

WATER PERMIT NO. 8481-3

Name of Applicant: MGJR LLC

Address: c/o Jonothan Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 Phone: 605 222-3694

Amount of Water Claimed: 2.22 cfs Total Acres: 80 acres

Source of Water Supply: groundwater (1 well)

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System:

Location: 10 miles northwest of Pierre

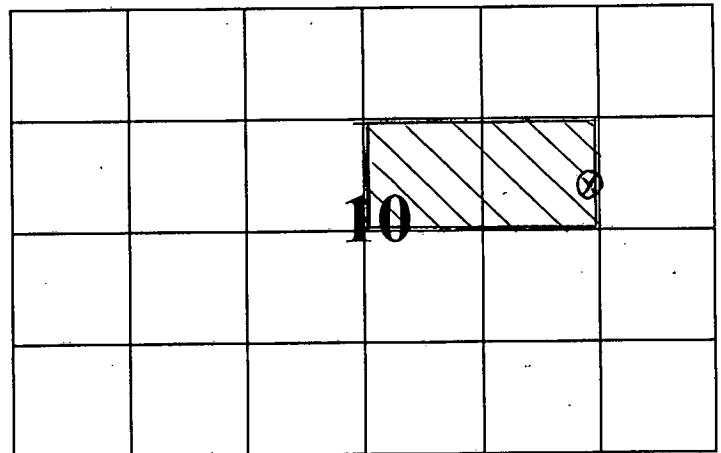
PRIORITY Date Received: 1-27-21 Application/License Fee: \$ 950

Corrected Application Received: Period of Annual Use: March 1 – November 30

Remarks:

Diversion Point: SE 1/4 NE 1/4 Sec 10-T112N-
R80W

Land to be Irrigated: S 1/2 NE 1/4 Sec 10-T112N-
R80W



Depth of Well: 120

Well Driller:

Remarks:

Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 1-27-21

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8481-3**

Date of first receipt of application January 27, 2021.



The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8481-3 to MCJR LLC, c/o Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 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. 8481-3 appropriates 2.22 cubic feet of water per second (cfs) from one well to be completed into the Gray Goose Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 10 for irrigation of 80 acres located in the S 1/2 NE 1/4 Section 10; all in T112N-R80W. This site is located approximately 10 miles northwest of Pierre 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: March 1 – November 30.
3. The date from which applicant may claim right is January 27, 2021.
4. The date of approval of Permit No. 8481-3 is April 26, 2021.
5. One-fifth of the construction is to be completed on or before October 26, 2023.
6. All construction is to be completed on or before April 26, 2026.
7. Water is to be put to beneficial use on or before April 26, 2030.
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 Water Permit No. 8481-3 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. 8481-3 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. 8481-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 80 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: Eric Gronlund
Eric Gronlund, Chief Engineer
Water Rights Program
Department of Agriculture and Natural Resources

MAY 17 2021
date



Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8481-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Capital Journal</u>
	<u>Plainsman</u>

PAID
JAN 27 2021
Ck# 1214

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 MGJR LLC

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

Mailing Address 3608 N. Frontier Rd Fort Pierre SD 57532
(Address) (City) (State) (Zip Code)

Phone 605-222-3694 Mobile 605-222-3694 Email jonhofer@yahoo.com

2. Amount of water claimed 2.22*CFS or 1000**GPM ***AF Total Acreage 80
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Grey Goose Aquifer

4. Location of point of diversion SE 1/4 NE 1/4 Section 10 T112N R80W
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)

County Hughes

5. County or counties where water will be used Hughes

6. Annual period during which water is to be used March 1 - Nov 30

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

Land Description	Acres	Land Description	Acres
<u>SW 1/4 NE 1/4</u>	<u>40</u>		
<u>SE 1/4 NE 1/4</u>	<u>40</u>		
<u>Sec 10-T112N-R80W</u>			

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

Requesting diversion rate greater than statutory limit.

I, Jonathon Idofin, MGJR LLC. Member, 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)

RECEIVED
JAN 27 2021
WATER RIGHTS
PROGRAM

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 Strech's Well Service
(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) 120 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:

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)

