

WATER PERMIT NO. 8239-3

Name of Applicant: Lake View Colony

Address: 28748 386th Ave, Lake Andes SD 57356 Phone: 605 491-7109

Amount of Water Claimed: 0.1 cfs Total Acres: 10

Source of Water Supply: runoff

Water to be used for: irrigation County: Charles Mix

Type of Waste Disposal System:

Location: 6 miles northwest of Lake Andes

PRIORITY Date Received: 8-26-16

Application/License Fee: \$ 300

Corrected Application Received: 9-15-16

Period of Annual Use: May 1 – Sept 30

Remarks:

Diversion Point: NE 1/4 SE 1/4 Sec 28-T97N-
R66W

Land to be Irrigated: N 1/2 SE 1/4 Sec 28-T97N-
R66W

Depth of Well: NA

Well Driller:

Remarks:

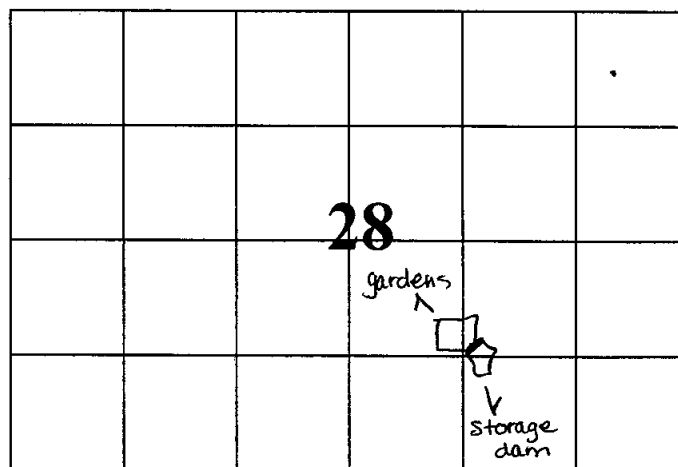
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 9-15-16

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	(office use only)	
	No. <u>8239-3</u>	Hydrologic Unit <u>10140101</u>
	Basin <u>Missouri River</u>	
	Newspaper <u>Wagner Post</u> <u>605-384-5616</u> <u>Daily Republic - Mitchell</u> <u>605-996-5514</u>	

RECEIVED

SEP 15 2016

WATER RIGHTS
PROGRAMOriginally
received Aug 26, 2016
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 LAKE VIEW 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 28748 386TH AVENUE LAKE ANDES SD 57356
 (Address) (City) (State) (Zip Code)

 Phone (605) 487-9577 Mobile (605) 491-7109 Email Levi hofer@hcl.net.net

 2. Amount of water claimed 0.1 *CFS or 45 **GPM 6.41 ***AF Total Acreage 10
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

 3. Source of water supply RUNOFF FROM DRAINAGE BASIN

 4. Location of point of diversion DAM IN NE 1/4 OF SE 1/4 SECTION 28, T97N R66W
 (example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

Water impounded. SW 1/4 SE 1/4 E 1/2 SE 1/4 Sec 28 - T97N-R66W County CHARLES MIX

 5. County or counties where water will be used CHARLES MIX

 6. Annual period during which water is to be used MAY 1 - SEPTEMBER 30 Int Dec 31 - Storage dam irrigation

 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
<u>N 1/2 OF SE 1/4 SECTION 28, T97N R66W</u> (PARTIAL)	<u>10</u>		

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

A DAM IS PROPOSED FOR CONSTRUCTION IN THE LOCATION DESCRIBED IN #4.
 WATER STORED IN THE RESERVOIR WILL BE USED TO IRRIGATE GARDENS.

 I, Eli Hofer, Pres, 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.

2015-10

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Also, attach map and any other technical information. (see instructions)

SOUTH DAKOTA
WATER PERMIT NO. 8239-3

Date of first receipt of application August 26, 2016.

Date of return to applicant for corrections, amendments or changes August 31, 2016.

Date of receipt of corrected application September 15, 2016.

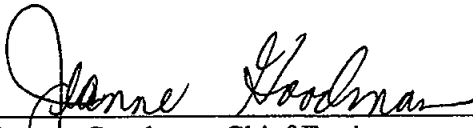
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8239-3 to Lake View Colony, 28748 386th Ave, Lake Andes SD 57356 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8239-3 appropriates 0.10 cubic feet of water per second from runoff into a storage dam (6.41 acre-feet storage capacity) located in the NE 1/4 SE 1/4 Section 28 with water impounded in E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 28 for irrigation of 10 acres located in the N 1/2 SE 1/4 Section 28; all in T97N-R66W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30 (irrigation) and January 1 – December 31 (storage dam).
3. The date from which applicant may claim right is August 26, 2016.
4. The date of approval of Permit No. 8239-3 is November 14, 2016.
5. One-fifth of the construction is to be completed on or before May 14, 2019.
6. All construction is to be completed on or before November 14, 2021.
7. Water is to be put to beneficial use on or before November 14, 2025.
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. Water Permit No. 8239-3 authorizes an impoundment with a storage capacity of 6.41 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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

DEC 12 2016
date



Form 2A

(Complete required and applicable portions only)

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

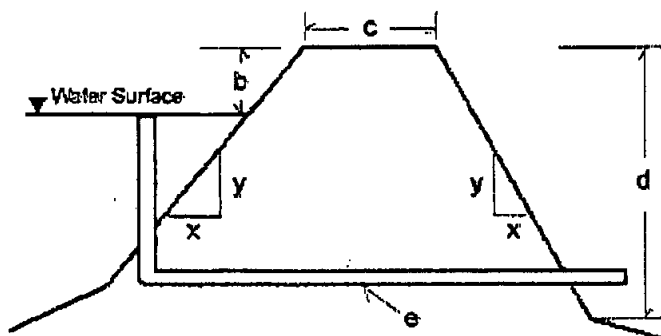
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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 3.5'c) Crest Width 20'Crest Length 240'd) Height 11'e) Primary Outlet Capacity 103 cfsIf pipe, diameter 36"f) Secondary Spillway Capacity 811 cfsSpillway Width 60'

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

Upstream 4:1Downstream 4:1h) Surface Area of Impoundment 3.81 ACi) Storage 16.9 Acre Feetj) Drainage Area Above Dam 868 Acres

