

WATER PERMIT NO. 8398-3

Name of Applicant: **Maurice Hoffman (dba Hoffman Farms)**

Address: **13754 323rd Ave, Bowdle SD 57428** Phone: **605 281-1103**

Amount of Water Claimed: **1.78 cfs** Total Acres: **195**

Source of Water Supply: **groundwater (1 well)**

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

Type of Waste Disposal System:

Location: **4 miles southwest of Bowdle**

PRIORITY Date Received: **4-15-19**

Application/License Fee: **\$ 950**

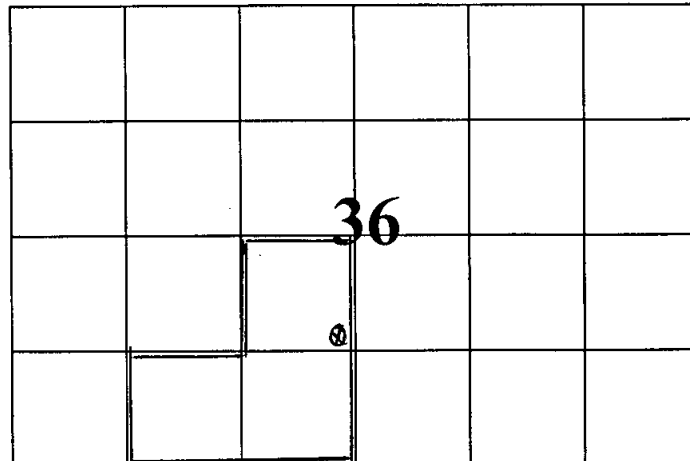
Corrected Application Received: **4-26-19**

Period of Annual Use: **May 1 – September 31**

Remarks: **Requesting diversion rate greater than statutory limit**

Diversion Point: **NE 1/4 SW 1/4 Sec 36-T123N-R74W**

Land to be Irrigated: **SW 1/4 Sec 36-T123N-R74W**



Depth of Well: **40 feet deep**

Well Driller:

Remarks:

Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **4-29-19**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

SOUTH DAKOTA
WATER PERMIT NO. 8398-3

Date of first receipt of application April 15, 2019.

Date of return to applicant for corrections, amendments or changes April 16, 2019.

Date of receipt of corrected application April 26, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8398-3 to Maurice Hoffman (dba Hoffman Farms), 13754 323rd Ave, Bowdle SD 57428 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. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle-Edmunds Aquifer (40 feet deep) located in the NE 1/4 SW 1/4 Section 36 to irrigate 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This site is located approximately 4 miles southwest of Bowdle SD.
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.
3. The date from which applicant may claim right is April 15, 2019.
4. The date of approval of Permit No. 8398-3 is July 8, 2019.
5. One-fifth of the construction is to be completed on or before January 8, 2022.
6. All construction is to be completed on or before July 8, 2024.
7. Water is to be put to beneficial use on or before July 8, 2028.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under Permit No. 8398-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8398-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8398-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

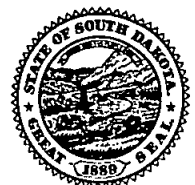
By: Jeanne Goodman
Jeanne Goodman, Chief Engineer

Water Rights Program

Department of Environment and Natural Resources

JUL 23 2019

date



RECEIVED

APR 15 2019

SD EForm - 0499LD V5

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

PAID

APR 15 2019

Ck# 3278

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8398-3</u> (office use only)
	Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Selby Record</u> <u>American News</u>

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 Maurice Hoffman (DBA "Hoffman Farms")

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

Mailing Address 13754 323rd Ave Bowdle ☒ SD ☒ 57428
(Address) (City) (State) (Zip Code)

Phone (605)285-6346 Mobile (605)281-1103 Email hoffmanfarms@venturecomm.net

2. Amount of water claimed 1.70 *CFS or 800 **GPM ***AF Total Acreage 95 120
(*Cubic Feet per Second) (**Gallons per Minute) (***) Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Well

4. Location of point of diversion 1 well located in SW 1/4 of Section 36- T123N- R74W (NE 1/4 SW 1/4)
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Walworth ☒5. County or counties where water will be used Walworth6. Annual period during which water is to be used May-September

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

Land Description	Acres	Land Description	Acres
NE 1/4 SW 1/4 36-123-74	<u>40 32.5</u>		
SE 1/4 SW 1/4 36-123-74	<u>40 32.5</u>		
SW 1/4 SW 1/4 36-123-74	<u>40 30.0</u>		

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

Plan to drill a new well and install a new center pivot or drip line irrigation system in SW 1/4 of section 36-123-74.

Requesting diversion rate greater than statutory limit.

I, Maurice Hoffman, 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)

\$750

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 1 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) 40' Depth to Top of Water Bearing Material 12' Depth to Water from Surface 12'd) Distance to nearest domestic well on applicant's property 3 miles Property owned by others 1 mile**2. Wastewater Disposal System Information**