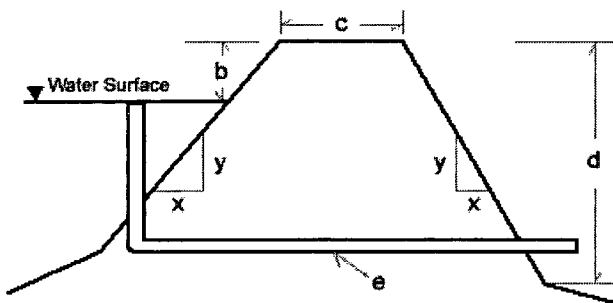
Upstream

Downstream

h) Surface Area of Impoundment

i) Storage Acre Feet

j) Drainage Area Above Dam Acres



HOFER
HUGHES COUNTY

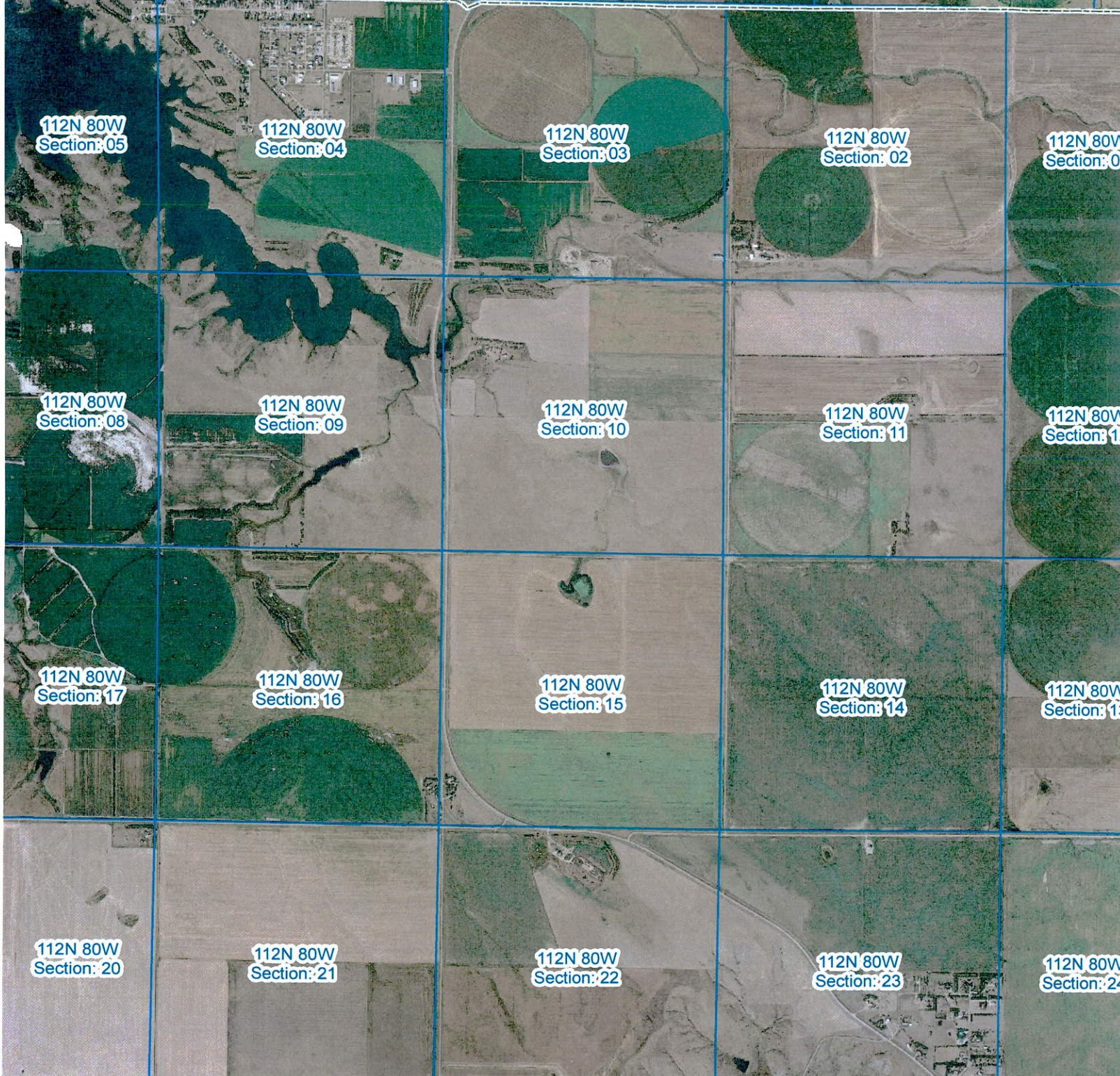
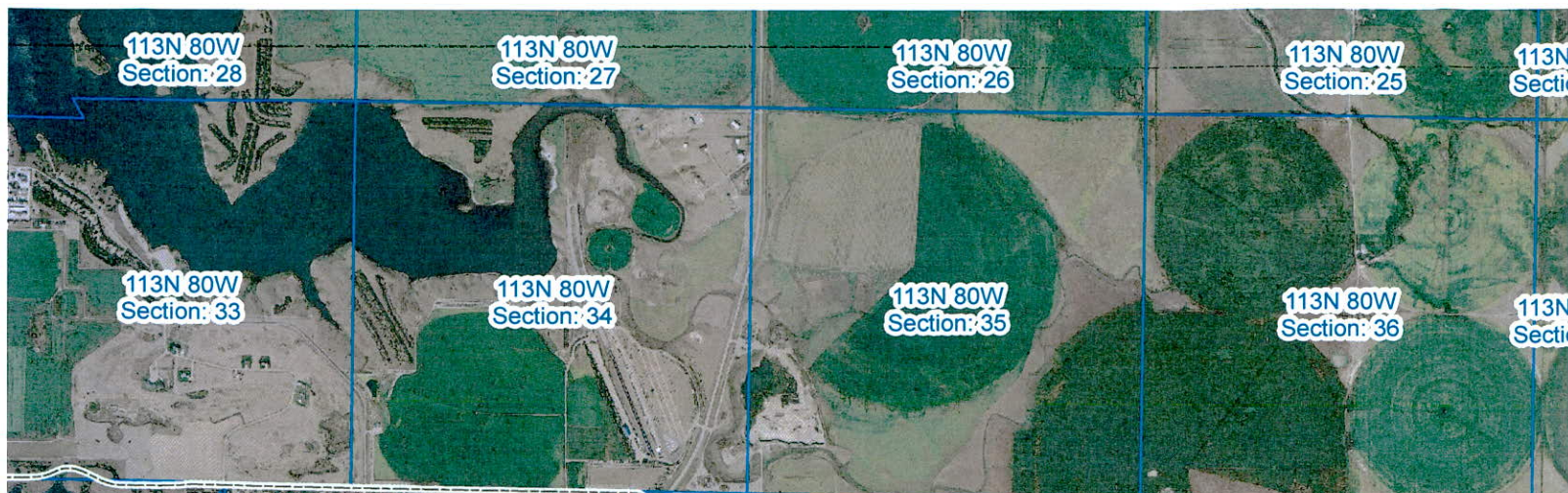


MOJR LLC

Jonathon & Michelle Hofer
3608 N Frontier Rd
Fort Pierre, SD 57532



T112N R80W

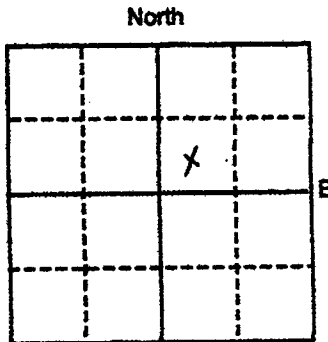


SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location SW 1/4 NE 1/4 Sec 10 Twp 112N Rg 80WCounty Hughes

Please mark well location with an "X"

N-05 Bings on Hill

Well Completion Date

12-5-19

1 Mile

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

NONE ft. from (identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

If other describe

☐ Steel
 ☒ Plastic
 ☐ Other

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>Sch 40</u> LB/FT	<u>4</u> IN	<u>0</u> FT	<u>121</u> FT	<u>16 3/4</u> 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>#20</u>	<u>5</u>	Lb/gal	<u>0</u> Ft	<u>90</u> Ft
		Lb/gal	Ft	Ft

Describe grouting procedure

Tremore Pipe

SCREEN:

☐ Perforated pipe
 ☒ Manufactured
Diameter 4 Inches Length 30 FeetMaterial PVCSlot Size .025 Set From 91 Feet to 121 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro Plug
Describe packer(s) and location above screen

DISINFECTION: Was well disinfected upon completion?

☒ Yes, How? Chlorine☐ No, Why Not?

Lab to which water quality sample sent for analysis

Well Owner: John Huber

Business Name:

Address: 3608 N Frontier RdCity, State, Zip: Ft. Pierre SD 57532

WELL LOG:

DEPTH

FORMATION	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>1</u>
<u>Yellow Clay</u>	<u>1</u>	<u>77</u>
<u>Blue Clay</u>	<u>77</u>	<u>90</u>
<u>Sand</u>	<u>90</u>	<u>105</u>
<u>Coarse Sand</u>	<u>105</u>	<u>121</u>

STATIC WATER LEVEL

70'

FEET

If flowing: closed in pressure

PSI

GPM flow through

Inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped Describe: Submersible☐ Bailed☐ Other

Pumping Level Below Land Surface

71 Ft. After 4 Hrs. pumped 25 GPM

Ft. After Hrs. pumped GPM

If pump installed, pump rate: GPM

REMARKS

25 Gal. per footThis well was drilled under license # 722 and this report is true and accurate.

Drilling firm:

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Date: 12-20-19

Water Rights Program - File Documentation

NAME: Jonathon Hofer – MGJR LLC

ADDRESS: Pierre SD

DATE: 1-27-21

RE: Pending application for irrigation in Section 10-T112N-R80W

COMMENTS:

I called Jonathon Hofer regarding the amount of water claimed. Mr. Hofer stated the driller said he would have no problem getting 1000 gpm from the well. It will be a windshield pivot and he would like to **request 1000 gpm.**