PEASE CREEK COLONY DAM

RECEIVED

AUG 26 2016

WATER RIGHTS
PROGRAM

PLANS AND REPORTS

August 24, 2016

DEC Project No. 1135

Applicant: Pease Creek Colony
c/o Levi Hofer

Address: 28748 386th Avenue
Lake Andes, SD 57356

Phone: (605) 491-7109

Project Location: NE¼ of SE¼ Section 28, T97N, R66W, Charles Mix County, SD

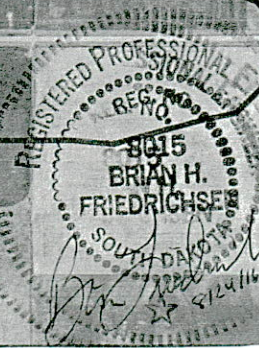
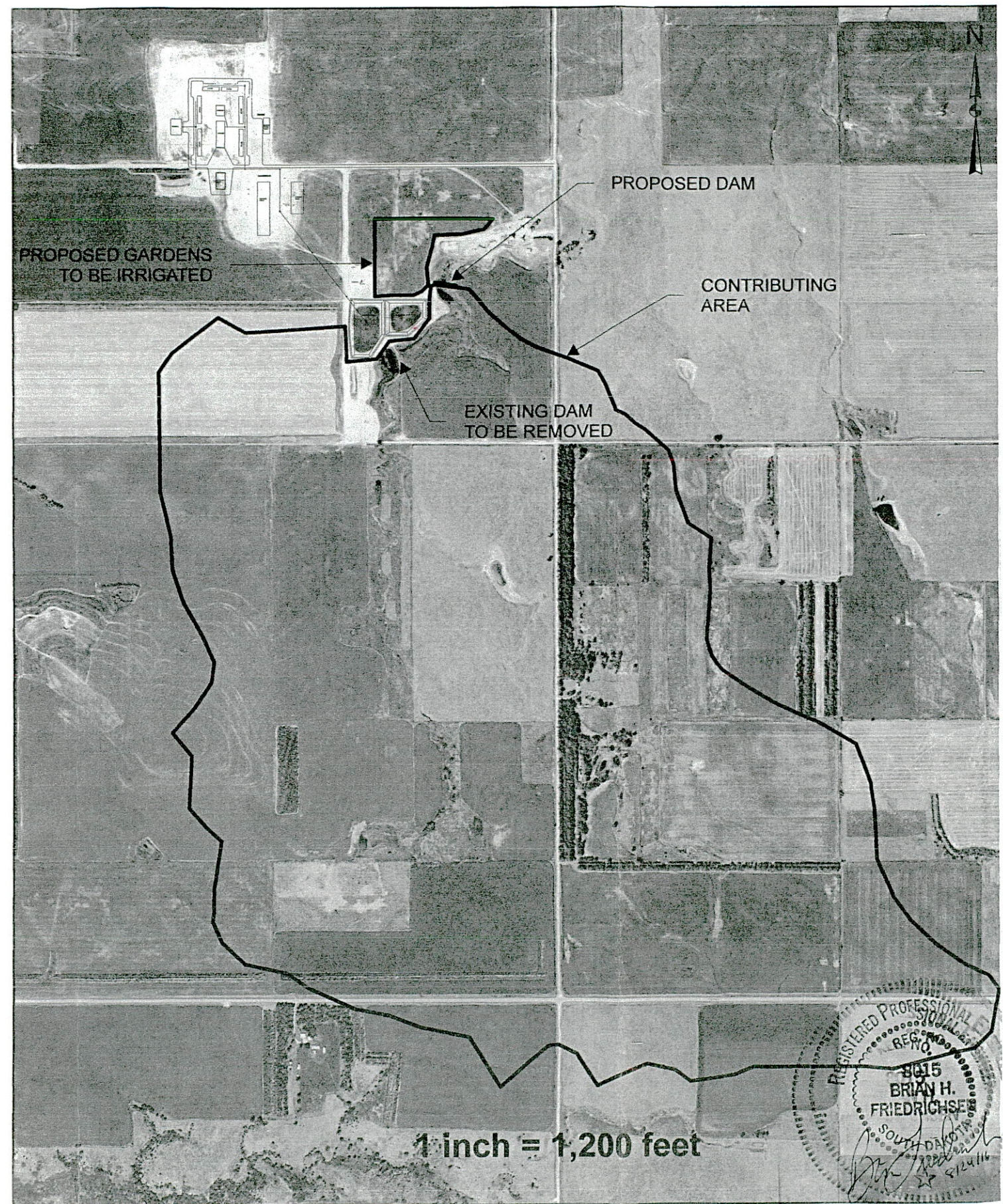
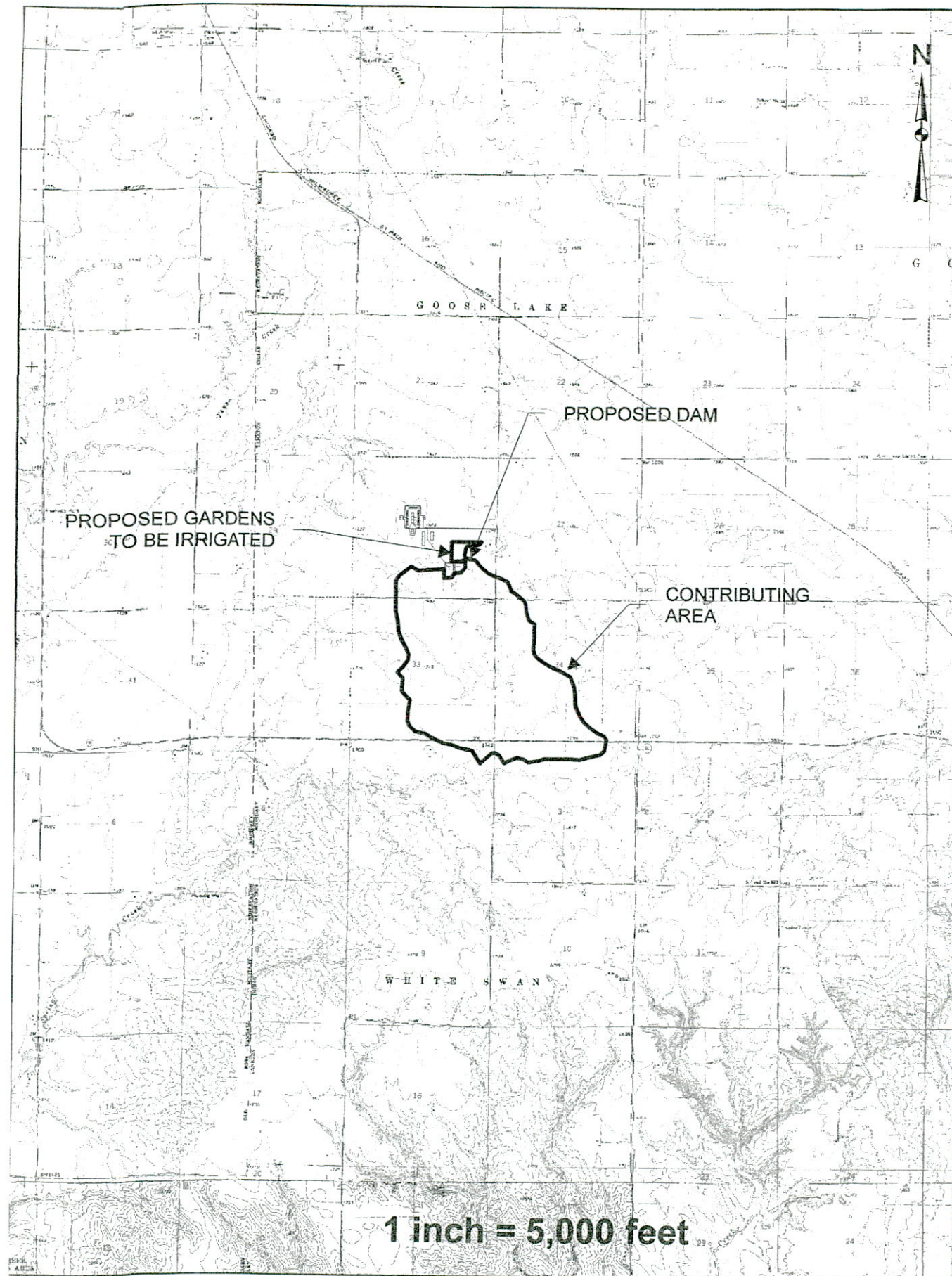


DAKOTA ENVIRONMENTAL, INC.

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

"Yours for a cleaner Earth"

1122 21st SW Po Box 636
Huron, SD 57350
1-800-888-0423



AREA/VICINITY MAP			
REV.	DATE	DESCRIPTION	BY
	DATE	DRAWN:	CHECKED:
	8/24/16	RR	BF
PEASE CREEK COLONY DAM			
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED			
			
JOB NO: 1135			
SCALE: AS NOTED			
DWG: 2			
P.O. BOX 636 HURON, SD 57350 605-352-5610			

**PEASE CREEK COLONY DAM
QUANTITIES AND HYDROLOGY**

TABLE OF QUANTITIES		
ITEM	UNIT	QUANTITY
Excavation		
Core Trench	Cu. Yd.	545
Unsuitable Material Removal	Cu. Yd.	975
Emergency Spillway	Cu. Yd.	1350
Earthfill Class S	Cu. Yd.	3485
Seeding	Acre	5
48" dia. X 6' deep concrete drop structure	Each	1
36" dia. PVC (Schedule 60 MIN.) or Polymer Coated CMP 16 ga.	Lin. Ft.	80
4" Perforated PVC (Schedule 40 MIN.)	Lin. Ft.	20
4" Non-Perforated PVC (Schedule 40 MIN.)	Lin. Ft.	25
Fine Drainfill	Cu. Yd.	10

Hydraulic Data

Category	3		
Size	Small		
Drainage Area	868	Acres	
Time of Concentration	0.59	Hours	
Runoff Curve Number	87		
Hydrologic Region	D		
Principle Spillway, 2 yr/24 hr Rainfall	2.4	Inches	
Emergency Spillway, 25 yr/24 hr Rainfall	4.4	Inches	
Principle Spillway Discharge	103	CFS	
Emergency Spillway Discharge	811	CFS	
Crest of Normal Pool	2.34	Acres	6.41 Ac-Ft
Crest of Emergency Spillway	2.49	Acres	7.62 Ac-Ft
Top of Dam	3.81	Acres	16.9 Ac-Ft



