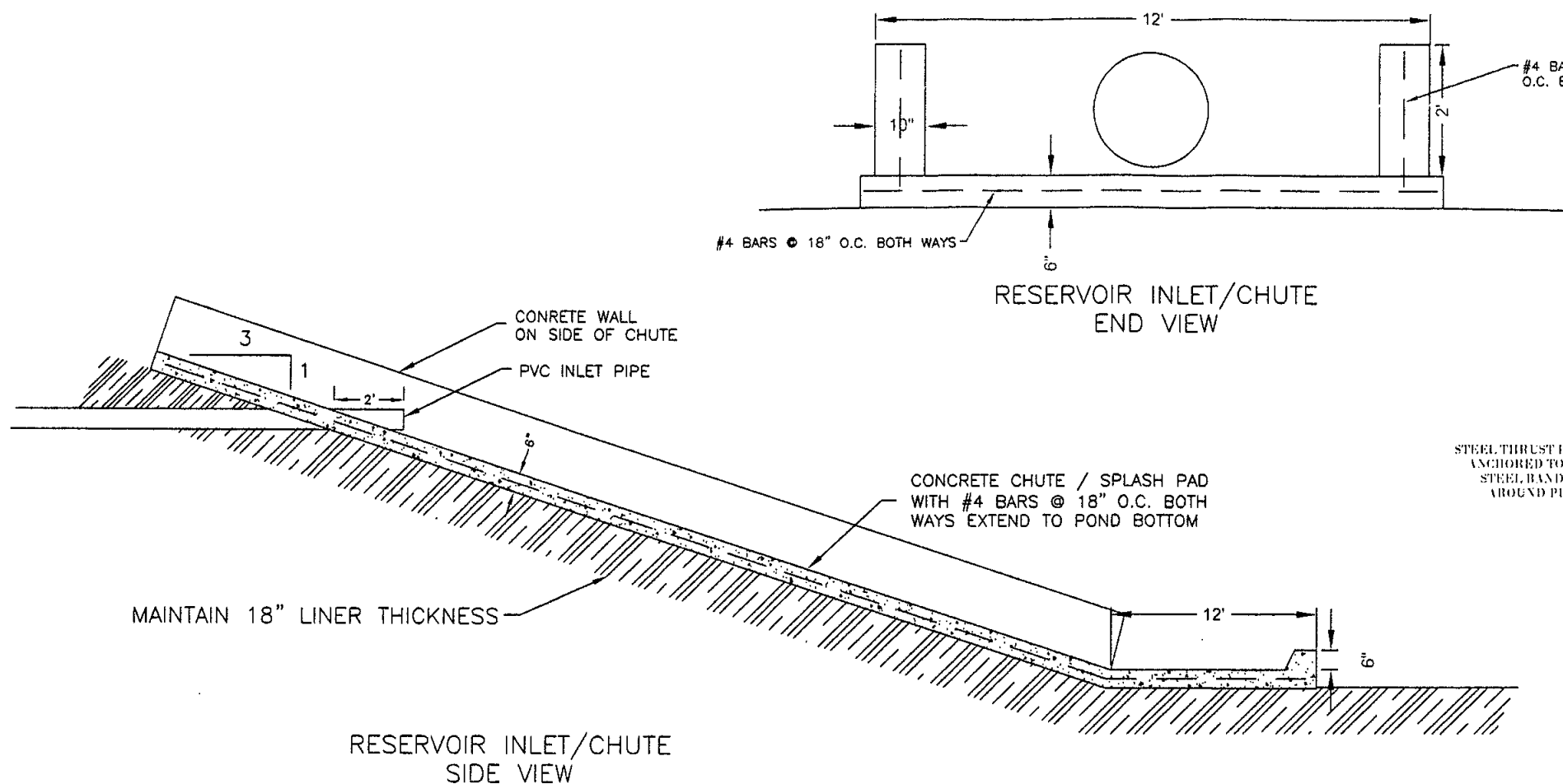


JOB NO:
99200

SCALE:
AS NOTED

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4

REV.	DATE	DESCRIPTION	BY	CHKD
	6/16/16	TB	BF	
RESERVOIR SECTIONS				
CEDAR GROVE COLONY				
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED				
P.O. BOX 636 HURON, SD 57350 605-352-5610				



RESERVOIR DETAILS	REV.	DATE	DESCRIPTION	BY	CHKD
		6/16/16			
			DRAWN: TB	CHECKED: BF	
CEDAR GROVE COLONY					
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED					
P.O. BOX 636 HURON, SD 57350 605-352-5610					
	JOB NO:				
	99200				
	SCALE:				
	NTS				
DWG:					5

GENERAL NOTES/SPECIFICATIONS

1.