Karen Schlaak
Water Rights Program

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 27, 2021

RECEIVED OF Jon Hofer MGJR LLC 3608 N Frontier Rd Ft. Pierre SD 57532

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

Fee for Application for Permit No. <u>8481-3</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. <u>8481-3</u>	\$200.00
Fee for Filing Transfer Form _____	\$
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	\$950.00

By *Eric Gronlund*
Chief Engineer
VM

Filed this 25th day of April, 2011
Jonathon Hofer
 SECRETARY OF STATE

ARTICLES OF ORGANIZATION
 OF A
 DOMESTIC LIMITED LIABILITY COMPANY

RECEIVED
 APR 25 2011
 S.D. SEC. OF STATE

The name of the Limited Liability Company is:

MGJR, LLC

2. The duration of the Company is perpetual.
3. The address of the initial designated office in or out of the State of South Dakota where the company conducts the business is:

3608 N. Frontier Road
 Fort Pierre, South Dakota 57532

4. The name and street address of the registered agent for service of process is:

Michelle Hofer
 3608 N. Frontier Road
 Fort Pierre, South Dakota 57532

5. The name and address of each organizer:

Jonathon Hofer
 3608 N. Frontier Road
 Fort Pierre, South Dakota 57532

Michelle Hofer
 3608 N. Frontier Road
 Fort Pierre, South Dakota 57532

6. The Company is to be a member-managed company.
7. No member of the Company is liable for its debts and obligations under Section 303(c) of the South Dakota Limited Liability Company Act.
8. Any other provisions, not inconsistent with law, which the members elect to set out in the articles of organization: None.

Dated this 25th day of April, 2011

Jonathon Hofer
 Jonathon Hofer, Organizer

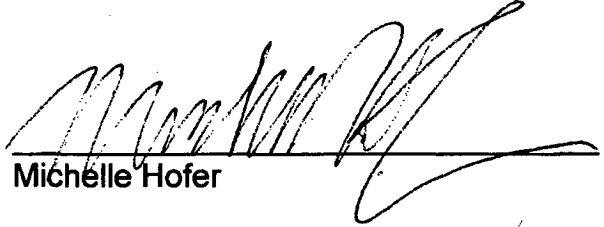
Michelle Hofer
 Michelle Hofer, Organizer

381 5883

CONSENT TO APPOINTMENT BY THE REGISTERED AGENT

I, Michelle Hofer, hereby give my consent to serve as the registered agent for MGJR, LLC.

Dated this 25th day of April, 2011.


Michelle Hofer



DENR
SOUTH DAKOTA

**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. 8481-3, MGJR LLC**

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. 8481-3, MGJR LLC, 3608 N Frontier Rd, Ft. Pierre SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 8481-3 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 Water Permit No. 8481-3 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. 8481-3 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. 8481-3 authorizes a maximum diversion rate of 2.22 cfs for the irrigation of 80 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.

Eric Gronlund, Chief Engineer
April 6, 2021

REPORT TO THE CHIEF ENGINEER

Water Permit Application No. 8481-3

MGJR LLC

March 31, 2021

Water Permit Application No. 8481-3 proposes to appropriate water for the irrigation of 80 acres at a maximum diversion rate of 2.22 cubic feet per second (cfs) from one well. The proposed well is to be completed into the Gray Goose aquifer with an approximate depth of 120 feet and located in SE ¼ NE ¼ Section 10 and the acres to be irrigated are located in the S ½ NE ¼ Section 10; all in T112N-R80W. This application is requesting a diversion rate that exceeds the statutory limit of 1 cfs per 70 acres. The proposed well location is approximately 10 miles north-northwest of Pierre SD in Hughes County.

AQUIFER: Gray Goose (GG)

Hydrogeology

The Gray Goose aquifer lies in a broad, irregular river channel that was incised into the Pierre Shale (Hamilton, 1986). The aquifer is composed of glacial outwash sand and gravel and is mostly buried under glacial till. The aquifer lies primarily in Hughes County with a small portion in Sully County. Hedges et al. (1982) estimated that the Gray Goose aquifer underlies approximately 33,400 acres of Hughes County and contains an estimated 200,400 acre-feet of recoverable water in storage within the county. The extent of the aquifer was refined by Hamilton (1986) to an area of approximately 110 square miles (70,400 acres) and the total amount of recoverable and unrecoverable water in storage was estimated to be 560,000 acre-feet. Hamilton (1986) identified the Gray Goose aquifer as having an average thickness of 40 feet and being buried under 0 to 230 feet of till. Mapping of the first occurrence of aquifer materials in Hughes County (Jensen, 2019) shows a potential aquifer area that is larger than the area of Hedges et al. (1982), and smaller than the area of Hamilton (1986). Mapping of aquifers, including the Gray Goose aquifer, has not been completed in Sully County. This report will use the smaller area calculated by Hedges et al. (1982) due to the similarity in shape to the first occurrence of aquifer materials map (Jensen, 2019) and to limit the overestimation of areal recharge to the aquifer.

The Gray Goose aquifer has become hydrologically connected to the Lake Oahe reservoir in the time since the construction of the Oahe Dam. Geologic mapping by Bolin (1951) and Petsch and Bolin (1950) shows the Missouri River channel and floodplain as being incised into the Pierre Shale with the bluffs of the river being composed of Pierre Shale and the glacial material of the aquifer perched atop of the shale. The normal operating pool of Lake Oahe lies between 1607.5 and 1617 feet (NGVD29), although the level of reservoir can go below and above these elevations depending upon flood or drought conditions. The two observation wells nearest to the reservoir are completed into aquifer material that exists between approximate elevations of 1,600 to 1,640 and 1,570 to 1,620. The area where water from Lake Oahe enters into the aquifer has been deemed as a "zone of bank storage" by Hamilton (1986). Observation well HU-82B was located very close to the reservoir (Figure 2) and has shown the greatest amount of variation in the water level within the aquifer (Figure 3). As the distance from the reservoir increases, the amplitude of the fluctuations within the zone of bank storage lessen and the water level approaches an average level. This zone of bank storage currently provides a base elevation for

the water level within the aquifer and any recharge to the aquifer through other means would be added on top of this base elevation. The water level of the aquifer, also called the potentiometric surface, shows the balance between the base elevation from the “zone of bank storage”, recharge to the aquifer, and discharge from the aquifer. The observation wells that the SD DENR Water Rights Program monitors were installed after the completion and filling of Oahe Dam/Lake Oahe, and have shown that the groundwater has consistently moved from the northwest part of the aquifer to the southeast, with the exception of the part of the aquifer that is located nearest to the Lake Oahe reservoir.

Mapping of the Gray Goose aquifer has shown that the aquifer stops once it nears the valley of Medicine Knoll Creek (Hedges et al., 1982; Hamilton, 1986; Jensen, 2019). This may be due to the aquifer material becoming exposed in the valley by the erosional incision of the creek into and through the glacial deposits. Observation Well HU-81H is completed into aquifer material that occurs between the approximate elevations of 1,565 and 1,541 feet, and the floor of the valley has incised to an elevation of approximately 1,520 feet near the observation well. Hamilton (1986) did note that a deeper lower unit of the aquifer occurs in a narrow channel near Medicine Knoll Creek, however this was not identified on the aquifer materials map (Jensen, 2019).