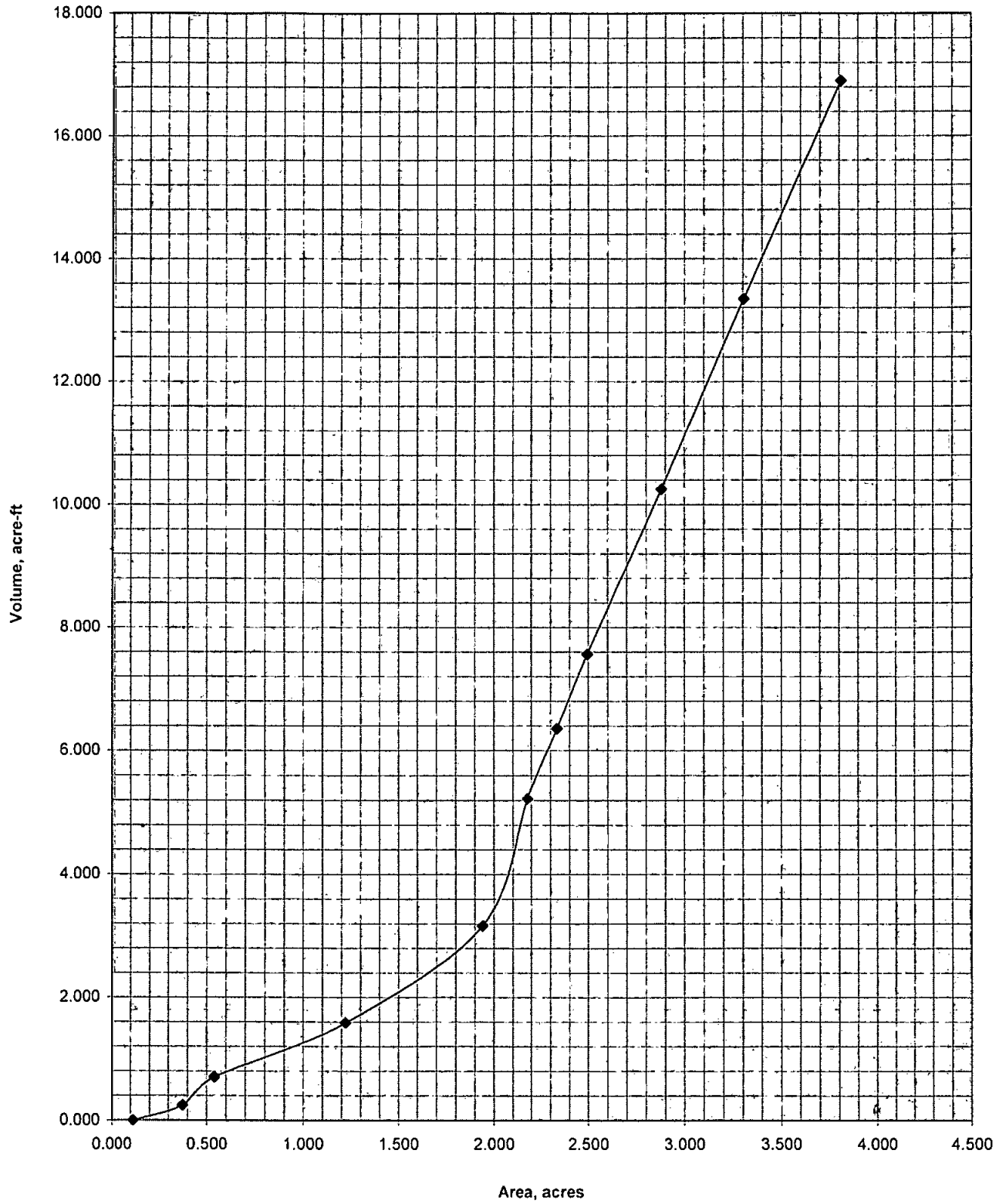
**PEASE CREEK COLONY DAM
VOLUME CALCULATIONS**

Elevation		Area acres	Cumulative Volume Acre-Ft
1611.00	(RESERVOIR BOTTOM)	0.115	0.000
1612.00		0.374	0.245
1613.00		0.541	0.702
1614.00		1.221	1.583
1615.00		1.941	3.164
1616.00		2.179	5.224
1616.50	(PRIMARY SPILLWAY - CREST NORMAL POOL)	2.336	6.353
1617.00	(EMERGENCY SPILLWAY)	2.494	7.560
1618.00		2.880	10.247
1619.00		3.306	13.340
1620.00	(CREST)	3.810	16.898



PEASE CREEK COLONY DAM A vs V GRAPH

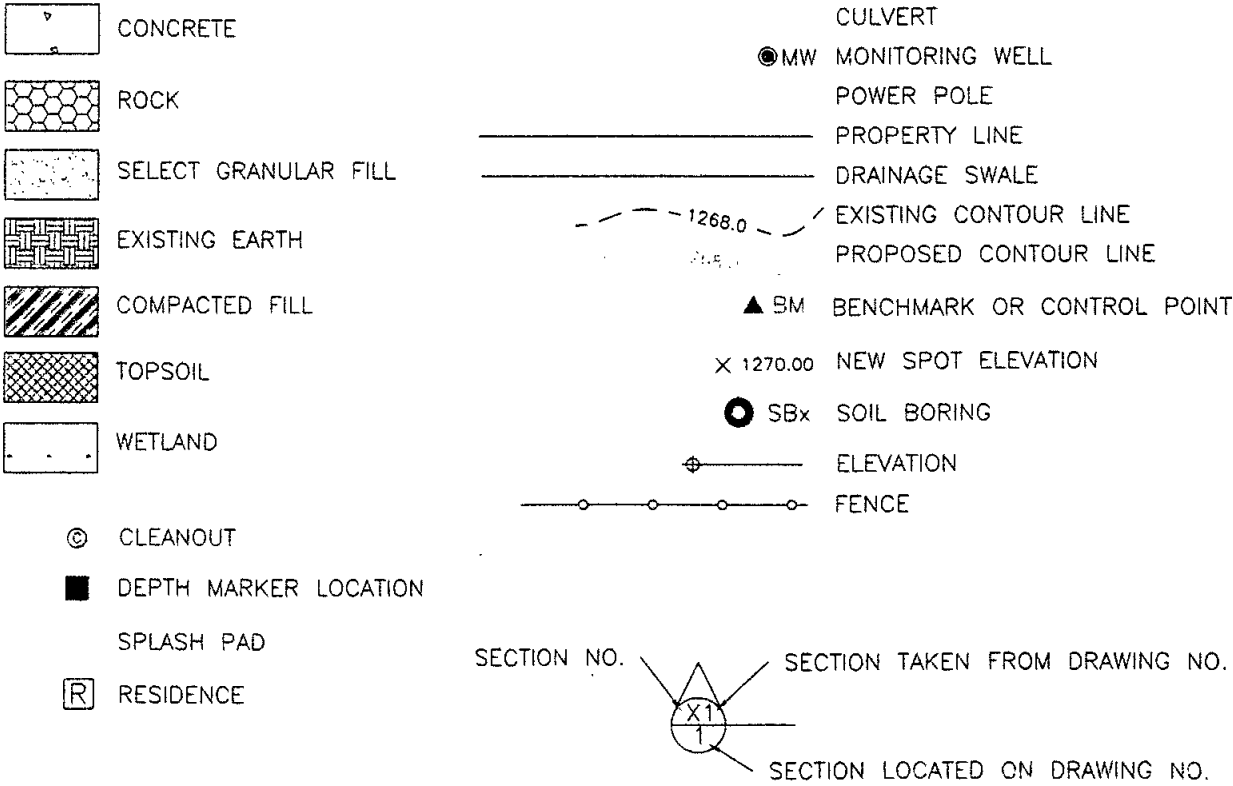
Area vs Volume



PEASE CREEK COLONY
IRRIGATION DAM
PLANS AND SPECIFICATIONS
ISSUED 8/24/16

PRODUCER: PEASE CREEK COLONY
ADDRESS: 28748 - 386TH AVENUE
LAKE ANDES, SD 57356
PHONE: (605) 491-7109
SITE LOCATION: SE 1/4 Section 28, T97N R66W
COUNTY: CHARLES MIX

LEGEND



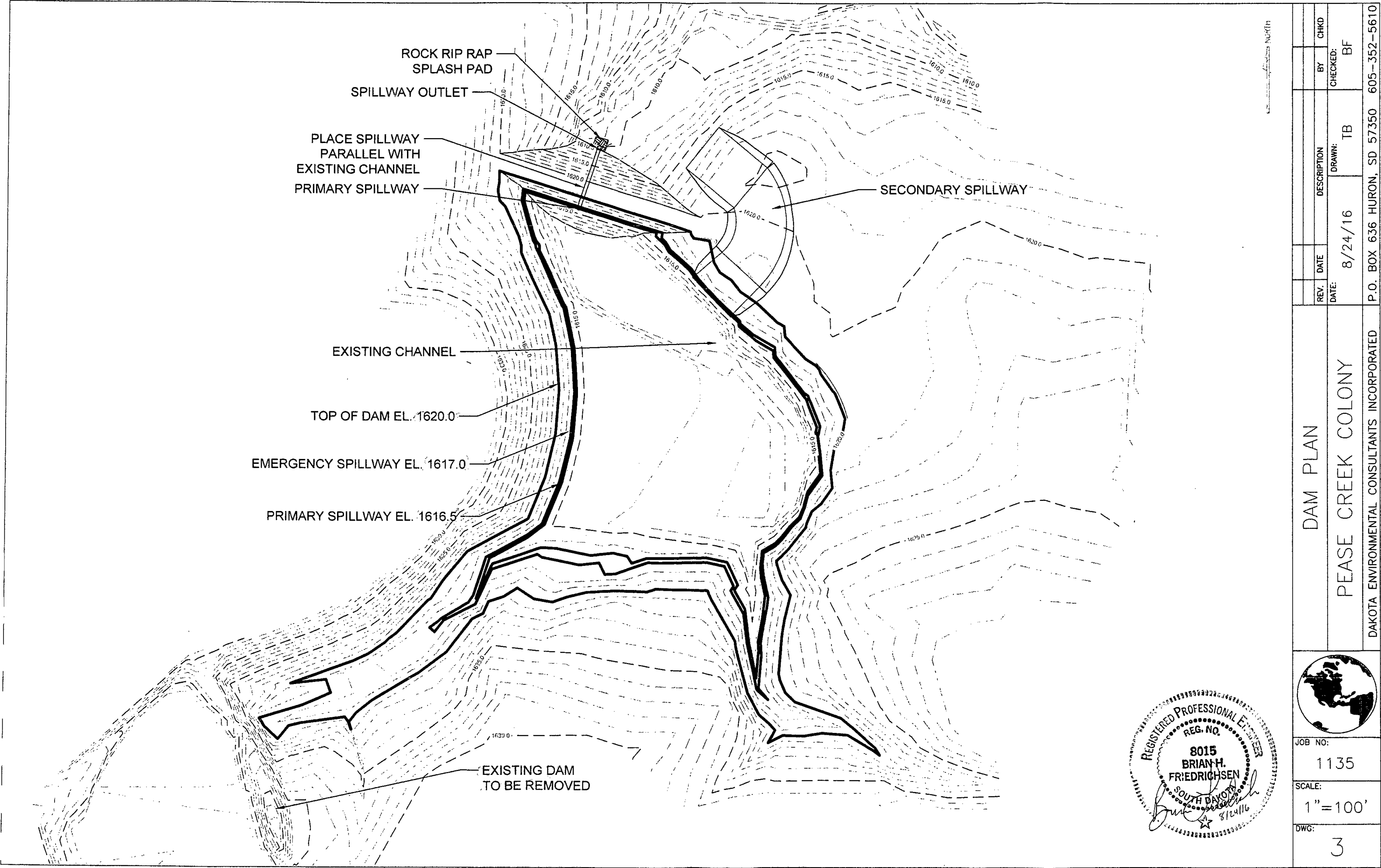
SHEET INDEX	
DWG. NO.	DESCRIPTION
1	TITLE PAGE
2	AREA / VICINITY MAP
3	DAM PLAN
4	SPILLWAY PLAN
5	DAM PROFILE & SECTIONS
6	RISER & CONCRETE DETAILS
7	ANTISEEP COLLAR & SPLASHPAD
8	GENERAL NOTES AND SPECIFICATIONS