a) Type of System (i.e. septic tank, drain field) _____

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

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

a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

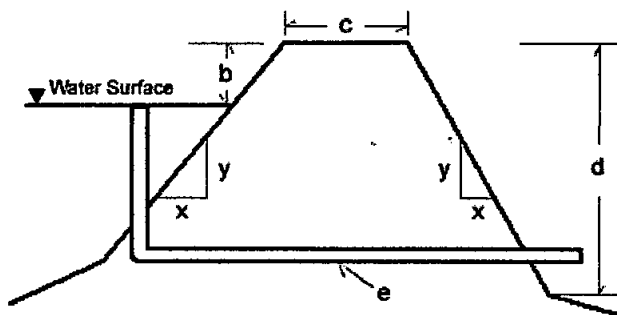
Upstream _____

Downstream _____

h) Surface Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres

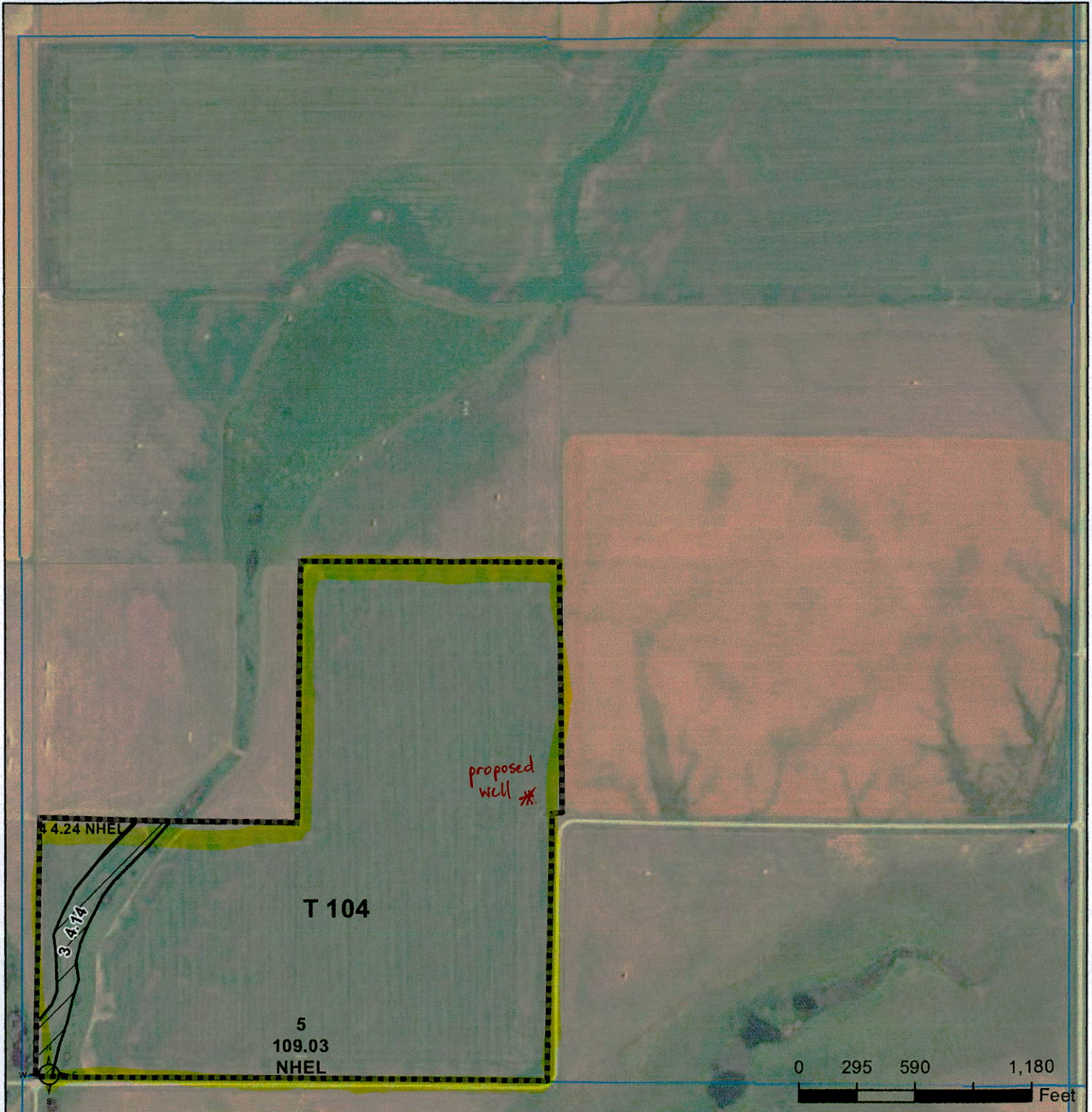




United States
Department of
Agriculture

Edmunds County, South Dakota

Hoffman Farms Partnership



Common Land Unit

	Non-Cropland
	Cropland
	Tract Boundary
	PLSS

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).

2018 Program Year

Map Created March 23, 2018

Farm 7242

36 -123N -74W

Handwritten signature/initials

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 15, 20 19

RECEIVED OF Hoffman Farms 13754 323rd Ave Bowdle SD 57428

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

Fee for Application for Permit No. <u>8398-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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	750 00

No. 09120

By

Jeanne Goodman
Chief Engineer
Jm

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date April 29, 20 19

RECEIVED OF Hoffman Farms 13754 323rd Ave Bowdle SD 57428

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	200	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>8398-3</u>		
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. _____	200	00
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	

No. **09132**

By Jeanne Goodman
Chief Engineer zm



April 16, 2019

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

Hoffman Farms
13754 323rd Ave
Bowdle SD 57428

Dear Sirs:

Thank you for submitting the three *Applications for a Permit to Appropriate Water* for irrigation in Walworth and Edmunds Counties. In order to complete the applications, the following is required.

- The applications were submitted with a check for \$2,250.00 (\$750 each application). The final inspection/licensing fee of \$200 is required for each application at this time as well. Please submit an additional \$600.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

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

Gronlund, Eric

Subject: [EXT] Hoffman Farms irrigated acreage changes

-----Original Message-----

From: hoffmanfarms@venturecomm.net [<mailto:hoffmanfarms@venturecomm.net>]

Sent: Monday, June 17, 2019 1:52 PM

To: Drennon, Kim

Subject: Re: [EXT] Hoffman Farms irrigated acreage changes

Kim,
Jerrad says this is correct with what he thought needed to be done after speaking with your office. I will be mailing a check for \$200 to cover the additional costs of these changes. Will this delay the application at all? I was told they would be completed one way or the other by June 25.
Thank you for your help.

Sincerely,
Danielle Hoffman
Hoffman Farms

On 2019-06-14 09:18, Drennon, Kim wrote:

> Mr. Hoffman:
>
> Thank for taking the time to discuss Hoffman Farms three pending water
> permit applications for irrigation. During the conversation with
> Adam, Eric and myself you indicated a desire to amend each application
> to increase the number of acres to be irrigated so that you do not
> under estimate the acres that are developed. The following is what we
> believe are the acres you want each application to reflect. PLEASE
> REVIEW CAREFULLY AND LET US KNOW IF YOU WANT THE APPLICATIONS AMENDED
> ACCORDINGLY.
>
> App No. 8396-3 (NW ¼ Section 7) was originally for 120 acres and would
> be amended to 140 acres.
>
> App No. 8397-3 (NW ¼ Section 13) was originally for 110 acres and
> would be amended to 140 acres.
>
> App No. 8398-3 (SW ¼ Section 36) was originally for 95 acres and would
> be amended to 120 acres.
>
> The applications still reflect a maximum pump rate at 1.78 cfs (800
> gpm). DENR presumes that is the pump rate needed to operate a
> standard quarter section pivot. You may want to check with your
> irrigation supply person to see if the pivots will still be nozzled
> for the 800 gpm. If they are to be at a greater amount, the
> application should reflect the planned pump rate to operate the
> pivots. Please let us know.
>

> Due to the increase in acres on the first two listed applications,
> there is an additional application filing fee of \$100/each. YOU WILL
> NEED TO SUBMIT AN CHECK FOR THE ADDITIONAL \$200 MADE PAYABLE TO THE
> WATER RIGHTS PROGRAM AND SEND TO WATER RIGHTS PROGRAM, 523 E CAPITOL
> AVENUE, PIERRE SD 57501
>
> Please feel free to contact us if you have any questions.
>
> Kim Drennon
>
> Water Rights Program, DENR
>
> 605 773-3352
>
> Kim.Drennon@state.sd.us



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8398-3, Maurice Hoffman**

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. 8398-3, Maurice Hoffman, dba Hoffman Farms, 13754 323rd Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 8398-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. The well approved under Permit No. 8398-3 will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well authorized by Permit No. 8398-3 shall be constructed by a licensed well driller and construction of the well and installation of the pump shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
3. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8398-3 authorizes a maximum diversion rate of 1.78 cfs for the irrigation of 120 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
4. 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
June 20, 2019

Report to the Chief Engineer
Water Permit Application Nos. 8396-3, 8397-3, and 8398-3
Hoffman Farms

June 18, 2019

Water Permit Application No. 8396-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from up to two wells to be completed into the Bowdle: Edmunds aquifer (25 feet deep) located in the E ½ NW ¼ Section 7 to irrigate 140 acres located in the NW ¼ Section 7; all in T122N-R73W. This site is located approximately 4 miles southwest of Bowdle, SD.