The water well completion report for the test hole submitted with this application shows that sand was encountered 90 to 105 feet below ground surface and coarse sand was encountered 105 to 121 feet below ground surface. The static water level at the time of the well completion (Dec. 5, 2019) was 70 feet below ground surface, indicating that the aquifer in this location is under confined conditions.

South Dakota Codified Law 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for 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 unappropriated water and existing water rights within the Gray Goose aquifer.

Water Availability

The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1, which requires “No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source.” If the source of the water is older than or stratigraphically lower than the Greenhorn Formation and a water distribution system as defined by SDCL 46-1-6(17) has applied for a permit, the Board need not take into consideration the balance of aquifer recharge and withdrawal. Here, the water source is not older or lower than the Greenhorn Formation and a water distribution system is not involved. Therefore, the balance of aquifer recharge and withdrawal must be taken into consideration.

Hydrologic Budget

Recharge

Recharge to the Gray Goose aquifer occurs through infiltration of precipitation and seepage from surface water features when the surface water level is higher than the potentiometric surface of

the aquifer (Hamilton, 1986). Using data from 1981, Hamilton (1986) estimated the recharge to the Gray Goose aquifer to be 1,500 acre-feet per year. Hedges et al. (1985) used an average of less than 2.5 years of data from 7 unconfined observation wells to calculate the recharge rate to the unconfined portions of the aquifer being 3.2 inches per year. In the time since Hedges et al.'s (1985) analysis, the observation wells have mostly transitioned from being under unconfined conditions to being under confined conditions (Water Rights, 2021c) and it would be impossible to repeat the same type of unconfined observation well analysis using more recent observation well data.

By using observation well data, the data represents both withdrawals from and recharge to the aquifer, as they occur simultaneously. When the recharge is greater than discharge, this method produces a calculated recharge rate lower than actual recharge rate. The same holds true when discharge is greater than recharge, the calculated discharge rate is smaller than the actual discharge rate.

It should be noted that the estimated recharge rates by Hamilton (1986) and Hedges et al. (1985) include the observed recharge that comes from the aquifer being in contact with the Lake Oahe reservoir. If the reservoir level drops to a low enough elevation, the component of recharge that comes from the reservoir will be reduced or even eliminated and there may not be sufficient recharge to supply some or all appropriations. If the recharge rate were to be estimated as a buried and confined aquifer, Hedges et al. (1985) identified that a recharge rate between 0.15 and 0.6 inches per year would be appropriate for management purposes. If the buried and confined recharge rate range were applied to the 33,400 acres of aquifer that was identified by Hedges et al. (1982), the estimated average annual recharge would be between 417.5 and 1,670 acre-feet per year.

Hamilton (1986) calculated the volume of water being stored in the zone of bank storage, which encompassed an area of 1,600 acres, as approximately 12,000 acre-feet. This calculation was done with the potentiometric surface of the aquifer being located at an elevation of 1,605 feet. It is currently unknown what the limit is for how many acre-feet of recharge from the Lake Oahe reservoir can be induced by pumping from large capacity wells within the zone of bank storage. Recharge calculations in Hamilton's report (1986) did not calculate a theoretical maximum amount of annual recharge from the Lake Oahe reservoir; however, from Hamilton's (1986) calculation, at least 12,000 acre-feet of water has been recharged into the aquifer in the time since the filling of the Lake Oahe reservoir.

In total, the estimated average annual recharge is likely to exceed the buried and confined aquifer estimate of 417.5 to 1,670 acre-feet per year due to the zone of bank storage and the recharge induced by the large capacity wells located in that zone.

Discharge

Discharge from the Gray Goose aquifer occurs through well withdrawals, outflow to the Lake Oahe reservoir when the reservoir level is lower than the potentiometric surface of the aquifer, and evapotranspiration in the valley of Medicine Knoll Creek (Hamilton, 1986). Currently, there are 18 water rights/permits identified as appropriating water from the Gray Goose aquifer and no future use permits (Water Rights, 2021a). Of the 18 licensed or permitted water rights, 4 are for non-irrigation use and 14 are for irrigation use.

Table 1 shows a summary of non-irrigation water rights/permits with their appropriation and estimated annual use. The amount of water that can be expected to be withdrawn can be estimated by assuming water rights/permits limited by an annual volume will pump the entire volume appropriated annually, water rights/permits limited only by diversion rate will pump at the maximum permitted diversion rate 60 percent of the time, and any future use permits will be fully developed. For the storage of water in small reservoirs, the withdrawals are estimated to be the rate of evaporation across the surface area (Spuhler and others, 1971), assuming the water is to be solely used for maintaining the water level and excluding any surface drainage that may contribute to the water level.

Table 1: Summary and estimated annual use of non-irrigation water rights/permits (Water Rights, 2021a)

2021a)

Water Right Holder	Water Right Number	Water Right Status	Use Type	Surface Area [acres] / Storage Capacity [acre-feet]	Diversion Rate Limit [cfs]	Estimated Use [acre-feet/year]
Platte Center West LLC	4580A-3	LC	COM/LCO	N/A	0.170	73.9
Tom Olson	4917-3	LC	COM	N/A	0.070	30.4
Cow Creek Estates LLC	5943-3	LC	COM	N/A	0.022	9.6
Milton Morris	8203-3	PE	FWP/REC	1.85/8.45	1.110	5.8
Summary						
4	No. of Non-Irrigation Water Rights/Permits	Non-Irrigation Estimated Annual Use				119.7
LC = License, PE = Permit						
COM = Commercial; FWP = Fish & Wildlife Propagation; LCO = Livestock Confinement Operation; REC = Recreation						
N/A = Not Applicable						

There are a number of domestic wells on file that likely withdraw water from the Gray Goose aquifer, however the magnitude of their withdrawals is small, and since the introduction of rural water systems, many of these wells may no longer be in use (Water Rights, 2021b). The annual quantity of water withdrawn for domestic use is considered to be negligible to the hydrologic budget of the aquifer.

Currently, there are 14 water rights/permits authorized for irrigation of 1,879 acres (Water Rights, 2021a). Estimation of the average annual use from irrigation is typically calculated by summing the reported usage from the annual irrigation questionnaires and then averaging the yearly usage over the period of record (Table 2). The average annual use from calculating the average yearly use over the period of 1979 through 2020 is 1,344 acre-feet per year (Water Rights, 2021e). Several factors came together in 2012 and increased the number of irrigation permit applications above the long-term average and, as such, the average over the period of record no longer reflects the current level of acres permitted for irrigation. For this analysis, the reported average annual irrigation use from 1979-2012 will establish the estimated average annual use for the number of acres in use prior to 2013. The estimated average annual use for the period of 1979-2012 is 1,290 acre-feet per year. From the beginning of 2013, there have been 592 acres approved for irrigation, and 120 acres that are no longer approved for irrigation due to cancellations or permit inspections. Due to the relatively short period of record and the

time involved to construct and put water to beneficial use, the increase in acres approved from the beginning of 2013 will be conservatively estimated as applying 10 inches of water onto the permitted acres. Taking the 592 acres approved, subtracting the 120 acres that were undeveloped or forfeited, and including the 80 acres proposed by this application, results in an increase in the estimated average annual use of 460 acre-feet per year. The total estimated average annual withdrawals for irrigation use is 1,750 acre-feet per year.