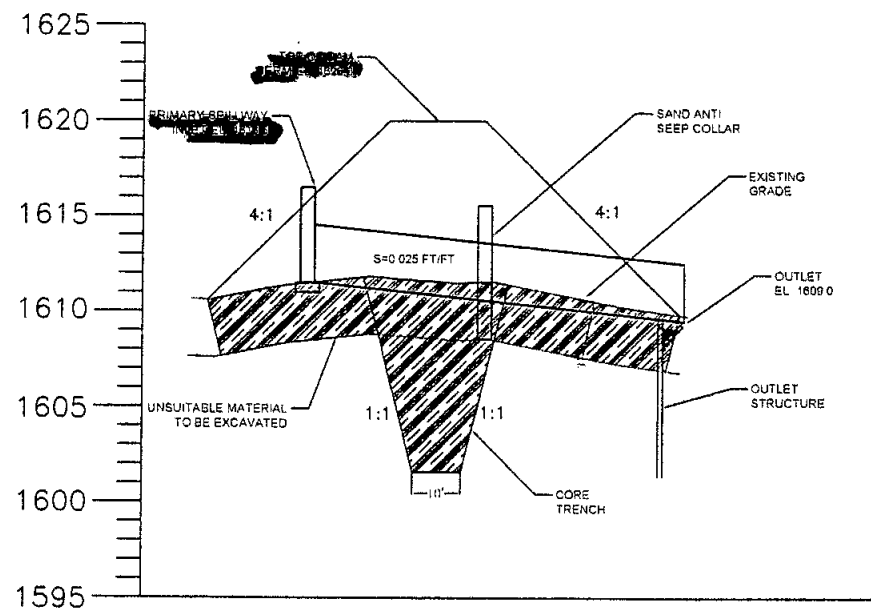
Brian Friedrichsen, PE

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.

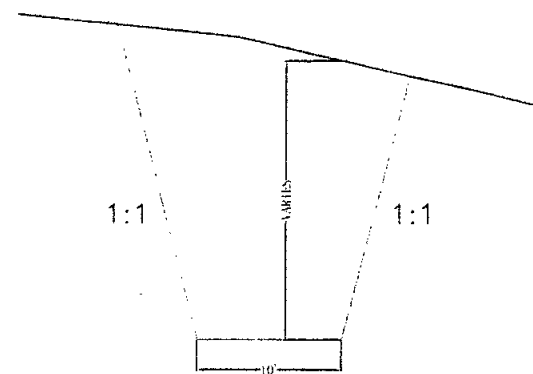
REV.	DATE	DESCRIPTION	BY	CHKD
	8/24/16			
			CHECKED:	BF
			DRAWN:	TB
TITLE PAGE				
PEASE CREEK COLONY DAM				
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED				
P.O. BOX 636 HURON, SD 57350 605-352-5610				
				
JOB NO: 1135				
SCALE: NTS				
DWG: 1				



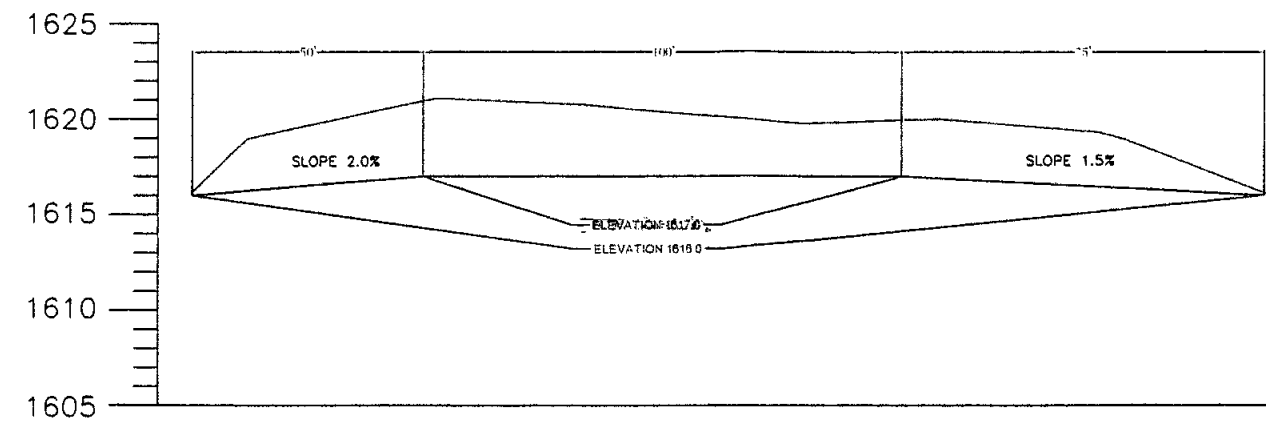
DAM PLAN										REV.		DATE		DESCRIPTION		BY		CHKD			
PEASE CREEK COLONY										DATE:		8/24/16		DRAWN:		TB		CHECKED:		BF	
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED										P.O. BOX 636 HURON, SD 57350 605-352-5610											



A4
5 DAM CROSS SECTION

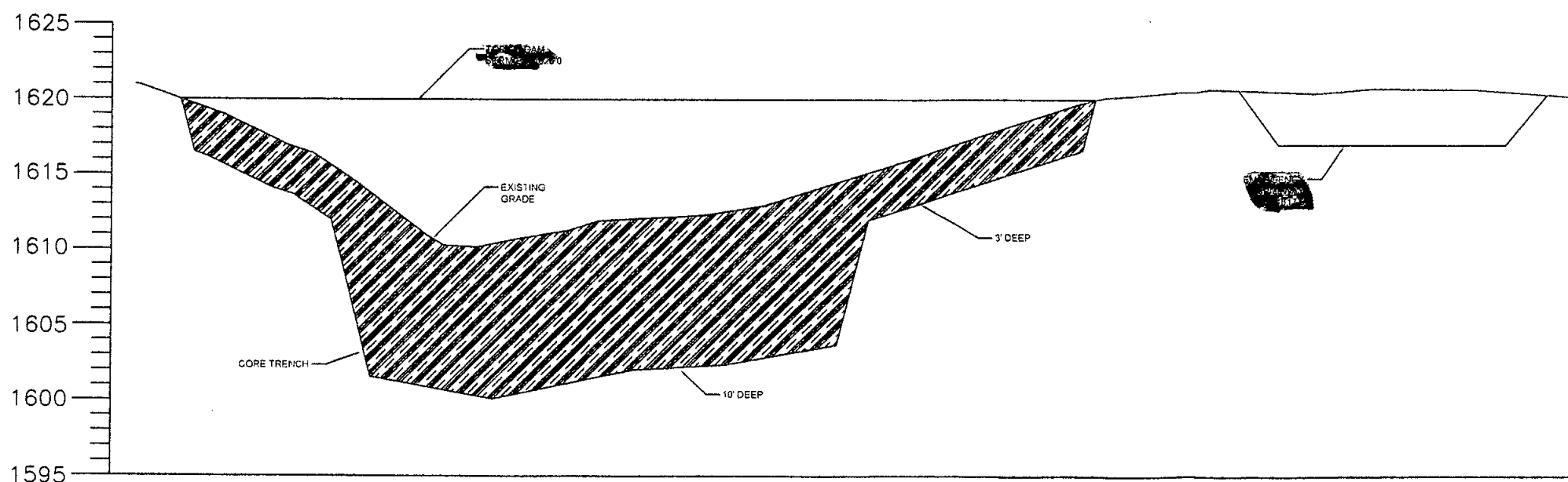


TYPICAL CORE TRENCH
DAM CENTERLINE
1:1 SIDE SLOPES
NOT TO SCALE

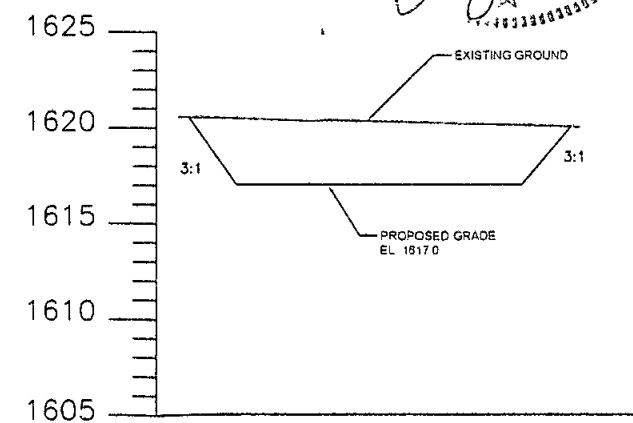


EMERGENCY SPILLWAY PROFILE

VERTICAL: 1"=10'
HORIZONTAL: 1"=40'



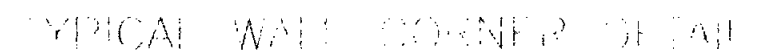
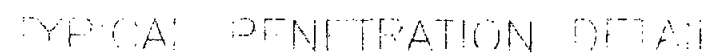
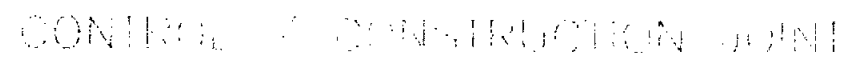
DAM PROFILE



B4
5 EMERGENCY SPILLWAY
CROSS SECTION



REV.	DATE	DESCRIPTION	BY	CHKD
	8/24/16	TB		BF
DAM PROFILE AND SECTIONS				
PEASE CREEK COLONY				
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED				
				