Water Permit Application No. 8397-3 proposes to appropriate 1.78 cfs from one well to be completed into the Bowdle: Edmunds aquifer (40 feet deep) located in NE ¼ NW ¼ Section 13 to irrigate 140 acres located in the NW ¼ Section 13; all in T122N-R74W. This site is located approximately 5 miles southwest of Bowdle, SD.

Water Permit Application No. 8398-3 proposes to appropriate 1.78 cfs from one well to be completed into the Bowdle: Edmunds aquifer (40 feet deep) located in NE ¼ SW ¼ Section 36 to irrigate 120 acres located in the E ½ SW ¼, SW ¼ SW ¼ Section 36; all in T123N-R74W. This site is located approximately 4 miles southwest of Bowdle, SD.

Aquifer: Bowdle: Edmunds (B:E)

Hydrogeologic characteristics

The Bowdle: Edmunds aquifer management unit is a Quaternary Period surficial glacial outwash (sand and gravel) underlying 46,900 acres in Edmunds, Faulk, and Walworth Counties and an unknown area in Potter County (Hedges, et al., 1982). Groundwater flow in the aquifer is generally from northeast to southwest (Kume, 1979). In general, the aquifer is under unconfined conditions (Kume, 1979). Pursuant to Administrative Rule of South Dakota (ARSD) 74:02:01:08.01, an applicant for a groundwater permit must submit a log of a well or test hole with the application. An exception allows the applicant not to submit a log of a well or test hole if it is not practical to drill test holes or if existing geologic information is available as determined by the Chief Engineer.

The applicant submitted logs of two test holes, drilled on November 8, 2004, for Application No. 8396-3 and no test holes for the other two applications. For the test hole drilled in the SW ¼ SE ¼ Section 6 T122N-R73E, the driller reported brown sand and gravel from 0 to 13 feet below grade, "dark" sand and gravel from 13 feet to 41 feet, and grey till from 41 to 45 feet below grade. The static water level was 14 feet below grade at the time of drilling. For the test hole drilled in NW ¼ NW ¼ Section 7-T122N-R73E, the driller reported brown till from 0 to 3 feet below grade, brown gravel from 3 to 21 feet, and gray till from 21 to 45 feet below grade. The static water at that hole was 20 feet below grade at the time of drilling. A lithologic log from NE ¼ NE ¼ NE ¼ NW ¼ Section 7-T122N-R73E from the Walworth County Study indicates the

aquifer is under unconfined conditions in that area, but a lithologic log from the same 2.5-acre tract for the Bowdle City Study found no occurrence of aquifer materials in that location, indicating the conditions of the aquifer are extremely variable in the area of the proposed wells for Application No. 8396-3 (SDGS, 2019). Water well completion reports near the proposed well site for Application No. 8397-3 indicate the wellsite is likely under confined conditions (SD Water Rights, 2019b). Lithologic data available indicate the well for Application No. 8398-3 will likely be under unconfined conditions (SDGS, 2019).

Applicable South Dakota Codified Law (SDCL)

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued if there is reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights, and that the proposed use is a beneficial use and in the public interest. This report will address the availability of water and possibility of developing this application without unlawful impairment of existing rights only.

Pursuant to SDCL 46-6-3.1, no application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of the water to the groundwater source. An exception allows water distribution systems to withdraw from groundwater sources older or stratigraphically lower than the Greenhorn Formation regardless of the results of a hydrologic budget. This application is not for a water distribution system and the water source is newer and stratigraphically higher than the Greenhorn Formation. Therefore, a hydrologic budget must find that recharge exceeds discharge to approve this application.

Pursuant to SDCL 46-5-6 the amount of water diverted may not exceed 1 cfs per 70 acres irrigated, but also provides that the "Water Management Board may allow a greater diversion, in volume or rate or both, if the method of irrigation, any time constraints on diversion of water, or the type of soil so requires." The applicant is requesting to divert more than 1 cfs per 70 acres for Application No. 8398-3, but, the method of irrigation is a center pivot that does not rotate in a full circle and requires that flow rate and associated pressure for the system to function. In the past, the Water Management Board has approved applications that request a higher diversion rate than the statutory limit for similar reasons.

Water Availability

Observation wells

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board rely on the record of observation wells in addition to other data to determine the availability of unappropriated water. The DENR Water Rights Program maintains 8 observation wells in the Bowdle: Edmunds aquifer (SD Water Rights, 2019a). Figure 1 shows hydrographs for all 8 wells. The nearest DENR observation well to the proposed wells for Application No.

8396-3 is WL-75U, located approximately 0.4 miles west of the proposed well sites. The nearest DENR observation well to the proposed well for Application No. 8397-3 is WL-57A, located approximately 0.5 miles west of the proposed well site. The nearest DENR observation wells to the proposed well site for Application No. 8398-3 are WL-75T, located approximately 0.54 miles southwest and ED-75A, located approximately 0.57 miles northeast of the proposed well site (SD Water Rights, 2019a).