NO VARIATION FROM THESE PLANS IS AUTHORIZED WITHOUT PRIOR APPROVAL OF ENGINEER. THE BUILDER IS TO ADVISE ENGINEER IMMEDIATELY UPON DISCOVERY OF ANY INCONSISTENCY OR DISCREPANCY IN THESE PLANS WITH FIELD CONDITIONS OR PLANS PROVIDED BY OTHERS.
2.

Strip topsoil and vegetation from all areas under structures and embankments. Stripping excavation shall extend to a depth sufficient to expose subsoil free of roots and other perishable material. Excavated earth material determined to be satisfactory by the Engineer shall be used for earth fill or topsoil. Stripped material suitable for topsoil shall be stockpiled and spread, as specified in these specifications.
3.

Stripping excavation for foundations shall extend to consolidated subsoil and shall be left as reasonably smooth surfaces free of unconsolidated or loose soil. In most soils we recommend that at least a 1:1 lateral oversize be maintained in excavating below footing grade. In soft clay and swamp deposits we generally recommend a 2:1 or even 3:1 lateral oversize.
4.

Excavated soils consisting of loams and clay shall be deemed satisfactory for earth fill to the extent needed. Sandy soil shall be blended to provide for earth fills, or be wasted as directed by the Engineer. The selection, blending, routing, and disposition of material shall be the responsibility of the Contractor and subject to approval by the Engineer. Fill materials shall contain no frozen material, ice, snow, sod, brush, roots or other perishable materials, or rocks larger than four inches in diameter. No fill shall be placed on a frozen surface.
5.

Prior to placement of fill, the entire area to receive fill shall be rolled with heavy equipment (such as a loaded end-dump) and inspected to identify any unsuitable soils that require removal. Unsuitable materials shall be overexcavated to a depth of 2 feet. After stripping or overexcavating, the foundation shall be loosened thoroughly by scarifying or discing to a minimum depth 6 inches. The entire foundation area shall then be compacted to the density and at the moisture specified for the fill.
6.

All foundation excavation and/or preparation shall be completed before placing fill. The fill shall be placed such that the distribution of materials is essentially uniform throughout the entire fill and is free from lenses, pockets, streaks, or layers of material differing substantially from surrounding material.
7.

Fill shall be placed within specified moisture contents. When material deposited on the fill is too dry, water may be added to the fill material in the borrow area, or after material has been brought onto the fill. If moisture is added to the fill, uniform moisture distribution shall be obtained by discing, blading or other approved methods.
8.

Density and moisture content of the fill will be tested during the course of the work following the methods described in ASTM D2216, ASTM D1556, or equivalent. The engineer shall be notified two days prior to the need for performance of compaction tests. Testing shall be performed at the following rates:

a)

Earthen liners: A minimum of 4 per lift for areas up to two (2) acres. Provide an additional 2 tests per lift for each additional acre.

b)

Earthfill: A minimum of one compaction test for every 5000 cu. yd.

If a compaction test fails to meet the required level of compaction, the Contractor shall be responsible for the cost of re-testing after the area has been recompacted.

9.

In lieu of conducting density tests on the completed liner, there shall be a minimum of two permeability tests conducted on the completed liner. For containments larger than two acres, one permeability test shall be conducted for each acre of liner. The locations of the tests must be random and equally distributed over the liner bottom and inside embankments. All liner shall demonstrate an in-place permeability not to exceed 1.0×10^{-7} centimeters/second.
10.

Builder is responsible to manage the routing and stockpiling of material for the clay liner. It is anticipated the native clay soils beneath the existing surface and topsoil will be suitable for use as liner material. As early as possible during excavation, field evaluation of the quality of the native clay soil in the vicinity of the bottom liner should be performed with the engineer to verify its adequacy. The contractor shall stockpile choice clay materials during the progress of excavation to ensure the availability of a suitable volume and quality of liner material.

11.

When in-place native soils are used as for compacted liner, excavate beyond the design bottom an additional twelve inches. The next six inch layer shall be scarified and recompacted. Additional six inch lifts of select material will be placed and compacted to reach the specified liner thickness. When imported clay material is used for a liner, overexcavate beyond the design bottom by the liner thickness. The entire liner subgrade area shall be rolled to identify any unsuitable soils that require removal. Following overexcavation, six inch lifts of select material will be placed and compacted to reach the specified liner thickness of 18 inches.