JOB NO: 1135				
SCALE: AS NOTED				
DWG: 5				
P.O. BOX 636 HURON, SD 57350 605-352-5610				

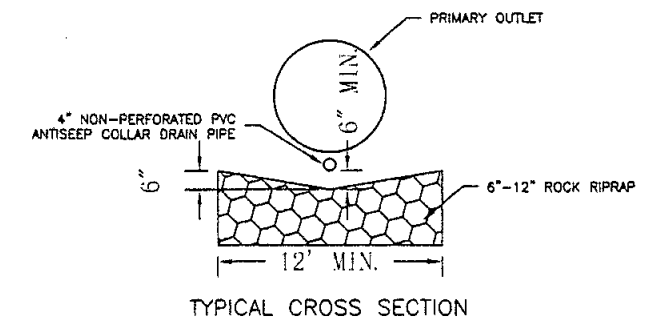
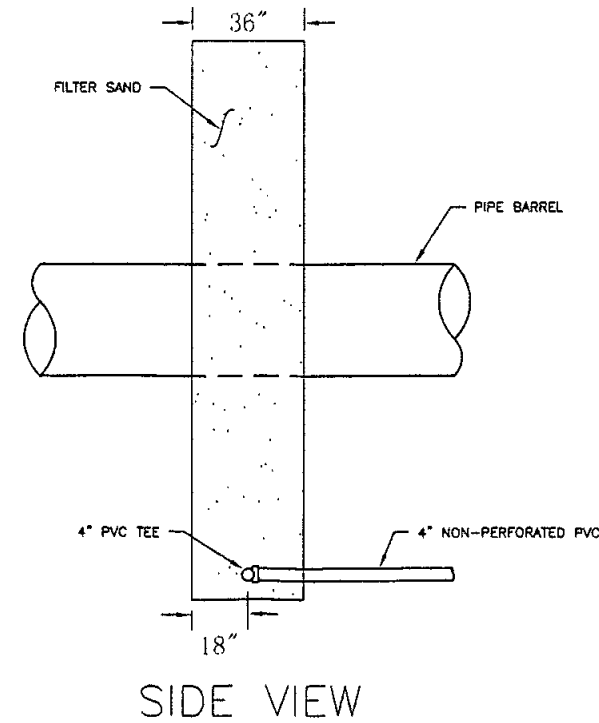
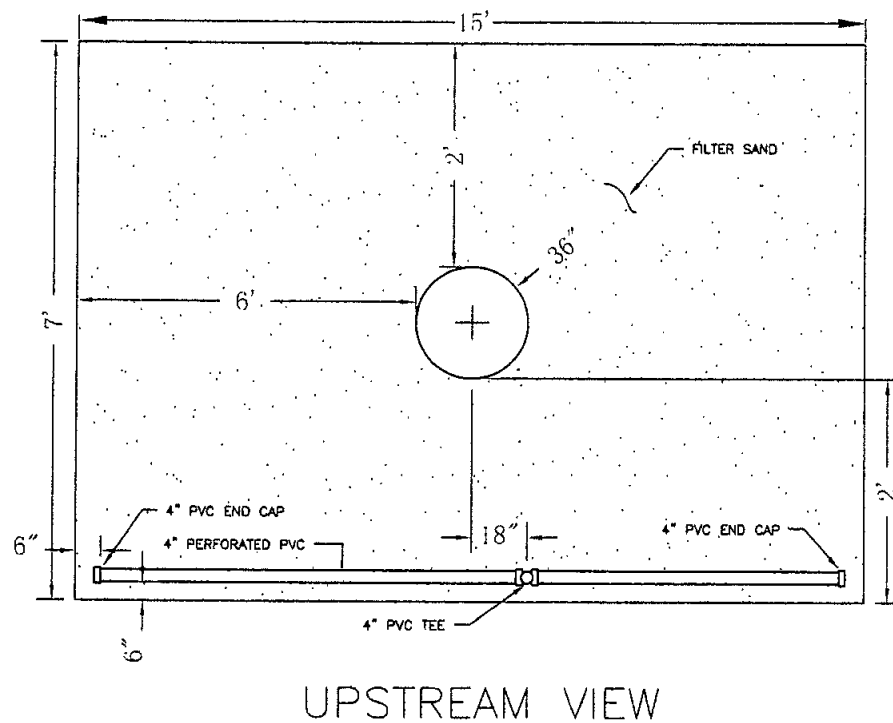
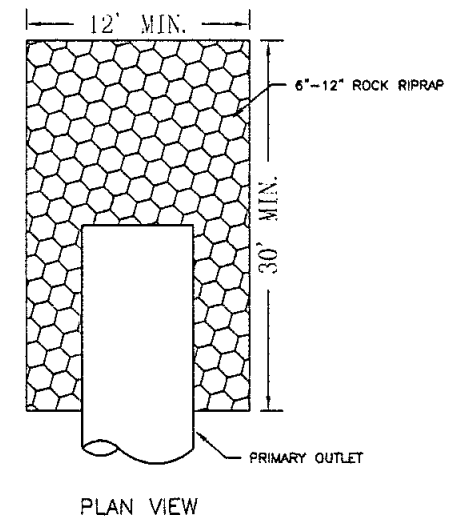
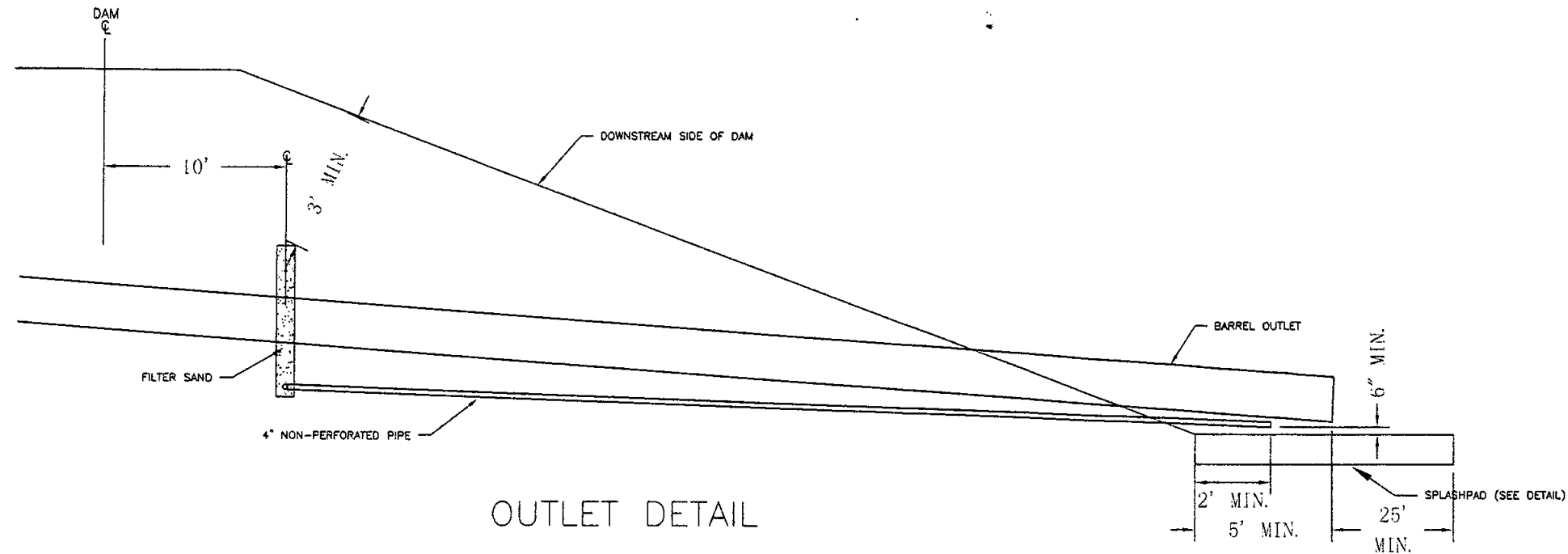


RISE & CONCRETE DETAILS

PEASE CREEK COLONY

DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED

P.O. BOX 636 HURON, SD 57350 605-352-5610



SPLASHPAD DETAILS

ANTISEEP COLLAR DETAILS



ANTISEEP COLLAR & SPLASHPAD

PEASE CREEK COLONY

DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED

P.O. BOX 636 HURON, SD 57350 605-352-5610



JOB NO:
1135

SCALE:
NTS

DWG:
7

REV.	DATE	DESCRIPTION	BY	CHKD
	8/24/16	TB		
			CHECKED:	BF

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 DISCREPENCY IN THESE PLANS WITH FIELD CONDITIONS OR PLANS PROVIDED BY OTHERS.
2. Any new water supply wells placed on the site must be a minimum of 150 feet from the closest point of any waste holding structure including manure pits. Any new well must be a minimum of 50 feet from the closest point of a sewer line.
3. Strip topsoil and vegetation from all areas under structures and embankments. Stripping excavation shall extend to a depth sufficient to expose subsoil reasonably 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.
4. 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.
5. The final 4 inches directly beneath the slabs shall be a fine draining granular material with less than 5% of soil material by weight passing a standard #200 sieve and compacted as specified for backfill.
6. 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.
7. 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.
8. 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.
9. 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.
10. Compaction of fill adjacent to concrete columns, walls or flatwork shall not be started until seven days have elapsed after placement of the concrete. Walls shall be laterally supported by slats, flooring, or other adequate permanent bracing prior to backfilling.
11. 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.
12. 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 ponds 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 x 10⁻⁷ centimeters/second.
13. Builder is responsible to manage the routing and stockpiling of material for the clay liner. It is anticipated the native clay soils within 15 feet of the existing surface 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.
14. 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.
15. 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.
16. 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" |
17. 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."
18. 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.
- Obtain at least the following numbers of test cylinders per pen:

two sets of 2 cylinders (four total) from concrete for slabs; and

one set of 2 cylinders (two total) from the concrete for walls.