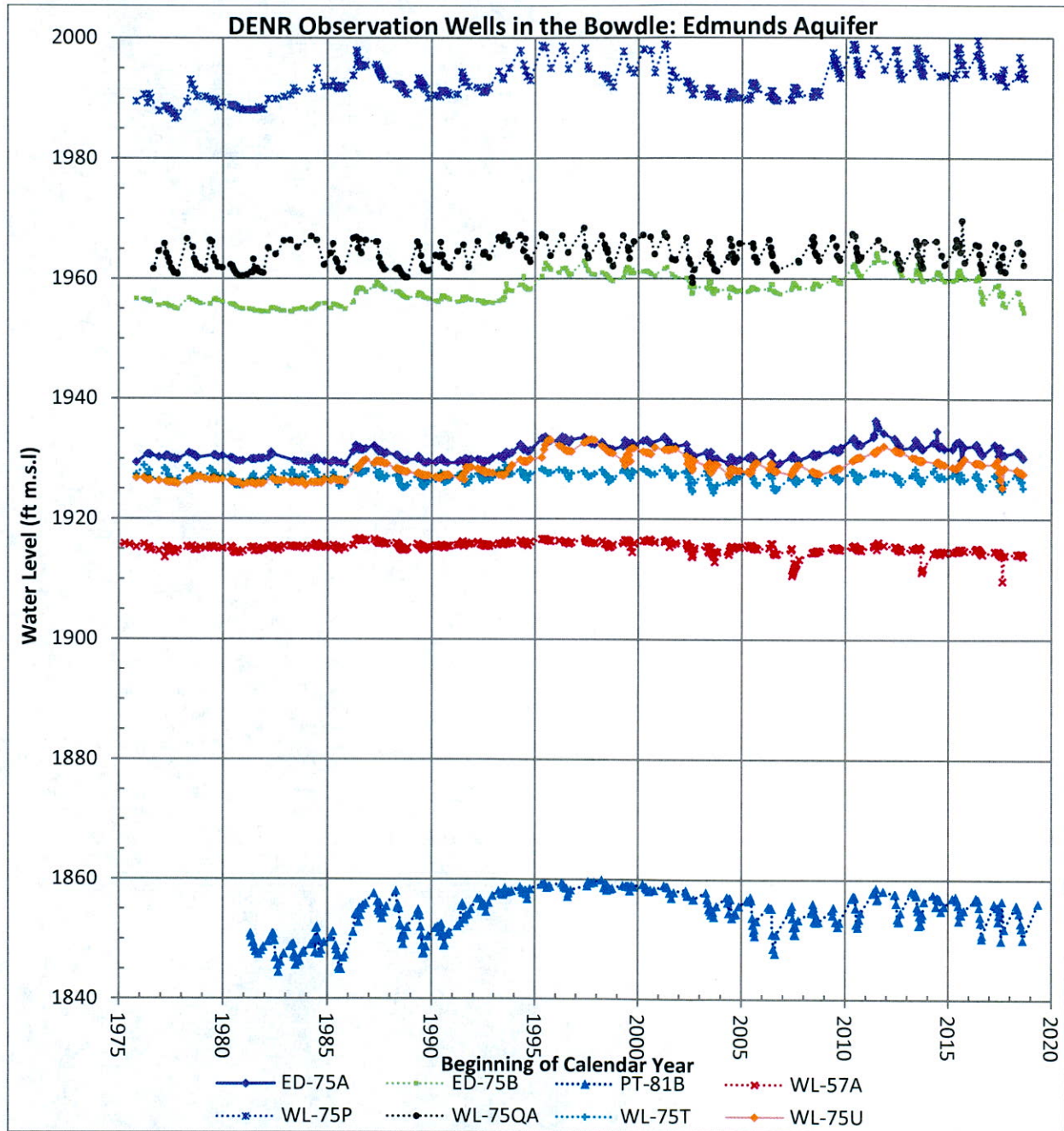


Figure 1: DENR Observation Wells in the Bowdle: Edmunds Aquifer. Measurements from WL-57A prior to 1975 are not shown to increase readability of recent data (SD Water Rights, 2019a)

Observation Well WL-57A is not functioning properly, based on development yields on its maintenance worksheets (SD Water Rights, 2019a). In general, water levels in the aquifer decline during the summer irrigation season and rise over the winter and spring, following climactic trends (NOAA, 2019). Because water levels of the other observation wells in the aquifer recover after seasonal pumping, and springtime water levels follow climate trends, observation well data indicate recharge exceeds discharge in the aquifer and water is available for these applications.

Hydrologic budget

Recharge

Natural recharge to the aquifer likely occurs via groundwater interflow and infiltration from precipitation and surface water features when the potentiometric surface of the water is higher than the potentiometric surface of the aquifer. Hedges, et al. (1985) estimated the average annual recharge in the aquifer to be 2.7 inches. Applied over the 46,900 acres that Hedges, et al. (1982) estimated, that means the average annual recharge to the aquifer is 10,553 ac-ft.

Discharge

Discharge from the aquifer likely occurs via groundwater interflow, evapotranspiration, losses to surface water features when the potentiometric surface of the aquifer is higher than the potentiometric surface of the surface water, and withdrawals from domestic and appropriative wells. Withdrawals due to domestic wells are negligible due to their low diversion rate and the prevalence of rural water systems. There are 12 irrigation water rights/permits, 3 municipal water rights, and no future use permits within the Bowdle: Edmunds aquifer management unit (SD Water Rights, 2019c). The municipal water rights are Nos. 770-3 and 704B-3 for the City of Bowdle and No. 1329-3 for the Town of Tolstoy (SD Water Rights, 2019c). The City of Bowdle is supplied by WEB Water Development Association and the Town of Tolstoy is supplied by Mid-Dakota Rural Water, but both cities maintain their water rights for emergency use (SD Drinking Water Program, 2019). An inspection of the wells for the water rights held by the City of Bowdle revealed that some of their wells are used for watering lawns owned by the city and hospital (SD Water Rights, 2019c). The total pump rate used regularly by the City of Bowdle is 0.267 cfs (120 gallons per minute) between Water Right Nos. 704B-3 and 770-3, although their total allowable diversion rate is 0.39 cfs. A conservative estimate of the City of Bowdle's water use assumes they pump at 0.267 cfs 60% of the time for 5 months of the year, withdrawing 48 ac-ft/yr. The Town of Tolstoy likely uses negligible amounts of water.

The average irrigation pumping reported is 410 ac-ft per year (SD Water Rights, 2018). However, annual withdrawals have increased steadily since 2004 (Figure 2), so average annual reported pumping may not accurately reflect the average withdrawals as the aquifer is developed. The average irrigation rate per developed acre is 9.84 inches per year with a standard deviation of 9.62 inches per year (SD Water Rights, 2018). The large variation is due to varying need to irrigate due to weather and market factors as well as the fact that older water rights are allowed

to irrigate up to 36 inches per year and had done so previously. However, the reported pumping rate per developed acre in the aquifer management unit has been less than 11 inches per year since 1989. Furthermore, new water permits are limited to irrigate a maximum of 24 inches per year pursuant to SDCL 46-5-6. As of 2018, a total of 1,362 irrigation acres were developed in the aquifer (SD Water Rights, 2019c). Using a conservative value of 12 inches per year per acre developed, the total average withdrawal from the aquifer due to irrigation is estimated at 1,362 ac-ft/yr currently.