12.

Seed disturbed and topsoiled areas using Fairway Crested Wheatgrass at 15#/acre, or Smooth Bromegrass at 20#/acre. Apply seed when soil is not wet, using a grass drill at a depth of 1/4 to 3/4 inch, or with other approved types of equipment that will ensure a uniform distribution of the seed. Areas with slopes steeper than 4:1 shall be mulched with straw or hay and anchored by use of a mulching machine or netting.

13.

Unless otherwise specified on the plans, the fill shall be compacted to the following specifications. Maximum density shall be determined by ATSM-D-698, Standard Proctor Test.

	% maximum dry density	moisture range about optimum %	max. lift thickness	total liner thickness
Embankment	90%	-2 to +2	12"	-
Structural fill beneath slabs	95%	-2 to +2	8"	-
Clay liner	95%	-2 to +2	6"	18"

14.

All concrete work shall conform to the American Concrete Institute's "Building Code Requirements for Structural Concrete" (ACI 318). During hot weather (80° F and above), comply with ACI 305 "Hot Weather Concreting". During cold weather (40° F and below), comply with ACI 306 "Cold Weather Concreting."

15.

Concrete Materials and Testing:

a)

All concrete shall have 3/4 inch maximum aggregate size. Provide a mix with a slump of 4 inches +/- 1 inch. Do not exceed a water/cementitious materials ratio of 0.45. Water reducing admixtures may be used at the discretion of the contractor.

b)

Concrete shall use Type II cement and be furnished with proper admixture to obtain 5% +/- 1% air entrainment.

c)

Concrete shall develop a minimum 28 day strength of 4000 psi.

d)

Provide quality assurance testing in accordance with the following requirements. Submit the results of all tests to the Engineer along with the completed and signed Certification Form. Testing will be wholly the responsibility of the contractor/building.

e)

Collect concrete test cylinders in accordance with ASTM C31. Test cylinders may be taken either at the batch plant (assure materials are thoroughly mixed, at least 1½ minutes after all water and cementitious materials have been introduced), or in the field. Test cylinders shall be made in sets of two. At least one set of two cylinders shall be taken each day concrete is placed. Procurement of test cylinders may be waived upon specific approval of the engineer when less than 40 cubic yards is placed in a given day.

16.

Calcium Chloride accelerators will not be allowed.

17.

Reinforcing steel shall be ASTM A615, Grade 40.

18.

All steel shall be lapped 36 bar diameters at splices unless noted otherwise. Splices shall be staggered at least 3 feet. Splices occurring at the same location shall be at least 6 bars apart.

19.

Standard concrete cover of bars shall be as follows, unless noted otherwise:

a)

Where earth formed: 3 inches

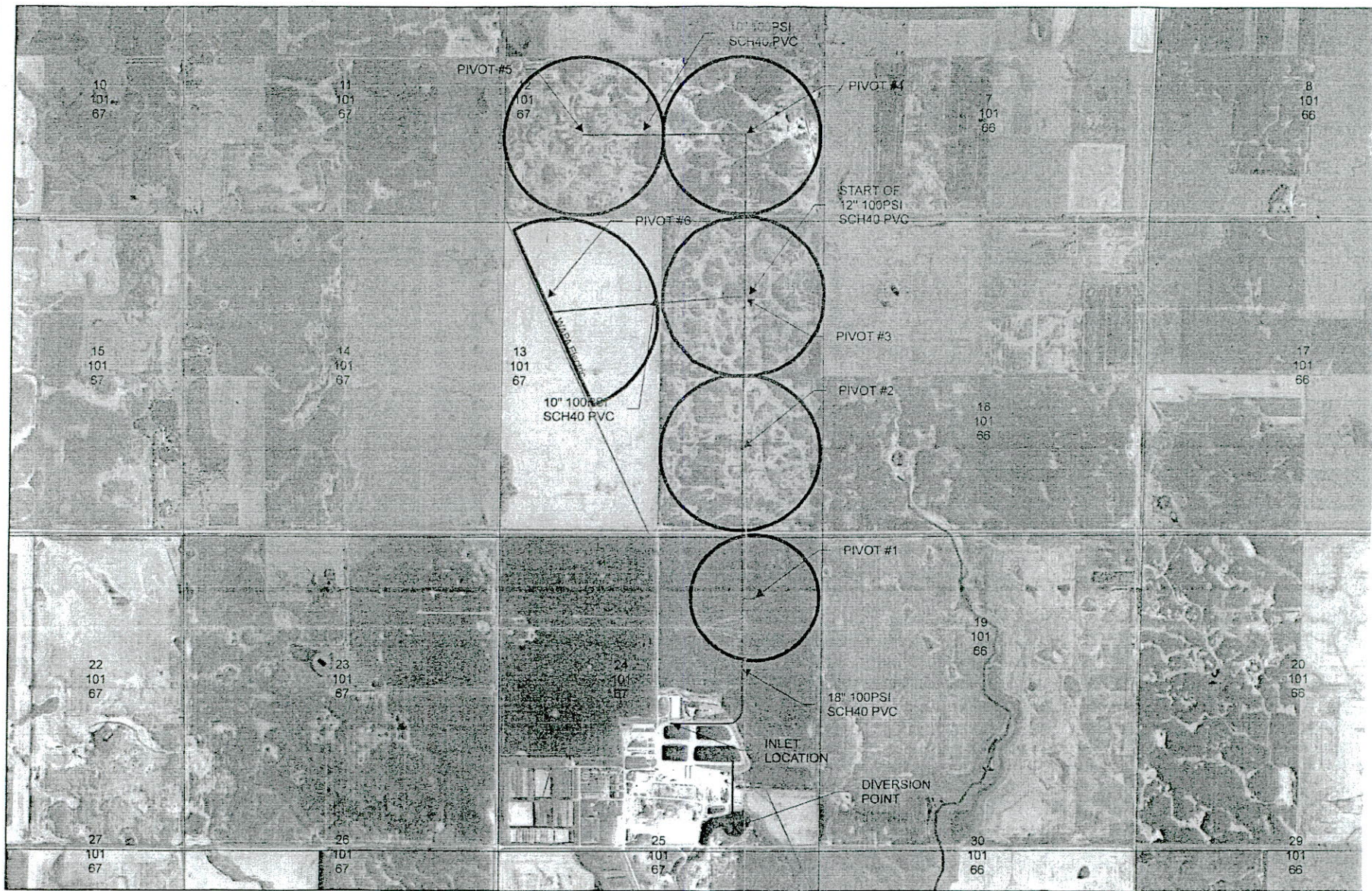
b)

Where exposed to earth or weather: 2 inches

20.

Provide suitable chairs, spacers, or bolsters to support all reinforcing. Accessories shall be as specified in the latest edition of "Concrete Reinforcing Steel Institute Handbook." Maximum spacing of accessories shall be 5'-0". All accessories shall have galvanized or plastic feet. For slabs on grade, use supports with sand plates or horizontal runners if needed. No aluminum items shall be embedded.

GENERAL NOTES & SPECIFICATIONS		DESCRIPTION	DATE	REV.	DATE	BY	CHKD
CEDAR GROVE COLONY		6/16/16					
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED		TB	BF				
JOB NO:		99200					
SCALE:		NTS					
DWG:		6					
		P.O. BOX 636 HURON, SD 57350 605-352-5610					



		REV.	DATE	DESCRIPTION	BY	CHKD
		DATE	2/10/14	DRAWN:	TB	BF
IRRIGATION SYSTEM PLAN CEDAR GROVE COLONY DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED						
		JOB NO: 99200				
SCALE: 1"=1500'		DWG: 2				
P.O. BOX 636 HURON, SD 57350 605-352-5610						

Gronlund, Eric

From: Gronlund, Eric
Sent: Friday, July 01, 2016 1:15 PM
To: Brian Friedrichsen (brian@dakotaenv.com)
Subject: Cedar Grove Colony

Brian

Cedar Grove's Water Right Nos. 6263-3 and 8041-3 have an authorized diversion rate of 7.65 cfs based on the statutory limit for the number of acres irrigated. During a licensing investigation it was found that the pump from the dam to the wastewater pond was capable of 7.78 cfs (3500 gpm) and the pumps from the pond to the pivots was capable of 8.91 cfs (4000 gpm). If this is truly how the irrigation system is operated, then the current application should reflect these incremental increases.

I know we talked about this before and you said they weren't changing the pump system. My question is whether the existing pump system accurately the authorized pump rate.