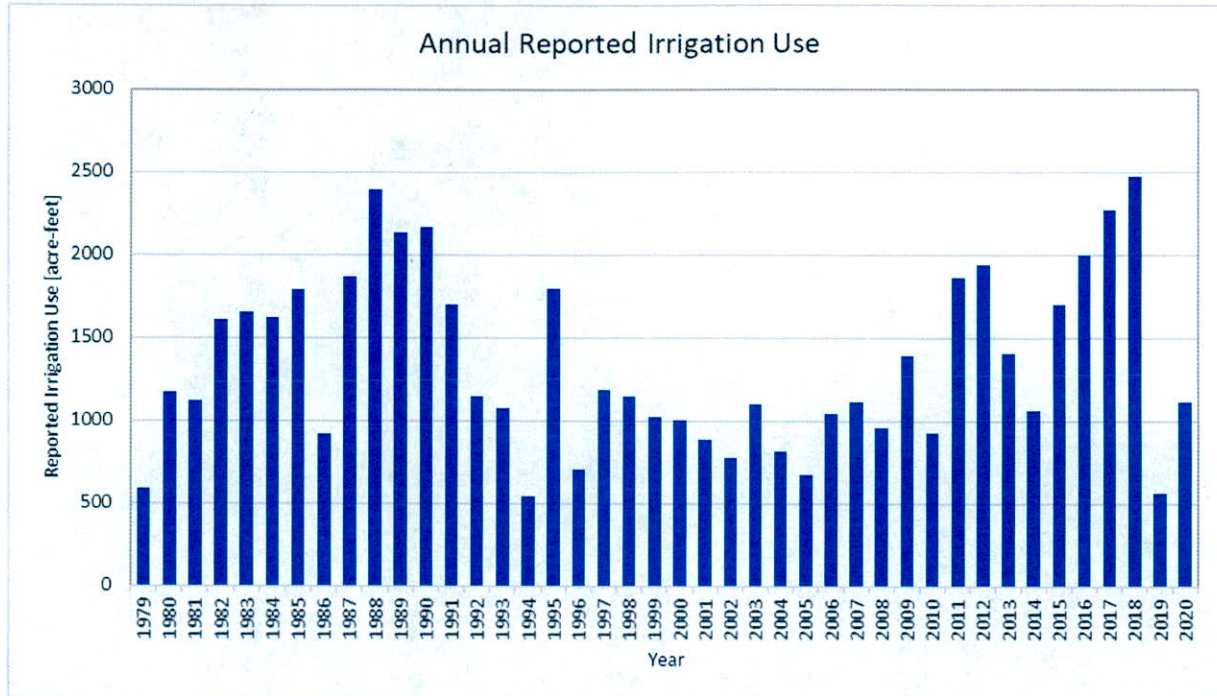


Figure 1: Reported irrigation use from the Gray Goose aquifer over the period of record (Water Rights, 2021d; Water Rights, 2021e)

Report on Water Permit Application No. 8481-3

Table 2: Reported irrigation use from the Gray Goose aquifer (Water Rights, 2021d; Water Rights, 2021e)

Year	Gray Goose Aquifer	
	No. Permits	Irrigation Reported [ac-ft/yr]
1979	5	589
1980	4	1173
1981	7	1118
1982	7	1608
1983	7	1650
1984	7	1620
1985	7	1792
1986	7	922
1987	7	1868
1988	7	2392
1989	7	2132
1990	7	2165
1991	8	1697
1992	8	1148
1993	8	1077
1994	8	546
1995	8	1799
1996	8	708
1997	8	1186
1998	8	1148
1999	8	1026
2000	8	1007
2001	8	886
2002	8	780
2003	8	1101
2004	7	818
2005	7	676
2006	9	1045
2007	9	1112
2008	9	960
2009	9	1393
2010	9	925
2011	11	1863
2012	10	1941
2013	13	1408
2014	14	1065
2015	14	1698
2016	13	1998
2017	14	2269
2018	14	2470
2019	14	565
2020	14	1112
Average 1979-2020		1,344
Average 1979-2012		1,290
Average 2013-2020		1,573

Hydrologic Budget

The estimated withdrawals from the Gray Goose aquifer are 119.7 ac-ft/yr from non-irrigation users, and 1,750 ac-ft/yr from irrigation, including the irrigation of the 80 acres proposed by this application. The estimated average annual withdrawal from the Gray Goose aquifer is 1,869.7 ac-ft/yr. The estimated average annual recharge to the Gray Goose aquifer is likely to be greater than the average annual withdrawals due to the ability to induce recharge from the reservoir. Therefore, based upon the estimated average annual recharge being greater than the estimated average annual withdrawals, there is a reasonable probability there is unappropriated water available from the Gray Goose aquifer for this application.

Observation Well Data

In determining the availability of unappropriated water for a permit application Administrative Rule of South Dakota 74:02:05:07 requires the Water Management Board to rely on the record of observation well measurements, in addition to other data, to determine that the quantity of water withdrawn annually from the aquifer does not exceed the estimated annual recharge.

The Water Rights Program currently maintains 9 observation wells completed in the Gray Goose aquifer (Water Rights, 2021c). The locations of the observation wells are shown in Figure 2. The nearest observation well is HU-80A, located approximately 0.6 miles south of the proposed well location for Application No. 8481-3. This observation well is also under confined conditions, similar to the conditions at the applicant's location, with approximately 20 feet of artesian head.

The observation well hydrographs shown in Figure 3 are representative of the Gray Goose aquifer. The hydrographs show that the aquifer responds well to hydrologic conditions, recharging during wetter periods and declining during drier periods. The observation well measurements show that the effects from seasonal changes in hydrologic conditions and pumping are temporal, and that the aquifer has remained relatively stable over the period of record. Additionally, the water level in many of the observation wells is above the water level of the Lake Oahe reservoir, indicating there is additional recharge to the aquifer beyond the recharge from the reservoir.

The observation wells within the Gray Goose aquifer show that the water level has risen since they were installed in the early 1980's. Early analyses of the Gray Goose aquifer showed that the aquifer was generally unconfined, with 6 out of the 9 observation wells being under unconfined conditions (Water Rights, 2021c). With the rising water level in the aquifer, there is currently only 1 observation well out of the original 6 that has remained unconfined, the rest have transitioned into confined conditions. This would suggest that the Gray Goose aquifer has moved from being a buried and unconfined aquifer (Hedges et al. 1985) to a buried and confined aquifer. The observation well data indicates that there is a reasonable probability unappropriated water is available from the Gray Goose aquifer.