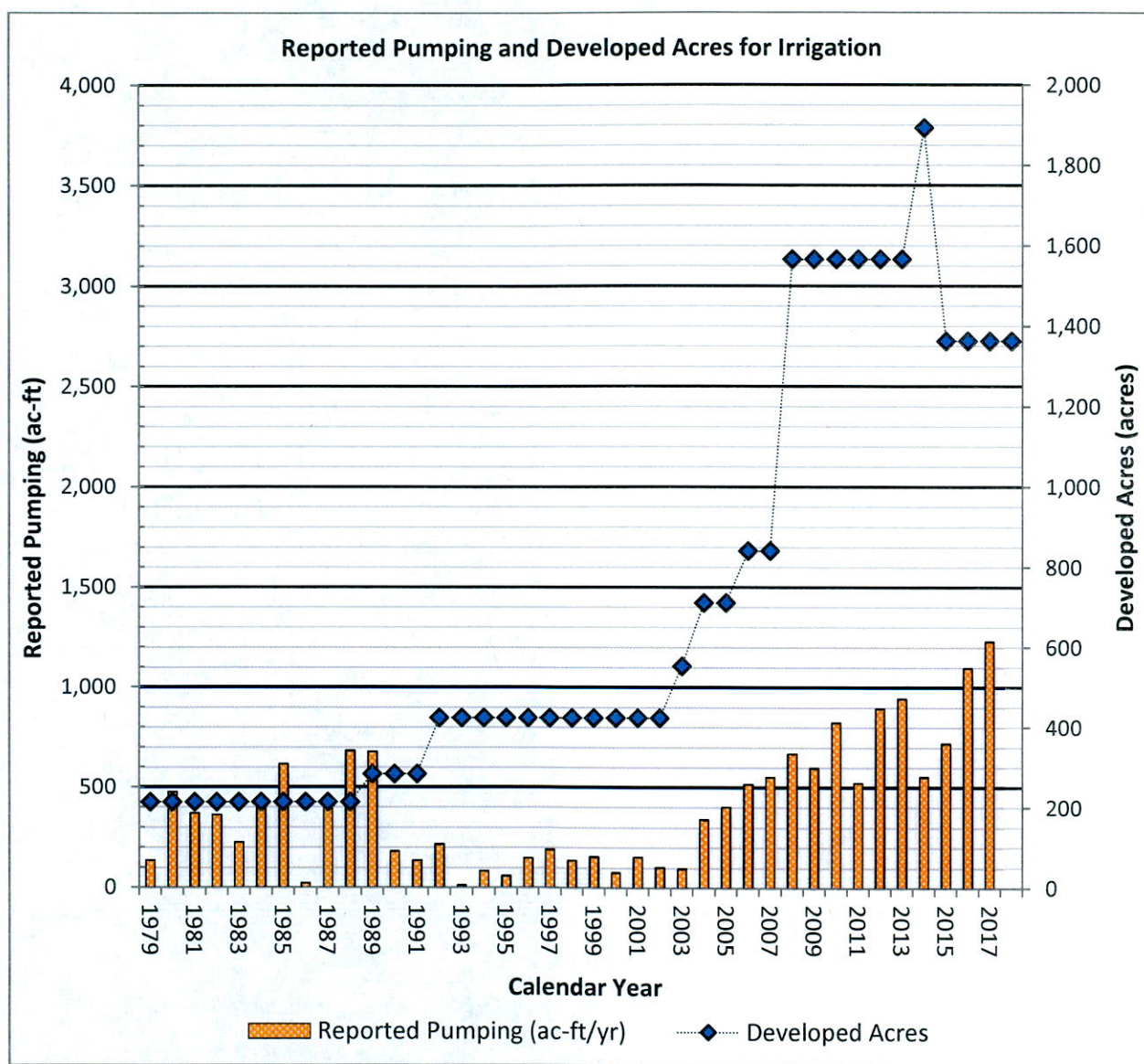


Figure 2: Reported pumping vs developed acres for irrigation (SD Water Rights, 2018)

Balance of hydrologic budget

Average recharge to the aquifer is approximately 10,553 ac-ft/yr. Average estimated withdrawals from the aquifer are currently approximately 1,410 ac-ft/yr. These applications are estimated to withdraw an additional 400 ac-ft/yr if the applicant irrigates similarly to other water

rights/permits in the aquifer. Therefore, based on a hydrologic budget, average annual recharge to the aquifer exceeds average annual estimated withdrawals, and water is available for this application.

Existing Users

The applicant holds several water rights/permits near the proposed wells for these applications, shown in Figure 3. The nearest water right/permit to Application Nos. 8396-3 and 8397-3 that does not belong to the applicant is Water Right No. 7013-3, approximately 3.5 miles northeast of the proposed wells for Application No. 8396-3. The nearest water right/permit to Application No. 8398-3 is Water Right No. 362-3, located approximately 3.6 miles south of the proposed well.

The nearest domestic well to the proposed wells for Applications Nos. 8396-3 and 8397-3 that is on file with the DENR Water Rights Program and does not belong to the applicant is located approximately 0.9 miles south of the proposed wells for Application No. 8396-3 and approximately 0.8 miles east of the proposed well for Application No. 8397-3 (SD Water Rights, 2019b). There are 4 domestic/stock wells on file with the DENR Water Rights Program approximately equidistant from the proposed well for Application No. 8398-3 (SD Water Rights, 2019b). Two of the wells are approximately 0.8 miles east of the proposed well site and two wells are approximately 0.8 miles southwest of the proposed well site.

Table 1: Water Rights/Permits in the Bowdle: Edmunds aquifer within the extent of Figure 3 (SD Water Rights, 2019c)

Permit No:	Status:	Name/Business:	Type of use:	Priority Date:	Pump Rate (cfs):	Acres irrigated:	Total Approp. (ac-ft/yr)
362-3	LC	Harlan Rausch	IRR	12/06/1956	0.83	84	252
770-3	LC	City of Bowdle	MUN	03/13/1961	0.23	0	NA
704B-3	LC	City of Bowdle	MUN	01/01/1944	0.16	0	NA
6415-3	LC	Hoffman Farms	IRR	05/01/2003	1.67	130	260
6794A-3	LC	Hoffman Farms	IRR	11/13/2006	1.67	130	260
6996-3	LC	Hoffman Farms	IRR	02/28/2008	1.67	130	260
7013-3	LC	Richard Bietelspacher	IRR	04/14/2008	1.56	135	270
7961-3	PE	Hoffman Farms	IRR	02/07/2014	1.78	132	264
7983-3	PE	Richard or Sharon Bietelspacher	IRR	03/11/2014	2.78	195	390
LC-License; PE-Permit; WL-Walworth; ED-Edmunds; IRR-Irrigation; MUN-Municipal							