Eric

Gronlund, Eric

From: George Hofer <george@cedargrovecolony.com>
Sent: Thursday, July 07, 2016 3:34 PM
To: Gronlund, Eric
Subject: Water Rights

Hello Eric
Gronlund,

Cedar Grove Colony requests the current water rights application be amended to include an increase of 0.15 cfs in the diversion rate from the existing dam to the wastewater ponds. The maximum diversion rate from the wastewater ponds to the irrigation system is 8.91 cfs.

George Hofer

Sec. Treas.

(605) 337-2404 Work

(605) 680-4651 Mobile

george@cedargrovecolony.com

Cedar Grove Hutterian Brethren, Inc.

36926 266th. St.

Platte, SD. 57369-7103

Water Permit Application No 8230-3
Cedar Grove Colony

Cat. 3 - Low Hazard Dam

$$\text{Crest Elev} - 1595.5 = 105.08 \text{ ft-ft}$$

$$\text{Emb Ht} = 13.5 \text{ ft}$$

$$\text{Ground level} = 1595.5 - 13.5 = 1582 = 52.18 \text{ ft-ft}$$

$$\begin{array}{r} 105.08 \text{ ft-ft} \\ - 52.18 \\ \hline 52.90 \text{ ft-ft} \end{array} \text{ Storage Above Ground level}$$

Reservoir is 13.5 ft high with 52.9 ft-ft storage above ground therefore it meets the definition of dam & constructed without a spillway - Needs to be designed to hold PMP according to Section 74:02:08:07.04. They used 36 in for a 72hr-10 year PMP with a PMP volume of 16.53 ft-ft.

$$\begin{array}{r} \text{Max Pool Elev } 1592 = 85.07 \text{ ft-ft} \\ \text{PMP} \quad \quad \quad + 16.53 \\ \hline 101.60 \text{ ft-ft} < 105.08 \therefore \text{OK} \end{array}$$

NRCS Annual Yield (From WR #8041-3)

$$\text{DA} = 3 \text{ mi}^2 = 1920 \text{ ac} \quad \text{CN} = 75 \quad \text{SSD} = 2\%$$

$$\begin{array}{r} 80\% \text{ chan} = 0.17 \\ 0.17 \times 1920 \text{ ac} = \underline{327 \text{ ft-ft}} \end{array}$$

$$\begin{array}{r} 50\% \text{ chan} = 0.46 \\ 0.46 \times 1920 \text{ ac} = \underline{883 \text{ ft-ft}} \end{array}$$

$$\begin{array}{r} 10\% \text{ chan} = 2.2 \\ 2.2 \times 1920 \text{ ac} = \underline{4224 \text{ ft-ft}} \end{array}$$



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

July 19, 2016

RECEIVED
JUL 21 2016
WATER RIGHTS
PROGRAM

George Hofer
Cedar Grove Colony
36926 266th Street
Platte, SD 57369-7103

Re: Cedar Grove Colony Irrigation Reservoir
Plans and Specifications Review

Dear Mr. Hofer:

The Department of Environment and Natural Resources Feedlot Permit Program received four copies of plans and specifications for a proposed irrigation reservoir to be located in the Southeast ¼ of Section 24, Township 101 North, Range 67 West in Brule County, South Dakota.

The reservoir will be located adjacent to your permitted manure management system but is not intended to be used to store manure or wastewater. Your engineer indicates the reservoir is solely for increasing storage of clean water and that water may be pumped from the reservoir directly to pivots or blended with process wastewater in one of the permitted manure management system holding ponds.

The Feedlot Permit Program does not have authority to approve or deny the construction of reservoirs for clean water and therefore is taking no action on the plans. One copy of the plans is being retained for reference if any future developments modify the use of the reservoir for containment of animal wastes. Department records indicate you are working with the Water Rights Program for review and approval of the plans and specifications for the reservoir. Please continue working with the Water Rights Program for review and approval of the plans and specifications.

If you have any questions regarding the content of this letter, please feel free to contact Neal Konda, Feedlot Permit Program at (605) 773-3351. Thank you for your cooperation.

Sincerely,

Kent R. Woodmansey, PE, Engineering Manager
Feedlot Permit Program

cc: Brian Friedrichsen, PE – Dakota Environmental, Inc., PO Box 636, Huron, SD 57350
Jeff Sveen – Siegel, Barnett, and Schutz, LLP, 415 S. Main St., Aberdeen, SD 57402
Water Rights Program, SD DENR
Brule County Commissioners



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. 8230-3, 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. 8230-3, Cedar Grove Colony, c/o George G Hofer, 36926. 266th Street, Platte SD 57369.