Test sets of cylinders in accordance with ASTM C39 at 7 and 28 days.
19. Calcium Chloride accelerators will not be allowed.
20. Steel for footings, walls, and floors shall be ASTM A615, Grade 40.
21. 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.
22. Standard concrete cover of bars shall be as follows, unless noted otherwise:

a) Where earth formed: 3 inches

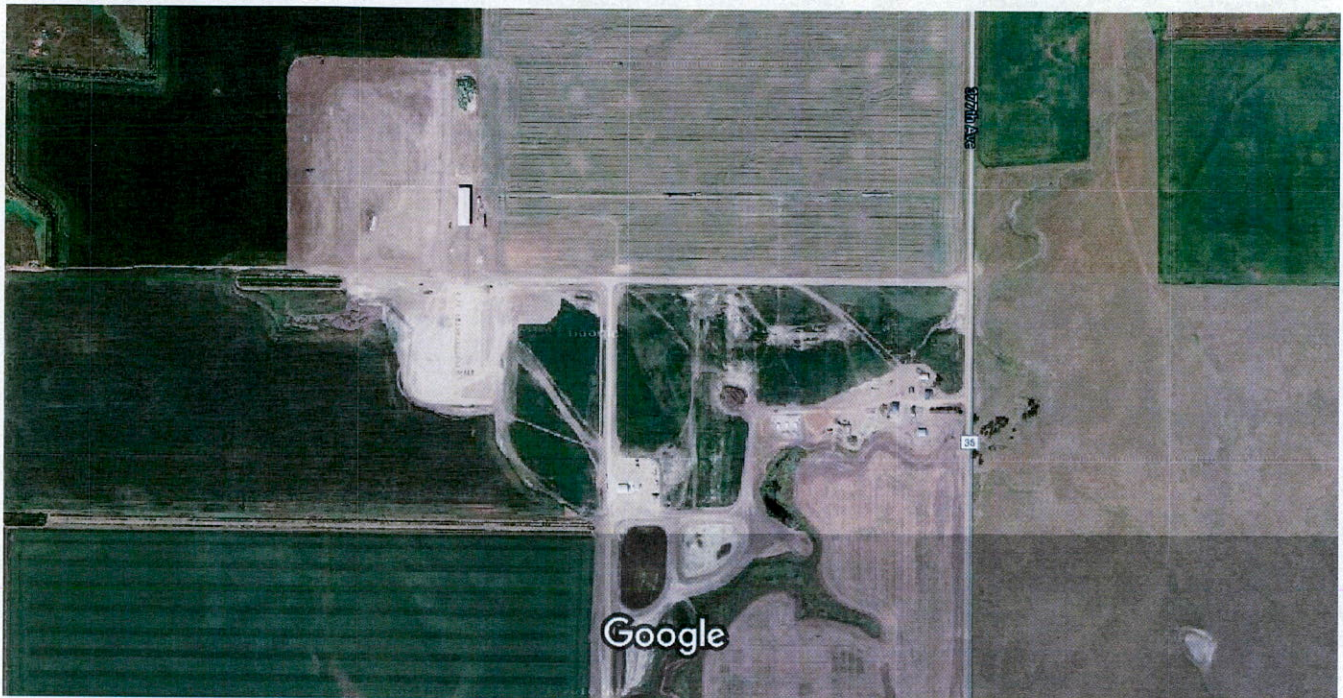
b) Where exposed to earth or weather: 2 inches
23. Provide suitable chairs, spacers, or bolsters to support all reinforcing. Accessories shall be as specified in the latest edition of "Concrete Reinforcing Steel Institute Handbook." Maximum spacing of accessories shall be 5'-0". All accessories shall 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.
24. Install all construction or control (contraction) joints as called for on the drawings or as approved by the engineer. At a minimum, in slabs install control joints with spacing between joints at 50' maximum intervals. Joints shall be spaced to provide approximately equal square regions (max. 1.5:1 length:width ratio). Joints shall be pre-formed, or sawed within 12 hours of concrete placement, and sealed with a polysulfide or urethane sealant designed for submerged applications, such as Vulkem 116, Manufactured Mameco International, or approved equal. Install sealant in accordance the manufacturer's recommendations including use of any primers, bond breaker, backer rod, curing treatments or other accessories or procedures.
25. Concrete construction shall be planned to minimize the number of construction joints. Except at corners, the location of all construction joints in walls and floor slabs, and the layout of slab control (contraction) joints, shall be reviewed with and approved by the engineer prior to construction.
26. All construction joints in and between floor slabs and exterior walls shall be provided with waterstop. Provide Waterstop RX 102, as manufactured by American Colloid Corp., or polyvinyl chloride waterstop, style #703 as manufactured by Greenstreak or approved equal. Install waterstop in accordance with manufacturer's recommendations on the manure side of reinforcing steel, near the middle of the of the wall or slab section, and as shown on the detail drawings. Maintain specified concrete cover over waterstop and reinforcing steel.



CHKD	BY	CHECKED:	BF
DESCRIPTION		DRAWN: RR	
REV.	DATE	8/24/16	
GENERAL NOTES & SPECIFICATIONS			
PEASE CREEK COLONY			
DAKOTA ENVIRONMENTAL CONSULTANTS INCORPORATED			
JOB NO: 1135			
SCALE: AS NOTED			
DWG: 8			

P.O. BOX 636 HURON, SD 57350 605-352-5610

Google Maps



Imagery ©2016 DigitalGlobe, USDA Farm Service Agency, Map data ©2016 Google 500 ft

Water Permit Application No. 82393
Lake View Colony

Top of Dam Elev - 1620
2nd Spilling Elev - 1617
P. Spilling Elev - 1616.5
O/S Emb Toe Elev - 1604

Cat. 3 - Low Hazard Dam

Ht = 11 ft.

Normal Storage Capacity - 6.35 Ac-Ft
Int Storage Capacity - 7.56
Max Storage Capacity - 16.89

* NOTE * With a Dam height of 11 ft. & Max Storage Capacity of 16.89 Ac-Ft
No P&S Required

From USGS WRI 98-4055 "Tech for Est Peak Flows ... in SO"
Region D DA = 868 Ac = 1.36 mi²

$$\begin{aligned} Q_{100} &= 676 CA^{.585} \\ &= 676 (1.36)^{.585} \\ &= 676 (1.1971) \\ &= \underline{809 \text{ cfs}} \end{aligned}$$

$$\begin{aligned} Q_{100} &= 1270 CA^{.663} \\ &= 1270 (1.36)^{.663} \\ &= 1270 (1.2261) \\ &= \underline{1557 \text{ cfs}} \end{aligned}$$

Secondary Spilling Capacity

$$\begin{aligned} Q &= CLH^{3/2} & C &= 2.6 \\ &= 2.6 (60)^{3/2} & L &= 60 \\ &= \underline{811 \text{ cfs}} & H &= 3 \end{aligned}$$

NRECS Annual Yield
CN = 87 DA = 868 Ac ISO = 3

$$\begin{aligned} 80\% \text{ chance} &= 1.1 \\ 1.1 \times 868/12 &= \underline{80 \text{ Ac-Ft}} \end{aligned}$$

$$\begin{aligned} 50\% \text{ chance} &= 2.1 \\ 2.1 \times 868/12 &= \underline{152 \text{ Ac-Ft}} \end{aligned}$$

$$\begin{aligned} 10\% \text{ chance} &= 5.8 \\ 5.8 \times 868/12 &= \underline{420 \text{ Ac-Ft}} \end{aligned}$$

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 8/26, 20 16

RECEIVED OF Lakeview Hutterian Brethren 28748 386th Ave Lake Andes SD 57356

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

Fee for Application for Permit No. <u>8239-3</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>8239-3</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	300 00

No. **07961**

By Jane Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

May 15, 2012

Brian Friedrichsen, PE
Dakota Environmental, Inc.
PO Box 636
Huron, SD 57350

RE: Plans and Specification review of Pease Creek Colony Lagoon project
DE Project No.1135

Dear Mr. Friedrichsen,

The South Dakota Department of Environment and Natural Resources (DENR) received two copies of the Plans and Specifications for the Pease Creek Colony wastewater treatment system on April 6, 2012 and two copies of updated Plans and Specifications for the Pease Creek Colony wastewater treatment system on May 4, 2012. The Department has reviewed and hereby approves the plans and specifications for this project. The Department has identified the following conditions of approval:

1. The transfer pipe location was revised in the Plans and Specifications sent on May 2, 2012 and received on May 4, 2012. DENR will approve this design; however, we are still concerned that the location of the influent and transfer structures may cause short circuiting and result in odors from the primary cell.
2. A section of pond bottom in cell #2 will be close to the current ground elevation. Please ensure that the top six (6) inches of top soil is removed and the foundation will be loosened thoroughly by scarifying or disking to a minimum depth of six (6) inches as described in the letter you sent on May 2, 2012.
3. Coverage under the Department's General Storm Water Construction Permit has been issued for the construction of Pease Creek Colony under the permit number SDR10F698. Make sure that a Storm Water Pollution Prevention Plan (SWPPP) is developed, kept up to date, and implemented. A copy of the SWPPP must be kept on site during construction for review by DENR inspectors.
4. In accordance with the Administrative Rules of South Dakota (ARSD) § 74:53:04:08, the Department of Environment and Natural Resources shall be notified when works or systems or both constructed in accordance with approved plans and specifications are placed in service.

This review is primarily to determine compliance with the minimum sanitary engineering requirements and does not cover items, such as, quality of material, structural soundness, or electrical and mechanical design features. If there are modifications to the project during construction or the entire project is not constructed as approved, the engineer must receive approval from the Department of Environment and Natural Resources for these alterations or modifications. Approval of the plans and specifications does not in any way release the applicant from the responsibility that the project will be an operable facility when construction is completed.