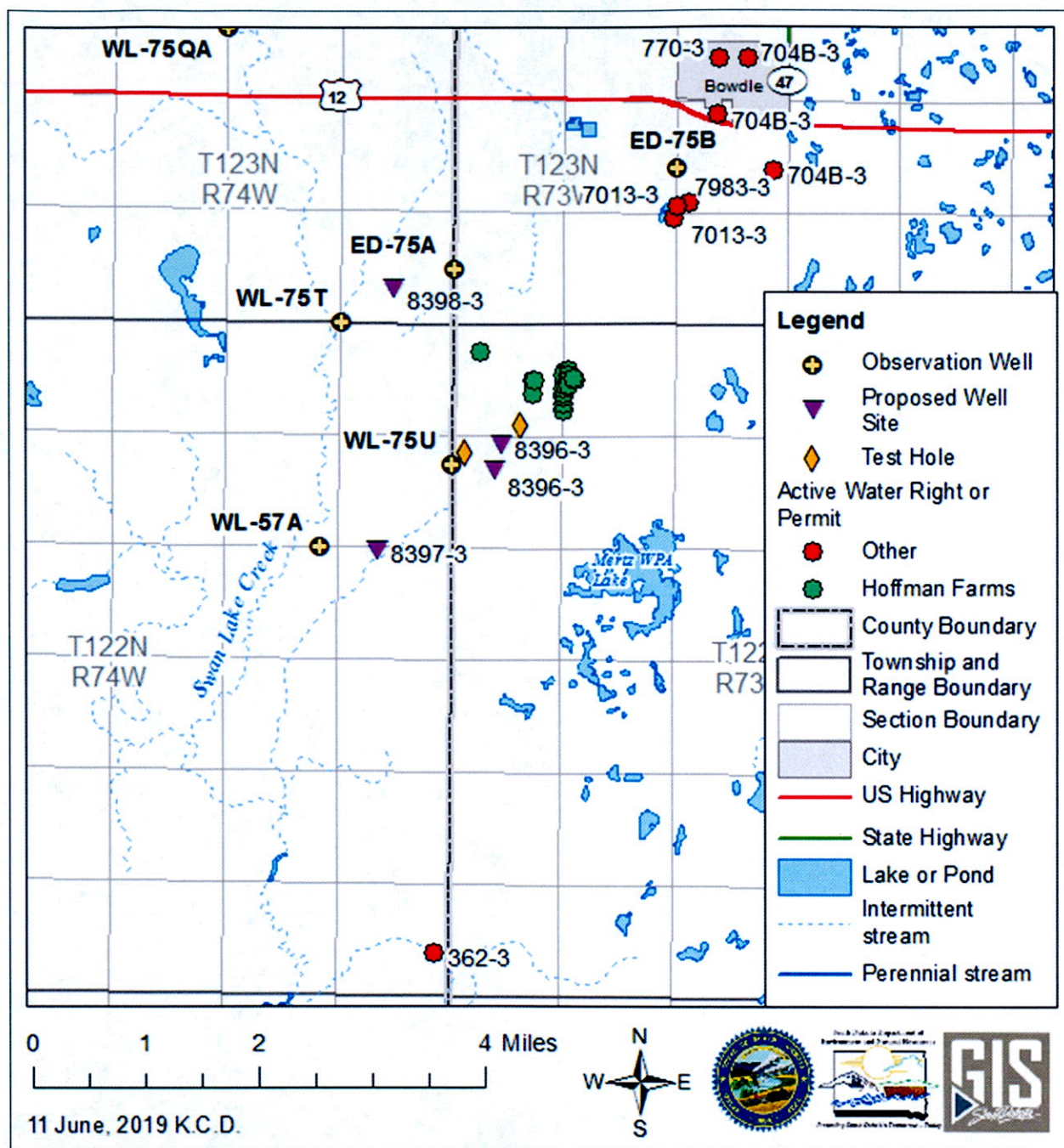


Figure 3: Map of nearby water rights in the aquifer (SD Water Rights, 2019c), observation wells (SD Water Rights, 2019a), test holes, and proposed well sites.

In the past, the Water Management Board has recognized that to place water to maximum beneficial use, a certain amount of drawdown within the aquifer may occur. To protect domestic well users, the Water Management Board defined an “adversely impacted domestic well” in ARSD 74:02:04:20(7) as:

“A well in which the pump intake was set at least 20 feet below the top of the aquifer at the time of construction or, if the aquifer is less than 20 feet thick, is as near to the bottom of the aquifer as is practical and the water level of the aquifer has declined to a level that the pump will no longer deliver sufficient water for the well owner's needs.”

The Bowdle: Edmunds aquifer management unit is relatively thin with a limited amount of water in storage. While the average annual withdrawal would not exceed average annual recharge to the aquifer, conditions may occur where the withdrawal exceeds recharge. When this occurs, water will be removed from storage, consequently reducing the saturated thickness of the aquifer. If this occurs for an extended period of time such that the saturated thickness is reduced to the extent that water rights/permits can no longer pump at their developed or “historically established” rates, this may be considered an adverse impact. Precise drawdown behavior in the aquifer cannot be known without a pumping test. However, at the distances mentioned above, drawdown due to the wells for these applications is not likely to be significant. Nevertheless, the applicant should control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having senior water rights.

Historical considerations

On May 27, 2008, a farmer neighboring the land irrigated by Water Right No. 4415-3 submitted a complaint that the owner of Water Right No. 4415-3 had not irrigated for approximately 10 years. The Water Rights Program investigated the complaint and found that some of the acres held by Water Right No. 4415-3 had been in the Conservation Reserve Program and therefore had a legal excuse not to irrigate. Some of the acres held by Water Right No. 4415-3 had no legal excuse not to irrigate at least once every three years, so that portion of Water Right No. 4415-3 was cancelled (SD Water Rights, 2019c).

Application No. 6958-3 was opposed by a neighboring farmer because the applicant had not submitted logs of test holes with the application. The applicant withdrew the application even though the Chief Engineer recommended approval (SD Water Rights, 2019c).

Water Permit No. 7983-3 was opposed by nearby domestic well owners who were concerned their wells would be impacted. The Water Management Board granted Water Permit No. 7983-3, noting in paragraph 1 of the Final Decision and Order that the applicant should control his withdrawals so that adequate domestic wells and prior water rights are not impacted adversely (SD Water Rights, 2019c). The person who holds Water Permit No. 7983-3 is the person who opposed Application No. 6958-3 and one of the parties who opposed Water Permit No. 7983-3 is the person who submitted Application No. 6958-3 (SD Water Rights, 2019c).

There are no complaints of well interference on file with the DENR Water Rights Program concerning wells in Walworth and Edmund Counties (SD Water Rights, 2019d). Given the lack of complaints on file and other factors listed above, it is unlikely these applications will unlawfully impact existing water rights and domestic users.

Conclusions

1. Water Permit Application No. 8396-3 proposes to appropriate 1.78 cfs from one or two wells in the Bowdle: Edmunds aquifer management unit to irrigate 140 acres.
2. Water Permit Application No. 8397-3 proposes to appropriate 1.78 cfs from one well in the Bowdle: Edmunds aquifer management unit to irrigate 140 acres
3. Water Permit Application No. 8398-3 proposes to appropriate 1.78 cfs from one well in the Bowdle: Edmunds aquifer management unit to irrigate 120 acres
4. Water Permit Application No. 8398-3 requests a diversion rate greater than the statutory limit, but that diversion rate is required for the irrigation method. This reason has been accepted by the Water Management Board in the past.
5. Based on observation well analysis and a hydrologic budget, water is available for these applications.
6. It is not likely drawdown from the wells for these applications will unlawfully impact nearby domestic users or water right/permit holders with an earlier priority date.



Kimberly C. Drennon

Natural Resources Engineer

References

- Hedges, L. S., Allen, J. & Holly, D. E., 1985. *Evaluation of ground-water resources Eastern South Dakota and Upper Big Sioux River - South Dakota and Iowa, Task 7*, Omaha, Nebraska: U.S. Army Corps of Engineers.
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- Kume, J., 1979. *Aquifers in Walworth County, South Dakota; Information Pamphlet No. 18*, Vermillion, South Dakota: South Dakota Geological Survey.
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- SDGS, 2019. *Lithologic Log Database*, Vermillion, South Dakota: South Dakota Geological Survey.



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.**

June 21, 2019

Hoffman Farms
13754 323rd Ave
Bowdle SD 57428

Dear Sirs::

Water Permit Application Nos. 8397-3 and 8398-3 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 Selby Record printed at Selby SD (Ph # 605-649-7866) and the American News printed at Aberdeen SD (Ph # 605-225-4100). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendations 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 NOS. 8397-3 and 8398-3 to Appropriate Water

Notice is given that Hoffman Farms, c/o Jerrad Hoffman (8397-3) and Maurice Hoffman dba Hoffman Farms (8398-3), 13754 323rd Ave, Bowdle SD 57428 have filed the following applications for water permits.

Application No. 8397-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle:Edmunds Aquifer (40 feet deep) located in the NE 1/4 NW 1/4 Section 13 to irrigate 140 acres located in the NW 1/4 Section 13; all in T122N-R74W. This site is located approximately 5 miles southwest of Bowdle SD.

Application No. 8398-3 proposes to appropriate 1.78 cfs from one well to be completed into the Bowdle:Edmunds Aquifer (40 feet deep) located in the NE 1/4 SW 1/4 Section 36 to irrigate 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This site is located approximately 4 miles southwest of Bowdle SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8397-3 and 8398-3 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 applications, 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 these applications or recommendations 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 July 8, 2019.

The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. 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 _____.

**NOTICE OF APPLICATION
NOS. 8397-3 and 8398-3
to Appropriate Water**

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Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8397-3 and 8398-3 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 applications, 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.

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The petition may be informal, but must include a statement describing the petitioner's interest in the applications, the petitioner's reasons for opposing or supporting the applications, 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 recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. 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 \$61.34.

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA}

§

COUNTY OF BROWN}

Carla Renning being duly sworn, on his/her oath says: That the AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, by the Aberdeen News Company, a corporation, and has been such a newspaper during the times hereinafter mentioned; That affiant is an employee and principal clerk of said publisher and has personal knowledge of all facts stated in this affidavit; That the advertisement headed:

Legal # 694062

Notice of Application

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement thereof, once each

day for 1 successive day.
The first publication being made on the 27th day of June, 2019.
The second publication being made on the _____ day of _____, 2019.
The third publication being made on the _____ day of _____, 2019.
The fourth publication being made on the _____ day of _____, 2019.
The fifth publication being made on the _____ day of _____, 2019.
The sixth publication being made on the _____ day of _____, 2019;

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper; That the whole amount of the fee paid for the publication of the annexed notice is \$ 61.34, which insures solely to the benefit of said publisher; That no agreement or understanding for a division thereof had been made with any other person; and That no part thereof has been agreed to be paid to any person whomsoever.

Carla Renning

Subscribed and sworn to before me this 27th day of June, 2019.

Daily Circulation 10,000

Pirner

Notary Public, Brown County, SD.

My commission expires March 20, 2025

RECEIVED

JUL 01 2019

WATER RIGHTS
PROGRAM



RECEIVED

JUN 28 2019

WATER RIGHTS
PROGRAM

Affidavit of Publication
STATE OF SOUTH DAKOTA)

) SS
COUNTY OF WALWORTH)

I, Louella Miller, being first duly sworn under oath say: the Selby Record/continuing the Java Herald is a legal weekly newspaper of general circulation as required by South Dakota Codified Laws, and any acts amendatory thereto, published by Sharon Wolff in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper, I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Legal - Hoffman Farms

A printed copy of which is hereto attached, was printed and published in said newspaper for

1 successive weeks upon the following dates, to wit:

<u>6-27</u>	, 2019	<u>2019</u>
	, 2019	<u>2019</u>
	, 2019	<u>2019</u>
	, 2019	<u>2019</u>

That the full amount of the fees charged for publishing the same to wit: the sum of \$ 28.36

inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Louella Miller

Sharon Wolff

Subscribed and sworn to before me this
27 day of June, 2019

My Commission expires 10-29-2022

If the applicant does not contest the recommendations of the Chief Engineer and no petition to oppose the applications is received, the Chief Engineer shall act on the applications pursuant to the recommendations with no hearing held before the Water Management Board. If a petition opposing the applications or contesting the recommendations is filed, then a hearing will be scheduled and the Water Management Board will consider these applications. 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 \$28.36.

—Published in the Selby Record June 27, 2019.

**LEGAL
NOTICE**

**NOTICE OF APPLICATION-
NOS. 8397-3 and 8398-3 to**

Appropriate Water

Notice is given that Hoffman Farms, c/o Jerrad Hoffman (8397-3) and Maurice Hoffman dba Hoffman Farms (8398-3), 13754 323rd Ave, Bowdle SD 57428 have filed the following applications for water permits.

Application No. 8397-3 proposes to appropriate 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle-Edmunds Aquifer (40 feet deep) located in the NE 1/4 NW 1/4 Section 13 to irrigate 140 acres located in the NW 1/4 Section 13; all in T122N-R74W. This site is located approximately 5 miles southwest of Bowdle SD.

Application No. 8398-3 proposes to appropriate 1.78 cfs from one well to be completed into the Bowdle-Edmunds Aquifer (40 feet deep) located in the NE 1/4 SW 1/4 Section 36 to irrigate 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This site is located approximately 4 miles southwest of Bowdle SD. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 8397-3 and 8398-3 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 applications, 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 these applications or recommendations 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 July 8, 2019.

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



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

JUL 23 2019

Hoffman Farms
13754 323rd Ave
Bowdle SD 57428

Dear Sirs:

Enclosed are Water Permit Nos. 8396-3, 8397-3 and 8398-3 authorizing construction of the water diversion systems and beneficial use of the water, not exceeding the limits as specified in the Water Permits.

A Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed for each permit. Please return the completed form after you have finished each system and have put the water to beneficial use. An investigation can then be scheduled so the water licenses 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,

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

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

enclosures

8396-3
8398-3

Dewell, Amanda

From: Dewell, Amanda
Sent: Friday, May 24, 2024 2:40 PM
To: hoffmanfarms@venturecomm.net
Subject: Water Permit Nos. 8396-3 & 8398-3
Attachments: 8396-3_Notice of Completion of Works.pdf; 8398-3_Notice of Completion of Works.pdf; 8398-3_Ownership Transfer.pdf; IrrigationPermitApp_40 acres.pdf

Danielle –

Thank you for taking a moment today to briefly discuss Permit Nos. 8396-3 & 8398-3. We covered quite a bit in a very short amount of time so I will try to outline everything as best I can in this email.

Permit Nos. 8396-3 & 8398-3, you indicated had been completed and were ready to put water to beneficial use. Please find attached a partially completed "Notice of Completion of Works" form for each permit. Once you've filled in all the blanks, you may simply email these back to me.

You had also said that your son now owns the parcels authorized for irrigation by Permit No. 8398-3. 120 acres located in the E ½ SW ¼ & SW ¼ SW ¼ Section 36, T123N, R74W. I've attached a partially completed "Notice of Transfer of Ownership" form for your son to complete and return to the Water Rights Program with a fee in the amount of \$50.00. Checks can be made payable to SD Water Rights Program. The transfer fee can also be paid over the phone by calling our Fiscal Office at 605.773.5559. If he intends to make the payment over the phone, the transfer form can also be returned via email.

Finally, there was the discussion of your son's other property (40 acres) which he would like to irrigate with the diversion authority from Permit No. 8398-3. Any addition of acres would require a new permit. I've attached a partially completed Irrigation Permit Application. Please have your son review the application, fill in the highlighted blanks, outline the area to be irrigated and locate the well site on an aerial map, and call or email me with any questions. The fee for this application will be \$500.00. Our office will waive the \$200.00 licensing and inspection fee since it's already been paid under Permit No. 8398-3.