Report on Water Permit Application No. 8481-3

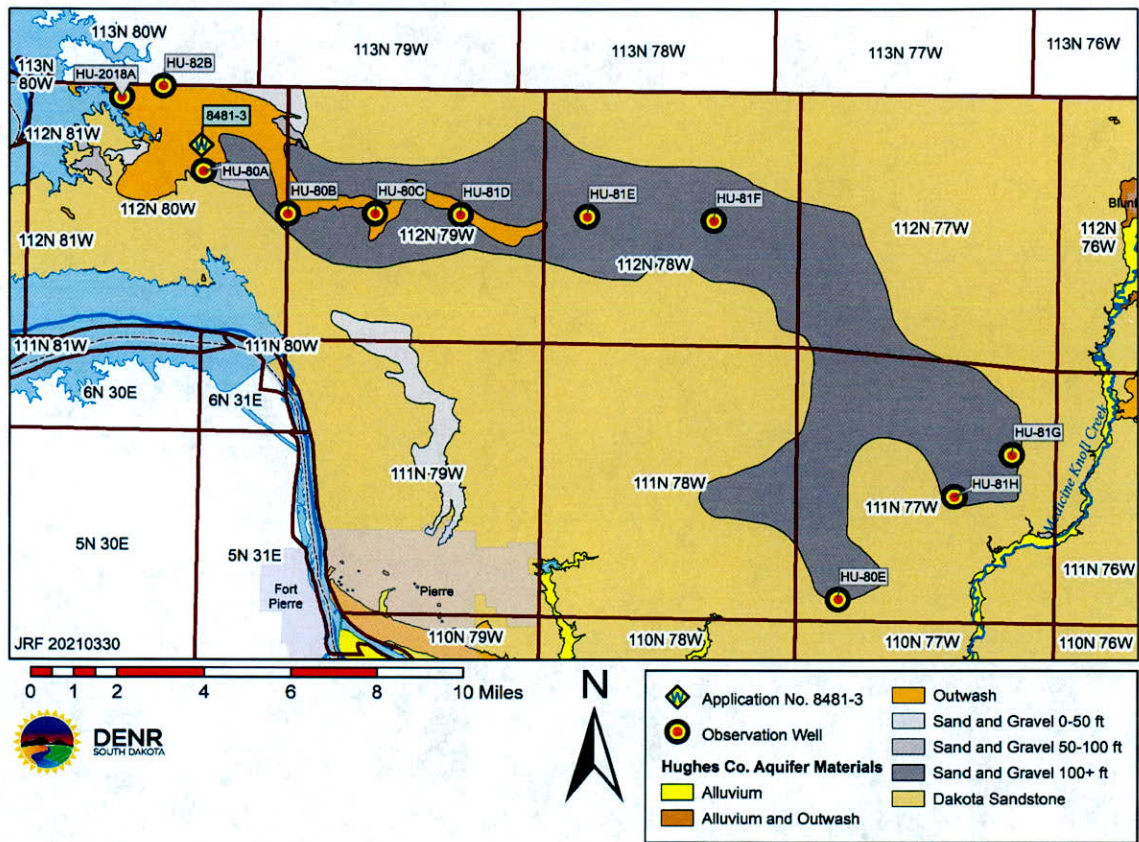


Figure 2. Map showing the location of the proposed diversion, potential aquifer material extent of the Gray Goose aquifer within Hughes County SD, and observation wells completed into the Gray Goose aquifer (modified from Jensen, 2019; Water Rights, 2021c)

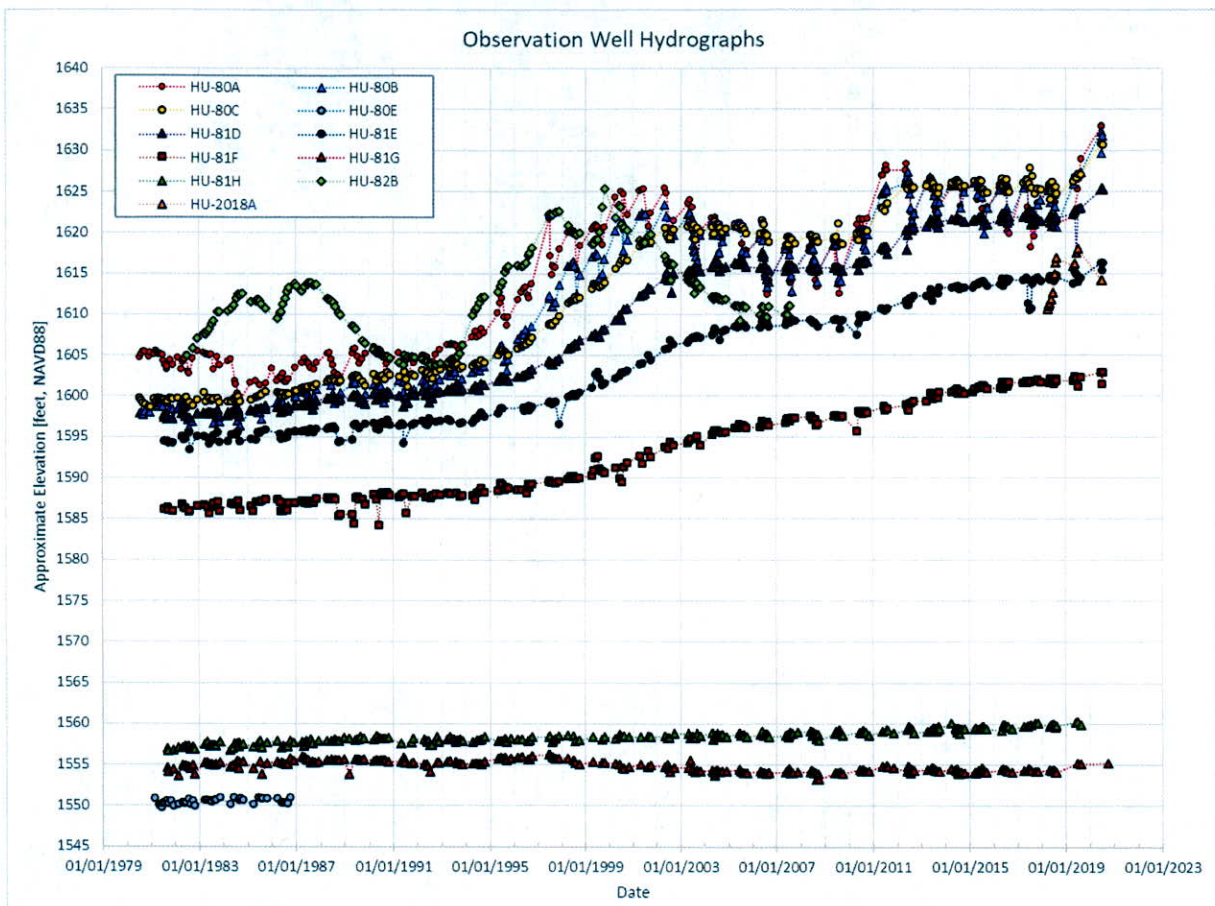


Figure 3: Hydrographs for Observation Wells completed into the Gray Goose aquifer (Water Rights, 2021c)

Potential for unlawful impairment of existing water rights

There are 18 water rights/permits appropriating water from the Gray Goose aquifer (Water Rights, 2021a). The location of the diversion points for water rights/permits authorized to withdraw water in the vicinity of this application are shown in Figure 4. The nearest existing water right/permit is Water Right No. 3354-3 held by James Schumacher and is located 0.45 miles to the southeast of the applicant's proposed diversion location for Application No. 8481-3. The nearest domestic well on file with the SD DENR is located approximately 0.5 miles north of the proposed diversion location and was drilled for Marv Schumacher. This domestic well completion report shows that the aquifer in this area was under confined conditions at the time of well completion (Oct. 3, 2012), with 20 feet of artesian head (Water Rights, 2021b).