If you have any questions, please feel free to contact Jonathan Hill or me at the number below.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kelli D. Buscher", with a long horizontal flourish extending to the right.

Kelli D. Buscher, P.E.
Natural Resources Engineering Director
Surface Water Quality Program
(605) 773-3351



Dakota Environmental Consultants, Inc.

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

"Yours for a cleaner Earth"

August 24, 2016

RECEIVED

AUG 26 2016

**WATER RIGHTS
PROGRAM**

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

RE: Proposed Irrigation Dam
Pease Creek Colony, Charles Mix County
DEC Project #1135

Dear Mr. Schaal:

Please find included for your review and approval are two copies of plans and specifications for the construction of an irrigation dam at the above referenced project site.

The proposed site is located in the SE ¼ of Section 28, T97N, R66W. The proposed dam is intended to impound water for irrigation of proposed gardens at a Hutterite colony site currently under development.

Work to be done at the site includes, but is not limited to, topsoil removal, subsoil excavation for the cutoff trench, placement of compacted fill, spillway construction, erosion control, and seeding. All property immediately adjacent to the dam site and flood zone behind the dam is owned by the applicant. The flood zone consists of a 3.81 acre area behind the dam. The drainage basin of the dam site includes 868 acres behind the dam as outlined on the area map on plan sheet 2.

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

Sincerely,

Brian Friedrichsen, PE
Senior Engineer



Dakota Environmental Consultants, Inc.

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

"Yours for a cleaner Earth"

August 24, 2016

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

RE: Proposed Irrigation Dam
Pease Creek Colony, Charles Mix County
DEC Project #1135

RECEIVED

AUG 26 2016

**WATER RIGHTS
PROGRAM**

Dear Mr. Gronlund:

Please find included an application to appropriate water for irrigation for Pease Creek Colony, as well as the calculated application fee. These materials are submitted on behalf of the applicant.

The proposed withdraw point is located in the SE ¼ of Section 28, T97N, R66W, and consists of a proposed dam. The proposed dam is intended to impound water for irrigation of proposed gardens at a Hutterite colony site currently under development. A copy of plans and specifications for the proposed irrigation dam are also included. These materials have been submitted to other departments of DENR as appropriate.

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

Sincerely,

Brian Friedrichsen, PE
Senior Engineer

2015

Enter Filing Year

Secretary of State Office
500 E Capitol Ave
Pierre, SD 57501
(605)773-4845

ANNUAL REPORT
DOMESTIC NONPROFIT
SDCL 47-27-18, 59-11-24

Please Type or Print Clearly In Ink

FILING FEE: \$10.00 Make check payable to SECRETARY OF STATE

FILE DATE 8/10/2015

RECEIPT NO 326288

Telephone #

1. Corporate Name and Address:

NS008801

LAKEVIEW HUTTERIAN BRETHERN, INC.

2. The jurisdiction under whose law it is formed SOUTH DAKOTA

3. The address of the principal executive office (business address).

28748 386TH AVE	LAKE ANDES	SD	57356-6730
-----------------	------------	----	------------

Actual Street Address or Rural Route Box Number	City	State	ZIP+4
---	------	-------	-------

Mailing Address, if Different from Street Address	City	State	ZIP+4
---	------	-------	-------

Email Address (Optional)

4. The name of the South Dakota Registered Agent

Agent Name: JEFFREY T. SVEEN

415 S MAIN ST	ABERDEEN	SD	57401-4364
---------------	----------	----	------------

Actual Street Address or Rural Route Box Number in This State	City	State	ZIP+4
---	------	-------	-------

PO BOX 490	ABERDEEN	SD	57402-0490
------------	----------	----	------------

Mailing Address in This State, if Different from Street Address	City	State	ZIP+4
---	------	-------	-------

Email Address (Optional)

5. The names and business addresses of its principal officers and directors. Please place a check mark next to the name if the principal officer serves as a director. South Dakota Law requires at least three director.

☒ ELI HOFER	28748 386TH AVENUE	LAKE ANDES	SD	57356-6730
---	--------------------	------------	----	------------

President	Actual Street Address	City	State	ZIP+4
-----------	-----------------------	------	-------	-------

☒ MARVIN WIPF	28748 386TH AVENUE	LAKE ANDES	SD	57356-6730
---	--------------------	------------	----	------------

Vice President	Actual Street Address	City	State	ZIP+4
----------------	-----------------------	------	-------	-------

☒ JOE HOFER	28748 386TH AVENUE	LAKE ANDES	SD	57356-6730
---	--------------------	------------	----	------------

Secretary	Actual Street Address	City	State	ZIP+4
-----------	-----------------------	------	-------	-------

☐ JOE HOFER	28748 386TH AVENUE	LAKE ANDES	SD	57356-6730
------------------------------------	--------------------	------------	----	------------

Treasurer	Actual Street Address	City	State	ZIP+4
-----------	-----------------------	------	-------	-------

☐ DANNY WIPF	28748 386TH AVENUE	LAKE ANDES	SD	57356-6730
Director	Actual Street Address	City	State	ZIP+4
☐ JOE WIPF	28748 386TH AVENUE	LAKE ANDES	SD	57356-6730
Director	Actual Street Address	City	State	ZIP+4
☐				
Director	Actual Street Address	City	State	ZIP+4

6. List only the changes since the last report of the acreage and location by section, township and county of each lot or parcel of land in this state owned or leased by the corporation.

7. Please complete the appropriate section:

Family Farm Corporation	The NUMBER OF SHARES owned by person(s) who are members of a family as defined in SDCL 47-9A-2, one of such shareholders being a family member who is residing on the farm or actively operating the farm, or who has resided on or has actively operated the farm. (See SDCL 47-9A-14)	0
Authorized Farm Corporation	The PERCENTAGE of gross receipts of the corporation derived from rent, royalties, dividends, interest and annuities.	

8. List changes only of names, address and number of membership interests owned by shareholders.

Name	Actual Street Address	City	State	ZIP+4	Shares
------	-----------------------	------	-------	-------	--------

No person may execute this report knowing it is false in any material aspect. Any violation is subject to a civil penalty.

Dated 08/10/2015

Email _____
(Optional)

Signature Accepted Electronically

(Signature of an Authorized Person)

JOSEPH M HOFER

(Printed Name)

*By signing this form you agree to have both the fee and the form processed electronically.
A fee of up to \$40 will be assessed for returned payments.

8/10/2015 2:44:41 PM

Schlaak, Karen

From: Schlaak, Karen
Sent: Friday, August 26, 2016 10:56 AM
To: 'levihofer@hcinet.net'
Subject: Application for Permit to Appropriate Water for Irrigation

Levi Hofer,

We received the water permit application for Lakeview Colony. Regarding your signature on the application, I conducted a corporation search on the Secretary of State Website. Lakeview Hutterian Brethren, Inc. is registered, but your name was not listed as a principle officer or director. What we need is a statement of authority that the person signing the application has the authority to act on behalf of Lakeview Hutterian Brethren on all matters involving the permit application. Or, the application could be returned and signed by one the officers.

Please let me know how you want to proceed. I can easily return the application for another signature. If you have questions, contact Eric Gronlund or me.

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

August 31, 2016

Lakeview Colony
c/o Levi Hofer
28748 386th Ave
Lake Andes SD 57356

Dear Mr. Hofer:

Thank you for submitting the *Application for a Permit to Appropriate Water* for irrigation in Charles Mix County. In order to complete the application, the following is required.

Regarding your signature on the application, I conducted a corporation search on the Secretary of State Website. Lakeview Hutterian Brethren, Inc. is registered, but your name was not listed as a principle officer or director. What we need is a statement of authority that the person signing the application has the authority to act on behalf of Lakeview Hutterian Brethren on all matters involving the permit application. Or, the application could be returned and signed by one the officers.

Please let me know how you want to proceed. I can easily return the application for another signature. If you have questions, contact Eric Gronlund or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Schlaak, Karen

From: Gronlund, Eric
Sent: Tuesday, September 13, 2016 1:18 PM
To: 'Brian Friedrichsen'
Cc: Schaal, Tim; Schlaak, Karen
Subject: RE: pease creek dam project
Attachments: Lakeview Colony.pdf

The application is filed in the name of Lake View Colony. DENR received the application on August 26th. On August 31st DENR sent a letter to Levi Hofer with the Colony. Mr. Hofer signed the application but a check of the Secretary of State website found that he is not listed as the agent, principal officer or Director for Lake View Hutterian Brethren. The letter goes on to say that we need a statement of authority that Levi Hofer has the authority to act on behalf of Lake View Colony or the application could be signed by one of the listed Directors and returned. Those individuals listed as a Director are: Eli Hofer, Marvin Wipf and Joe Hofer, Danny Wipf and Joe Wipf. We have not heard back from them. For that reason the application has been on hold. A copy of DENR's letter is attached.

Eric

From: Brian Friedrichsen [<mailto:brian@dakotaenv.com>]
Sent: Tuesday, September 13, 2016 12:02 PM
To: Gronlund, Eric
Subject: Re: pease creek dam project

Applicant is Pease Creek Colony, though Lake View is the parent colony writing the checks. Application for an irrigation dam was mailed around August 24.

Thanks,

Brian

On Tue, Sep 13, 2016 at 11:47 AM, Gronlund, Eric <Eric.Gronlund@state.sd.us> wrote:

Brian – your going to need to refresh my memory on this one. Who is the applicant? When was the application filed? Eric

From: Brian Friedrichsen [<mailto:brian@dakotaenv.com>]
Sent: Tuesday, September 13, 2016 10:45 AM
To: Gronlund, Eric; Schaal, Tim
Subject: pease creek dam project

Eric & Tim,

sorry to be a pest, but client requested I check in to see how things were going with review.