The Chief Engineer is recommending APPROVAL of Application No. 8230-3 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. Water Permit No. 8230-3 authorizes an impoundment with a storage capacity of 85.07 acre feet of water and maintenance of the water level by pumping from the storage dam authorized by Water Right No. 6263-3.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 12, 2016

NOTE: The filing of the annual irrigation questionnaire is not a qualification to this permit, if approved. The annual reporting of water use will be completed under the qualifications associated with Water Right No. 6263-3 and Water Permit No. 8041-3. If approved and upon completion of construction of the new storage reservoir, a staff person will conduct an investigation of works for the purpose of licensing. At that time the water rights/permits associated with the Colony's irrigation system will be incorporated in a single water license to represent the colony's irrigation system.

REPORT ON
WATER PERMIT APPLICATION No. 8230-3
CEDAR GROVE COLONY
August 5, 2016

Cedar Grove Colony has filed Water Permit Application No. 8230-3 to construct an irrigation reservoir with a storage capacity of 85.07 acre-feet of water located in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24-T101N-R67W and to increase the authorized diversion rate authority. The applicant is proposing to withdraw water from an existing dam with a storage capacity of 52 acre-feet of water to fill the new reservoir. The existing dam is authorized by Water Right No. 6263-3 and is located in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 24-T101N-R67W. Water Right No. 6263-3 and Water Permit No. 8041-3, combined authorize a diversion rate of 7.65 cubic feet of water per second (cfs) from the existing 52 acre-foot storage dam and wastewater lagoons which are located in the SE $\frac{1}{4}$ of Section 24-T101N-R67W for irrigation of 1,236 acres. The application proposes to appropriate an additional 0.15 cfs for a total diversion rate of 7.80 cfs from the dam and lagoons. If approved, water may be pumped directly from the existing dam to the proposed irrigation reservoir for irrigation and/or to the existing wastewater lagoons which are a part of the colony's animal confinement operation prior to being land applied for irrigation. The 1,236 acres authorized for irrigation by Water Right No. 6263-3 and Water Permit No. 8041-3 are located in the N $\frac{1}{2}$ Section 24; NE $\frac{1}{4}$ Section 23; E $\frac{1}{2}$ Section 14; E $\frac{1}{2}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 13; S $\frac{1}{2}$ Section 12; all in T101N-R67W. Water Permit Application No. 8230-3 does not increase the existing 1,236 acres of irrigation.

Discussion:

The proposed irrigation reservoir will be a combination dugout and embankment. The embankment will have a height of 13.5 feet and the reservoir will have a surface area of 4.17 acres and a volume of 85.07 acre-feet at the maximum storage elevation of 1592, and a surface area of 4.74 acres and a volume of 105.08 acre-feet at the top of the embankment elevation of 1595.5. The amount of storage above the natural ground elevation with a pool at top of embankment elevation will be about a 53 acre-feet; therefore, the embankment will meet the definition of a dam and according to Section 74:02:08:07.04 of the Safety of Dams Rules, a dam constructed without a spillway must have the capacity to retain a Probable Maximum Precipitation (PMP) event.

The proposed irrigation reservoir has been designed by Dakota Environmental Consultants, Inc. The plans and specifications have been reviewed and will be approved. They used a precipitation amount of 35 inches for a 72 hour 10 square mile PMP event. That event results in a volume of approximately 16.5 acre-feet of water and with a starting pool elevation at maximum water level elevation 1591 a reservoir elevation of approximately 1594.5, one foot below the top of the embankment.

The existing dam (NID 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.

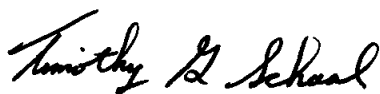
The annual yield for this drainage area with an 80 percent chance of occurrence, or 8 out of 10 years, is expected to be 27 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 74 acre-feet, and the annual yield with a 10 percent chance of occurrence, 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 miles 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 existing 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. Carroll Lake has a drainage area of several hundred square miles. There is a dugout located on the drainage below the existing dam about 2 miles downstream of the dam. Location Notice No. 48576 was filed in 1969 by Richard Vanderpol for 2.9 acre-feet of storage in the dugout. The dugout has a drainage area of approximately 55 square miles.

Conclusions:

1. Water Permit Application No. 8230-3 should be approved since unappropriated water is available and approval should not have any adverse effects on existing Water Permits/Rights.
2. If approved, Water Permit Application No. 8230-3 proposes to appropriate an additional 0.15 cfs for a total diversion rate of 7.80 cfs from the dam and lagoons authorized under Water Right No. 6263-3 and Water Permit No. 8041-3.
3. If approved, Water Permit Application No. 8230-3 does not increase the existing 1,236 acres of irrigation authorized under Water Right No. 6263-3 and Water Permit No. 8041-3.
4. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 8230-3.



Timothy G. Schaal, P.E.
Engineer IV



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

August 11, 2016

George G. Hofer
Cedar Grove Colony
36936 266th St.
Platte, SD 57369

Dear Mr. Hofer:

We have reviewed the plans and specifications for your proposed irrigation reservoir project associated with Water Permit Application No. 8230-3 and located in the E ½ SE¼ of Section 24-T101N-67W, in Brule County. The plans and specifications for the proposed irrigation reservoir are approved. Approval of the plans and specifications does not authorize construction of the reservoir. The construction of the reservoir may not begin until Water Permit No. 8230-3 is approved.

Our review was to determine compliance with the requirements of the Water Management Board Safety of Dams Rules, Chapter 74:02:08. Approval of these plans and specifications does not release the Cedar Grove Colony, as owner of the irrigation reservoir, from the responsibility for operating and maintaining the reservoir embankment in good repair to ensure the safety of the embankment.

If you have any questions, please feel free to contact us.

Sincerely,

Timothy G. Schaal, P.E.
Engineer IV
for Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

c: Brian Friedrichsen, Dakota Environmental Consultants, PO Box 636, Huron SD 57350



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

August 12, 2016

Carol Weins
37046 267th Street
Platte SD 57369

Dear Ms. Weins:

You contacted the Department of Environment and Natural Resources (DENR) in the summer of 2014 with concerns that Cedar Grove Colony was planning to develop dams. Your concern was if they build additional dams in the drainage it may impact downstream flow of water relied upon for livestock.

Cedar Grove Colony has filed an application with DENR for a storage reservoir. Cedar Grove Colony's plan is to construct a storage reservoir and fill it by pumping from their existing dam. It is their plan to provide more storage to supply their irrigation systems.

The application is ready for public notice. Please find enclosed the staff report, recommendation and public notice for the application. The notice is to be published in the Central Dakota Times and Daily Republic on August 24, 2016. The date to petition to intervene is September 6, 2016.

Also included is a site map submitted with the application that shows the location of the proposed storage reservoir.

Sincerely,

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

enclosures

**AFFIDAVIT OF PUBLICATION
RECEIVED**

State of South Dakota

ss. **AUG 26 2016**

County of Brule

**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. 8230-3 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:

August 24, 2016; _____, 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:

\$33.06

Signed: Debi Ruiz

Subscribed and sworn to before me this 25th day

of August, 2016.

Janet L. Petrak
Notary Public In and For The County of Brule,
South Dakota

**NOTICE OF APPLICATION NO. 8230-3
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 construct a reservoir with a storage capacity of 85.07 acre feet of water located in the E 1/2 SE 1/4 Section 24-T101N-R67W and to increase the authorized diversion rate authority. The applicant is proposing to withdraw water from an existing dam with a storage capacity of 52 acre feet of water to fill the new reservoir. The existing dam authorized by Water Right No. 6263-3 is located in the S 1/2 SE 1/4 Section 24 with runoff water also impounded in the NW 1/4 NE 1/4 Section 25, T101N, R67W. Water Right No. 6263-3 and Water Permit No. 8041-3, combined authorize a total of 7.65 cubic feet of water per second (cfs) from an existing 52 acre feet storage dam and wastewater lagoons which are located in the SE 1/4 Section 24-T101N-R67W for irrigation of 1,236 acres. This application proposes to appropriate an additional 0.15 cfs for a total diversion rate of 7.80 cfs from the dam and lagoons. If approved, water may be pumped directly from the storage dam to the proposed additional reservoir for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement op-

eration prior to being applied to the land authorized for irrigation. The 1,236 acres authorized for irrigation by the existing permits are located in the N 1/2 Section 24; NE 1/4 Section 23; E 1/2 Section 14; E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13; S 1/2 Section 12; all in T101N-R67W. This permit does not increase the existing 1,236 acres authorized for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8230-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information or other information, at the Water Rights Program address provided below.

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 Sept. 6, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

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

(Published one week, August 24, 2016, at a total approximate cost of \$33.06.)

(August 24)

JANET L. PETRAK
Notary Public
SEAL
South Dakota

RECEIVED

AUG 29 2016

WATER RIGHTS
PROGRAM

**NOTICE OF
APPLICATION
NO. 8230-3 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 construct a reservoir with a storage capacity of 85.07 acre-feet of water located in the E 1/2 SE 1/4 Section 24-T101N-R67W and to increase the authorized diversion rate authority. The applicant is proposing to withdraw water from an existing dam with a storage capacity of 52 acre feet of water to fill the new reservoir. The existing dam authorized by Water Right No. 6263-3 is located in the S 1/2 SE 1/4 Section 24 with runoff water also impounded in the NW 1/4 NE 1/4 Section 25, T101N, R67W. Water Right No. 6263-3 and Water Permit No. 8041-3, combined authorize a total of 7.65 cubic feet of water per second (cfs) from an existing 52 acre-foot storage dam and wastewater lagoons which are located in the SE 1/4 Section 24-T101N-R67W for irrigation of 1,236 acres. This application proposes to appropriate an additional 0.15 cfs for a total diversion rate of 7.80 cfs from the dam and lagoons. If approved, water may be pumped directly from the storage dam to the proposed additional reservoir for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation prior to being applied to the land authorized for irrigation. The 1,236 acres authorized for irrigation by the existing permits are located in the N 1/2 Section 24; NE 1/4 Section 23; E 1/2 Section 14; E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13; S 1/2 Section 12; all in T101N-R67W. This permit does not increase the existing 1,236 acres authorized for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8230-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 6, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner,
Secretary,
Department of
Environment and
Natural Resources.
Published once at the total approximate cost of \$94.88

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, August 24, 2016

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: \$94.88

Signed: Penny Hohbach

Subscribed and sworn to before me this 25th day of August, 2016.

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 15, 2016 8:17 AM
To: cdt@midstatesd.net
Subject: 8230-3, Cedar Grove Colony
Attachments: 8230-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 24, 2016.

Cedar Grove Colony, c/o George G Hofer, 36926 266th St, Platte SD 57369 (605 337-2404 or c 605 680-4631) has been notified to contact you to authorize publication and arrange for payment.

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

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

Karen Schlaak

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Monday, August 15, 2016 8:18 AM
To: 'phohbach@mitchellrepublic.com'
Subject: 8230-3, Cedar Grove Colony
Attachments: 8230-3publicnov2015.short1.docx; FORM8.FRM.doc

Attached is a notice to be published on August 24, 2016.

Cedar Grove Colony, c/o George G Hofer, 36926 266th St, Platte SD 57369 (605 337-2404 or c 605 680-4631) has been notified to contact you to authorize publication and arrange for payment.

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

Karen Schlaak

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



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.**

August 12, 2016

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

Dear Mr. Hofer:

Water Permit Application No. 8230-3 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) and the Central Dakota Times printed at Platte SD (Ph # 605-234-0266). 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.

NOTICE OF APPLICATION NO. 8230-3 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 construct a reservoir with a storage capacity of 85.07 acre-feet of water located in the E 1/2 SE 1/4 Section 24-T101N-R67W and to increase the authorized diversion rate authority. The applicant is proposing to withdraw water from an existing dam with a storage capacity of 52 acre feet of water to fill the new reservoir. The existing dam authorized by Water Right No. 6263-3 is located in the S 1/2 SE 1/4 Section 24 with runoff water also impounded in the NW 1/4 NE 1/4 Section 25, T101N, R67W. Water Right No. 6263-3 and Water Permit No. 8041-3, combined authorize a total of 7.65 cubic feet of water per second (cfs) from an existing 52 acre-feet storage dam and wastewater lagoons which are located in the SE 1/4 Section 24-T101N-R67W for irrigation of 1,236 acres. This application proposes to appropriate an additional 0.15 cfs for a total diversion rate of 7.80 cfs from the dam and lagoons. If approved, water may be pumped directly from the storage dam to the proposed additional reservoir for irrigation and/or to existing wastewater lagoons which are part of the colony's animal confinement operation prior to being applied to the land authorized for irrigation. The 1,236 acres authorized for irrigation by the existing permits are located in the N 1/2 Section 24; NE 1/4 Section 23; E 1/2 Section 14; E 1/2, NW 1/4, N 1/2 SW 1/4 Section 13; S 1/2 Section 12; all in T101N-R67W. This permit does not increase the existing 1,236 acres authorized for irrigation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8230-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by September 6, 2016.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. 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.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

OCT 07 2016

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

Dear Mr. Hofer:

Enclosed is Water Permit No. 8230-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

enclosures