Due to the physics of confined aquifers, the observed drawdown from withdrawals may extend quite far from the pumping well. At the proposed well site, there is approximately 20 feet of artesian head pressure above the top of the aquifer. South Dakota Codified Law (SDCL) 46-6-6.1 does not necessarily protect artesian head pressure as a means of delivery, and the Water Management Board has recognized that to place water to maximum beneficial use, a certain

Report on Water Permit Application No. 8481-3

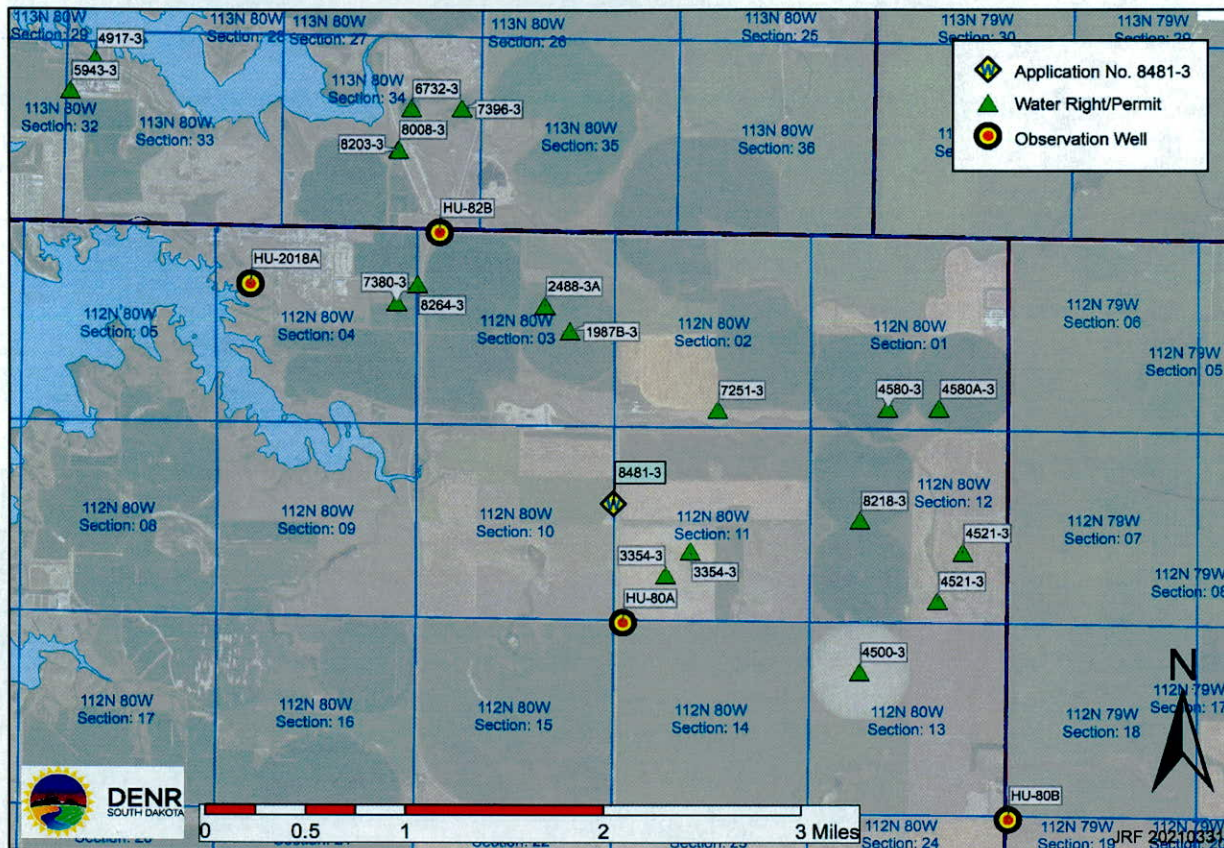


Figure 4. Map showing the location of the proposed diversion, nearby Gray Goose aquifer water rights/permits, and nearby observation wells completed into the Gray Goose aquifer (Water Rights 2021a; Water Rights, 2021c)

amount of drawdown may occur. The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use of water issue for Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills (Water Rights, 2021a). The Water Management Board adopted Findings of Facts and Conclusions of Law that noted reservation of artesian head pressure for delivery of water would be inconsistent with SDCL 46-1-4 which states, "general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable...". Furthermore, the Water Management Board found if increased cost or decreased production as a result of impacts on artesian head pressure by legitimate users is to be considered an adverse impact it would also be in conflict with SDCL 46-1-4 (Water Rights, 1995). To balance interests between appropriative and domestic uses, the Water Management Board defined an "adversely impacted domestic well" in Administrative Rule of South Dakota (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."

In the past, the Water Management Board has recognized that to place water to the maximum beneficial use, a certain amount of drawdown may occur. With no history of well interference complaints from users in the Gray Goose aquifer (Water Rights, 2021f), adequate wells are not expected to be unlawfully impaired if these proposed appropriations are approved.

SDCL 46-5-6:

Pursuant to SDCL 46-5-6, the diversion rate for an irrigation appropriation cannot be in excess of one cfs for every 70 acres, or "the equivalent thereof." The statute does provide 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. However, no annual volume may be greater than three acre-feet per acre delivered to the land." Water Permit Application No. 8481-3 proposes to divert water at a maximum rate of 2.22 cfs for the irrigation of 80 acres or at a rate of 1.943 cfs per 70 acres. The application is for a center pivot irrigation system; however, the pivot only makes a partial rotation. Due to the operational requirements of the irrigation system, a certain amount of diversion rate is required, independent of the number of acres the system covers. The reason for this request is reasonable and has been accepted by the Water Management Board in the past.

Conclusions

1. Water Permit Application No. 8481-3 proposes to appropriate water at a maximum diversion of 2.22 cfs from the Gray Goose aquifer for the irrigation of 80 acres in Hughes County.
2. Water Permit Application No. 8481-3 has requested a diversion rate exceeding the statutory limit of one cfs per 70 acres. It is a reasonable request and similar requests have been accepted by the Water Management Board in the past.

3. Based on observation well data and the hydrologic budget, there is a reasonable probability that unappropriated water is available from the Gray Goose aquifer.
4. There is a reasonable probability that the diversion proposed by this application will not unlawfully impair adequate wells for existing water rights and domestic uses.