Thanks,

--

Brian Friedrichsen

Dakota Environmental

--

Brian Friedrichsen

Dakota Environmental

Schaal, Tim

From: Gronlund, Eric
Sent: Wednesday, September 21, 2016 3:51 PM
To: Spangler, Albert
Cc: Wegleitner, Paul; Schaal, Tim
Subject: Pease Creek Colony

Tim and I called Brian Friedrichsen with Dakota Environmental regarding the application for a small irrigation dam filed in the name of Lake View Colony for the new Pease Creek Colony. We brought up that in checking with the Surface Water Quality Program there may be issues with whether design for the domestic wastewater pond were submitted to DENR for approval and whether a storm water construction permit was in place. Brian said he believe they went through "Kelli's shop" a few years back and got the proper approvals. He was going to check his records. He thought there may be confusion in that submittals may have been in the name of Lake View Colony instead of Pease Creek Colony. The site of Pease Creek Colony is in Section 18, T97N, R66W. We told him after checking his records to call you at the Surface Water Quality Program number to get things cleared up.

Schaal, Tim

From: Brian Friedrichsen <brian@dakotaenv.com>
Sent: Thursday, September 22, 2016 4:35 PM
To: Schaal, Tim; Gronlund, Eric
Subject: pease creek dam

Tim,

as we discussed this afternoon, we wish on behalf of Lake View Colony, the applicant in question for the proposed dam located in the NE1/4 of the SE1/4 of Section 28, T97N R66W, Charles Mix County, to revise the submitted Application for Permit to Appropriate Water for Irrigation.

We wish to revise the acre-feet storage capacity listed under #2 to 6.41 acre-feet.

We also wish to revise the storage listed under #4(i) to 6.41 acre-feet.

Please feel free to contact us if anything additional is required.

Thank you.

Brian Friedrichsen
Dakota Environmental



**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. 8239-3, Lake View 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. 8239-3, Lake View Colony, c/o Eli Hofer, 28748 386th Avenue, Lake Andes, SD 57356.

The Chief Engineer is recommending APPROVAL of Application No. 8239-3 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. 8239-3 authorizes an impoundment with a storage capacity of 6.41 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
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 24, 2016

NOTE: The plans and specification for wastewater treatment system at Pease Creek Colony has been approved by DENR. However, the wastewater system may require additional erosion protection to the exterior berms that are adjacent to the proposed irrigation dam. Please have your engineering consultant contact DENR to discuss potential additional requirements. I encourage a colony representative or your engineering consultant to contact Kent Woodmansey at (605) 773-3351 for the wastewater system and Mark McIntire at (605) 773-3754 for the water distribution system to insure proper review and approval has been obtained at Pease Creek Colony.

REPORT ON
WATER PERMIT APPLICATION No. 8239-3
Lake View Colony
October 17, 2016

Water Permit Application No. 8239-3 has been filed by the Lake View Colony to appropriate 0.10 cubic feet of water per second from a dam located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28-T97N-R66W and impounds 6.41 acre-feet of water from runoff. The application also requests impoundment of sufficient water to maintain water at the outlet elevation. The water will be used for irrigation of 10 acres located in the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 28-T97N-66W.

Discussion:

The dam has been designed by Dakota Environmental, Inc. Since the dam will only be 11 feet high with a maximum storage capacity of 16.89 acre-feet at the top of dam elevation, review and approval of Plans and Specifications is not required. Construction of the dam cannot begin until Water Permit Application No. 8239-3 is approved.

The dam will be 11 feet high with a normal storage capacity of 6.41 acre-feet with a reservoir level at the primary spillway elevation, and a maximum storage capacity of 16.89 acre-feet with a reservoir level at the top of dam elevation. Even though P&S for the dam is not required, the design would meet our requirements for a small size Category 3 dam and will have a spillway design capable of passing a 25-year frequency event.

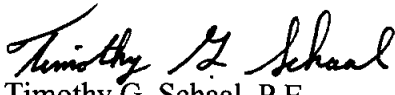
The dam has a drainage area of 868 acres or 1.36 square miles. The dam will have a 4 foot diameter concrete riser with a 36 inch diameter PVC barrel and 3.5 feet of available freeboard as the primary spillway and a 60 foot wide earthcut spillway with 3.5 feet of available freeboard as the secondary spillway. A 25-year frequency event produces a peak runoff of approximately 809 cfs. The earthcut spillway will have a capacity of approximately 811 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 80 acre-feet. The annual yield with a 50 percent chance of occurrence, or 1 out of 2 years, is expected to be 152 acre-feet, and the annual yield with a 10 percent chance of occurrence, or 1 out of 10 years, is expected to be 420 acre-feet.

The dam will be located in the SE $\frac{1}{4}$ of Section 28-T97N-R66W on an unnamed tributary to Pease Creek, about 2.5 miles upstream of the confluence of the unnamed tributary and Pease Creek. There are no existing Water Rights/Permits filed on the unnamed tributary the dam and Pease Creek.

Conclusions:

1. Water Permit Application No. 8239-3 should be approved since unappropriated water is available and approval should not have any adverse effect on existing Water Permits/Rights.
2. If approved, the low flow bypass requirement for domestic use should be a qualification on Water Permit Application No. 8239-3.



Timothy G. Schaal, P.E.
Engineer IV

Affidavit of Publication

RECEIVED

STATE OF SOUTH DAKOTA)

)SS

DEC - 2 2016

COUNTY OF CHARLES MIX)

WATER RIGHTS
PROGRAM

Samantha Tonak, of said County and State being first duly sworn on her oath says: That **The Wagner Post** is a legal newspaper of general circulation, printed and published in Wagner, in said County and State, by Samantha Tonak, and has been such newspaper during the time herein mentioned; and that I, Samantha Tonak, the undersigned, of said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper and not in supplement, once each week for 1 successive weeks.

1st publication made on 2 day of Nov, 2016
2nd publication made on _____ day of _____, 2016
3rd publication made on _____ day of _____, 2016
4th publication made on _____ day of _____, 2016
5th publication made on _____ day of _____, 2016

That said newspaper is a legal newspaper, and has a bonafide circulation of more than two hundred copies weekly, and has been published within the County of Charles Mix for more than fifty-two successive weeks prior to the first publication of said notice, and is printed in an office maintained in Wagner, South Dakota, the place of publication of said newspaper. That the full amount of the fee for the publication of the annexed notice is

\$ 26.80

Samantha Tonak

Subscribed and sworn before me this 28th day of November, 2016.

[Signature]

Notary Public

Application to Appropriate Water

NOTICE OF APPLICATION
NO. 8239-3

TO APPROPRIATE WATER

Notice is given that Lake View Colony, c/o Eli Hofer, 28748 386th Ave, Lake Andes SD 57356 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from runoff into a storage dam (6.41 acre-feet storage capacity) located in the NE 1/4 SE 1/4 Section 28 with water impounded in E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 28 for irrigation of 10 acres located in the N 1/2 SE 1/4 Section 28; all in T97N-R66W. This application requests impoundment of sufficient water to maintain water to the outlet elevation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8239-3 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/publicorcontactEricGronlund> 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 November 14, 2016.

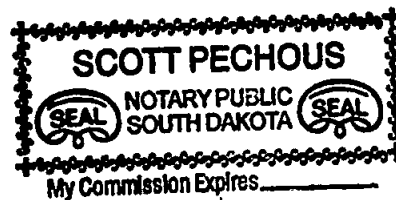
The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

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 \$26.80

Pub: November 2, 2016



7/27/22

RECEIVED

NOV - 4 2016

WATER RIGHTS
PROGRAM

NOTICE OF
APPLICATION
NO. 8239-3

to Appropriate Water

Notice is given that Lake View Colony, c/o Eli Hofer, 28748 386th Ave, Lake Andes SD 57356 has filed an application for a water permit to appropriate 0.10 cubic feet of water per second from runoff into a storage dam (6.41 acre-feet storage capacity) located in the NE 1/4 SE 1/4 Section 28 with water impounded in E 1/2 SE 1/4, SW 1/4 SE 1/4 Section 28 for irrigation of 10 acres located in the N 1/2 SE 1/4 Section 28; all in T97N, R66W. This application requests impoundment of sufficient water to maintain water to the outlet elevation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8239-3 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 November 14, 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 \$68.20

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 2 issues(s), to wit:

Wednesday, November 2, 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: \$68.20

Signed: Penny Hohbach

Subscribed and sworn to before me this 2nd day of November, 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: Tuesday, October 25, 2016 10:09 AM
To: Wagner (announcer@hcinet.net)
Subject: 8239-3, Lake View Colony
Attachments: 8239-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on November 2, 2016.

Lake View Colony, c/o Eli Hofer, 28748 386th Ave, Lake Andes SD 57356 (605 487-9577 or cell 605 491-7109) has been notified to contact you to authorize publication and arrange for payment.

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

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

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

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, October 25, 2016 10:10 AM
To: 'phohbach@mitchellrepublic.com'
Subject: FW: 8239-3, Lake View Colony
Attachments: 8239-3public.short.docx; FORM8.FRM.doc

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

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

October 25, 2016

Lake View Colony
Eli Hofer
28748 386th Ave
Lake Andes SD 57356

Dear Mr. Hofer:

Water Permit Application No. 8239-3 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 Wagner Post printed at Wagner SD (Ph # 605-384-5616) 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

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. 8239-3 to Appropriate Water

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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

DEC 12 2016

Lake View Colony
Eli Hofer
27848 386th Ave
Lake Andes SD 57356

Dear Mr. Hofer:

Enclosed is Water Permit No. 8239-3 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

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

Sincerely,

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

cc: Dakota Environmental, Brian Fredrickson, PO Box 636, Huron SD 57350

enclosures