Amanda Dewell

DANR - Water Rights Program
Permitting Administrator
Main Phone: 605 773-3352
Website: danr.sd.gov



8398-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Rights Program, DANR
523 E. Capitol Ave.
Pierre, SD 57501-3182
or via email to DANRmail@state.sd.us

Date 6/19/2024

FROM: Sean Hoffman
(name)

605-281-8924
(phone)

13732 324th Ave
(address)

hoffman.fern@gmail.com
(email)

Bowdle, SD 57428
(city, state, zip)

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

Water Permit No. 8398-3 states that the water use system is to be constructed by

July 8, 2024 , and water is to be put to beneficial use by July 8, 2028 .
(date) (date)

The water use system was completed on 6/15/2024
(date)

Applying the water to beneficial use was completed on 6/15/2024
(date)

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

RECEIVED

JUN 17 2024

**OFFICE OF
WATER**

PAID

JUN 17 2024

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 1295

Rec't# _____

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 8398-3

Date: 5/28/2024

I/We request that Water Permit No. 8398-3

formerly owned by: Maurice Hoffman (dba Hoffman Farms), Bowdle SD

be transferred to: (name & address) Sean & Fern Hoffman
13732 324th Ave, Bowdle SD 57428

Email: hoffman.fern@gmail.com Telephone No. (605) 281-9667

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

120 acres – E ½ SW ¼ & SW ¼ SW ¼ Section 36, T123N, R74W

I/We understand that the validity of Water Permit No. 8398-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Sean Hoffman, the new owner, certify that the above information is true and correct.

Sean Hoff
(Signed by new owner)

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

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

RECEIVED

JUN 17 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

June 18, 2024

8398-3

Sean & Fern Hoffman
13732 324th Ave
Bowdle SD 57428

Dear Mr. & Mrs. Hoffman:

I have received your "Notice of Transfer of Ownership" form and the required fees for Permit No. 8398-3. Enclosed is a receipt of payment for your records. Water Permit No. 8398-3 previously owned by Maurice Hoffman (dba Hoffman Farms), is now listed under yourselves.

As a reminder, so long as you use the water beneficially, as stated in the Water Permit, State Water Laws provide that you have a continuing right to use the water. Should the water not be put to beneficial use for a period longer than 3 consecutive years, without legal excuse, the permit will be subject to cancellation.

Our office is also in receipt of the "Notice of Completion of Works" form that you submitted letting us know that you are completed with your water use system authorized under Permit No. 8398-3.

The system is now ready for inspection. Inspections are done on a county-by-county basis as staff time permits. You have done everything you need to do and the intervening time between the completion of your project and the staff inspection has no bearing on your water permit.

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you.

If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 17th, 2024

RECEIVED OF Sean & Fern Hoffman

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
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 _____	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer

SK

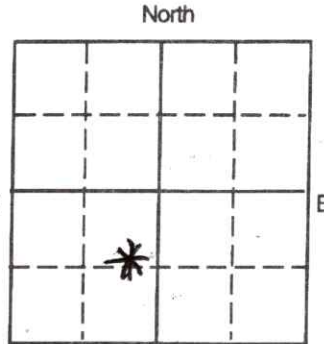
8398-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 36 Twp 123 Rg 74County Walworth

Please mark well location with an "X"

Well completion Date 7/10/23Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)
? 3990 ft. from animal lot East (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Trenching - Horizontal WellCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>19.56</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>20</u> FT	<u>12</u> IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

 Grout Type Bentonite No. of Sacks 0 Grout Weight 0 Lb/gal From 0 Ft To 20 Ft
 Lb/gal Ft Ft
Describe grouting procedure Bentoliner wrap

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 8 Inches Length 1000 Feet

 Material Plastic
 Slot Size 0 Set From 0 Feet to 1000 Feet
Other information Heavy duty perforated pipe with sock NylonWAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?Lab sample sent to for water quality analysis ☒ No, Why Not? Non Potable irrigationWell Owner: Sean HoffmanBusiness Name: Hoffman Bros. FarmsAddress: 13754 323rdCity, State, Zip: Bowdle SD 57428

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>course brown sand light gravel</u>	<u>0</u>	<u>20</u>

STATIC WATER LEVEL 6 FEETIf flowing: closed in pressure PSIGPM flow 800 through 6 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherReduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Diesel pump with flowmeter
☐ Bailed
☐ Other

Pumping Level Below Land Surface

8 Ft. After 2 Hrs. pumped 800 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

Well Head GPS - 45.42362
-99.71854
Tail GPS - 45.42078
-99.71929
This well was drilled under license #

And this report is true and accurate.

Drilling firm: Dowling DewateringSignature of License Representative: [Signature]Signature of Well Owner or Equitable Property Holder: [Signature]

RECEIVED

AUG 28 2023

Date: 8/23/23
523 E Capitol Ave. Pierre SD 57501OFFICE OF
WATER

Please return WHITE COPY to: DENR Water Rights

8398-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE SW Sec 36 Twp 123 Rg 74Well Owner: Sean HoffmanBusiness Name: Hoffman Bros FarmsAddress: 13754 323rdCity, State, Zip: Bowdle SD 57428

County

Walworth

North

Please mark well location with an "X"



Well completion Date

7/9/23

Distance to nearest potential pollution source (Septic tank, abandoned well, feed lot, etc.)

? 3990 ft. from animal lot East (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Trenching - Horizontal wellCASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>49.56</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>20</u> FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Bentolite</u>		Lb/gal	<u>0</u> Ft	<u>20</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure Bentolite wrap

SCREEN:

☒ Perforated pipe ☐ Manufactured
 Diameter 8 Inches Length 1000 Horizontal Feet
 Material Plastic
 Slot Size Set From 0 Feet to 1000 Feet
 Other information Heavy Duty Perforated pipe with Nylon sock
WAS A PACKER OR SEAL USED? ☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?Lab sample sent to for water quality analysis ☒ No, Why Not? NON - Potable irrigation

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>course brown sand</u>	<u>0</u>	<u>20</u>
<u>light gravel</u>		

STATIC WATER LEVEL 6 FEETIf flowing: closed in pressure 6 PSIGPM flow 800 through 6 inch pipeControlled by ☒ Valve ☐ Reducers ☐ OtherReduced flow rate GPMCan well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Diesel pump with flowmeter
☐ Bailed
☐ Other

Pumping Level Below Land Surface

8 Ft. After 2 Hrs. pumped 800 GPM Ft. After Hrs. pumped GPMIf pump installed, pump rate: GPM

REMARKS

Well Head GPS - 45.42362
- 99.71854
well tail GPS - 45.42628
- 99.71888
This well was drilled under license # 828

And this report is true and accurate.

Drilling firm: Dewind Dewatering

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

AUG 28 2023

OFFICE OF
WATER

Please return WHITE COPY to: DENR Water Rights

Date: 8/29/23
523 E Capitol Ave. Pierre SD 57501