John Farmer
SD DENR – Water Rights Program

References

- Bolin, E.J., 1951. Areal Geology of the Okoboko quadrangle, South Dakota. South Dakota Geological Survey 15 Minute Geologic Quadrangle Map GK62K-013, Scale 1:62,500. SD DENR-Geological Survey, Vermillion, South Dakota.
- Hamilton, L.J., 1986. Water Resources of Hughes County, South Dakota. USGS Water-Resources Investigations Report 84-4195. USGS. Huron, SD.
- Hedges, L.S., Allen, J. and Holly, D.E. 1985. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Ground-Water Recharge. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Hedges, L.S., Burch, S. L., Iles, D. L., Barari, R. A., and Schoon, R. A. 1982. Evaluation of Ground-Water Resources Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 1: Bedrock Topography and Distribution, Task 2: Extent of Aquifers, Task 3: Ground-Water Storage, Task 4: Computerized Data Base, Final Report. U.S. Army Corps of Engineers Contract DACW 45-80-C-0185.
- Jensen, A.R., 2019. First Occurrence of Aquifer Materials in Hughes County, South Dakota. South Dakota Geological Survey Aquifer Materials Map AM-38. SD DENR-Geological Survey, Vermillion, South Dakota.
- Petsch, B.C., and Bolin, E.J., 1950. Areal Geology of the Fort Bennett quadrangle, South Dakota. South Dakota Geological Survey 15 Minute Geologic Quadrangle Map GK62K-002, Scale 1:62,500. SD DENR-Geological Survey, Vermillion, South Dakota.
- Spuhler, W., Lytle, W.F., Moe, D., 1971. Climate of South Dakota. Bulletin 582. Agricultural Experiment Station South Dakota State University, Brookings, SD

Report on Water Permit Application No. 8481-3

Water Rights. 2021a. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2021b. Well Completion Report Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2021c. Observation Well Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2021d. Irrigation Questionnaire Database. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2021e. Irrigation Questionnaire Summaries. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Water Rights. 2021f. County Files. SD DENR-Water Rights Program, Joe Foss Bldg., Pierre, South Dakota.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 7, 2021 9:08 AM
To: jonhofer@yahoo.com
Subject: Water Permit Application No. 8481-3
Attachments: 0993.pdf

Attached is a copy of the report, chief engineer recommendation and information regarding the public notice for your water permit application. As stated in the letter, please contact the paper(s) as soon as possible to authorize publication and arrange for payment. This information is being mailed to you today.

Karen Schlaak
Water Rights Program
(605) 773-3352



Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Hughes) SS

I, Marylin Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

4/15/21

Cost of Printing \$ 33.04

Marylin Baker
(Signature)

Business Manager
(Title)

4-16-21

(Date Signed)

SNAXLP 18300

11dy 4/15

NOTICE OF APPLICATION NO. 8481-3 to Appropriate Water

Notice is given that MGR L.L.C. c/o Jonathan Hefel, 3608 N. Frontier Rd., Pierre SD 57532 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Gray Gosses Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 10 for irrigation of 80 acres located in the S 1/2 NE 1/4 Section 10; all in T112N-R80W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 10 miles northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8481-3 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 Ron Duval 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 (605 773-3329) and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 26, 2021.

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.

Published once at the total approximate cost of \$33.04.

RECEIVED

APR 19 2021

WATER RIGHTS
PROGRAM

RECEIVED

APR 29 2021

WATER RIGHTS
PROGRAM

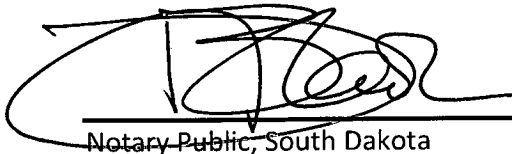
Proof Of Publication

Huron Plainsman
49 3rd Street SE
Huron, SD 57350
605-353-7402

Legal Notice Number: 0816

I, Deanna Helvik, being duly sworn on oath say that the Plainsman is a daily paper published at Huron, Beadle County South Dakota, and that said newspaper has a bona fide circulation of at least 250 copies daily; that said newspaper has been published within said county for fifty-two consecutive weeks immediately prior to this date, that said newspaper is printed in whole or in part, in an office maintained at said place of publication; that I am a Legal Advertising Coordinator of said newspaper and know that facts herein state. The annexed notice headed: SD ENVIRONMENTAL & NATURAL - WATER RIGHTS - HOFER, was published for one day, in said newspaper and not in any supplement of the said newspaper, the publication was on - 4/14/21. That the full amount of the fee charged for the publishing \$ 29.03 insures to the benefit of the publisher of said newspaper; 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 whom so ever.

Subscribed and sworn to me before this date 4/26/21.



Notary Public, South Dakota

My Term Expires 03/11/2022

NOTICE OF
APPLICATION
NO. 8481-3 to

Appropriate Water

Notice is given that MGJR LLC, c/o Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Gray Goose Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 10 for irrigation of 80 acres located in the S 1/2 NE 1/4 Section 10; all in T12N-R80W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 10 miles northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of

Application No. 8481-3 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 Ron Duval 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 April 26, 2021.

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.

No. 0816 (adv.)

Published once at the total approximate cost of \$29.03.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 7, 2021 9:01 AM
To: Ruby Crandall
Subject: 8481-3, MGJR LLC
Attachments: 8481-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 14, 2021.

MGJR LLC c/o Jonathan Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 (605 222-3694) 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 to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak

Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, April 7, 2021 8:59 AM
To: 'legals@capjournal.com'
Subject: 8481-3, MGJR LLC
Attachments: 8481-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on April 15, 2021.

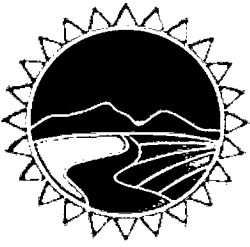
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Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

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

Karen Schlaak
Water Rights Program
(605) 773-3352





DENR
SOUTH DAKOTA

**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 NEWSPAPERS RIGHT AWAY.**

April 7, 2021

MGJR LLC
c/o Jonathon Hofer
3608 N Frontier Rd
Ft. Pierre SD 57532

Dear Mr. Hofer:

Water Permit Application No. 8481-3 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 Capitol Journal printed at Pierre SD (Ph # 605 224-7301) and the Plainsman printed at Huron SD (Ph # 605 353-7450). You will need to contact the newspapers 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 newspapers to authorize publication of your Notice and to arrange for payment. Early contact with the papers can eliminate delays. Upon receiving authorization from you, the publishers have been instructed to publish your notice. The newspapers have 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,

Karen Schlaak

Karen Schlaak
Water Rights Program
(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. 8481-3 to Appropriate Water

Notice is given that MGJR LLC, c/o Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has filed an application for a water permit to appropriate 2.22 cubic feet of water per second (cfs) from one well to be completed into the Gray Goose Aquifer (120 feet deep) located in the SE 1/4 NE 1/4 Section 10 for irrigation of 80 acres located in the S 1/2 NE 1/4 Section 10; all in T112N-R80W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres. This site is located approximately 10 miles northwest of Pierre SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8481-3 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 Ron Duvall 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 April 26, 2021.

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Published once at the total approximate cost of_



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAY 17 2021

MCJR LLC
c/o Jonathon Hofer
3608 N Frontier Rd
Ft. Pierre SD 57532

Dear Mr. Hofer:

Enclosed is Water Permit No. 8481-3 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,

Eric Gronlund, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures