

WATER PERMIT NO. 8573-3

Name of Applicant: **MCJR LLC**

Address: **3608 N Frontier Rd, Ft. Pierre SD 57532**

Phone: **605 222-3694**

Amount of Water Claimed: **no additional**

Total Acres: **110**

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

Water to be used for: **irrigation**

County: **Hughes**

Type of Waste Disposal System:

Location: **10 miles northwest of Pierre**

PRIORITY

Date Received: **1-3-22**

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

Corrected Application Received:

Period of Annual Use: **March 1 – November 30**

Remarks: **Using same well as authorized by Water Permit No. 8481-3**

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

Land to be Irrigated: **SE 1/4 Sec 10-T112N-R80W**

Depth of Well: **121 fee deep**

Well Driller:

Remarks:

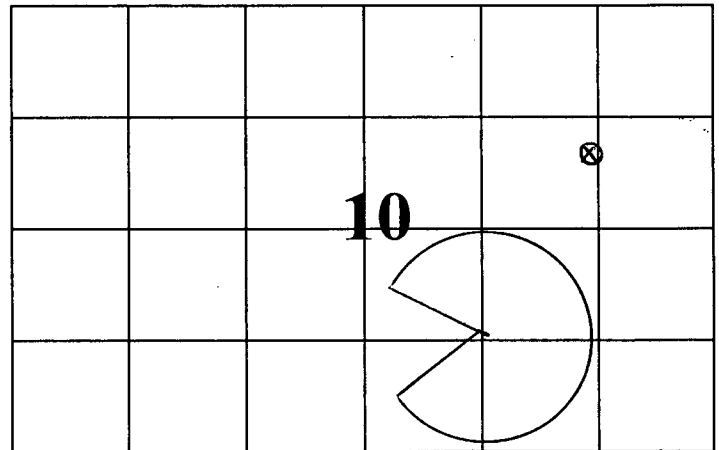
Type of Map: **aerial**

Prepared by:

Reviewed and the Number Assigned on: **1-5-22**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



**SOUTH DAKOTA
WATER PERMIT NO. 8573-3**

Date of first receipt of application January 3, 2022.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8573-3 to MGJR LLC, c/o Jonathon Hofer, 3608 N Frontier Road, 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. 8573-3 authorizes irrigation of 110 additional acres. Water Permit No. 8481-3 authorizes 2.22 cubic feet of water per second (cfs) from one well 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 permit irrigates an additional 110 acres located in the SE 1/4 Section 10-T112N-R80W from the well authorized by Water Permit No. 8481-3 with no increase in the 2.22 cfs pump rate. This permit and No. 8481-3 will authorize a total of 2.22 cfs for irrigation of 190 acres. 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 3, 2022.
4. The date of approval of Permit No. 8573-3 is February 25, 2022.
5. One-fifth of the construction is to be completed on or before August 25, 2024.
6. All construction is to be completed on or before February 25, 2027.
7. Water is to be put to beneficial use on or before February 25, 2031.
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 this Permit and 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 this Permit and 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. This Permit and Permit No. 8481-3 authorize a maximum combined diversion rate of 2.22 cfs for the irrigation of 190 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

MAR 30 2022
date



FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8573-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Capital Journal</u>
	<u>Plains man</u>

PAID
JAN 3 2022
#10734
RECEIVED

Application For Permit To Appropriate Water For Irrigation

JAN 03 2022

Type of Application: ☒ New ☐ Vested Right ☐ Amendment/Correction to Permit No. _____
(Use predates Mar 2, 1955) WATER RIGHTS PROGRAM

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name to Appear on Irrigation Permit C/o Jonathon Hofer MGR 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 Road Ft. 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 no add'l **GPM ***AF Total Acreage 110
(*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 S 1/2 SE 1/4 NE 1/4 Section 10 T112N R80W
(example - 3 wells in SW 1/4 NE 1/4 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>SE 1/4 Section 10 T112N R80W</u>	<u>110</u>		

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

Requesting adding 110 Acres in SE 1/4 Section 10 to be watered with a center pivot using the same well that water permit 8481-3 uses located in S 1/2 NE 1/4 Section 10 T112N R80W. This well is currently being drilled now by stretch well service (drill rig is on site but well not yet complete)

I, Jonathon Hofer, 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.

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 Stretch'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) 121 Depth to Top of Water Bearing Material 90 Depth to Water from Surface 70d) 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)

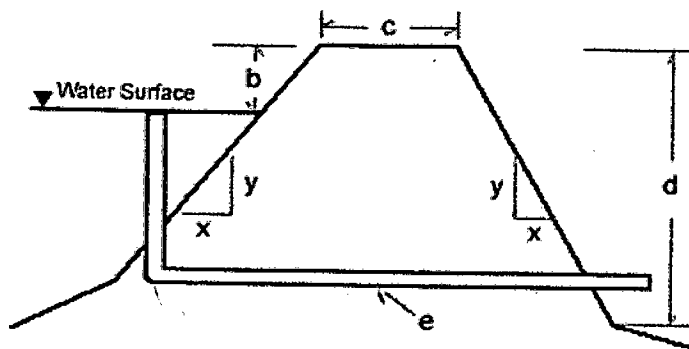
4. Water Storage Dams

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)

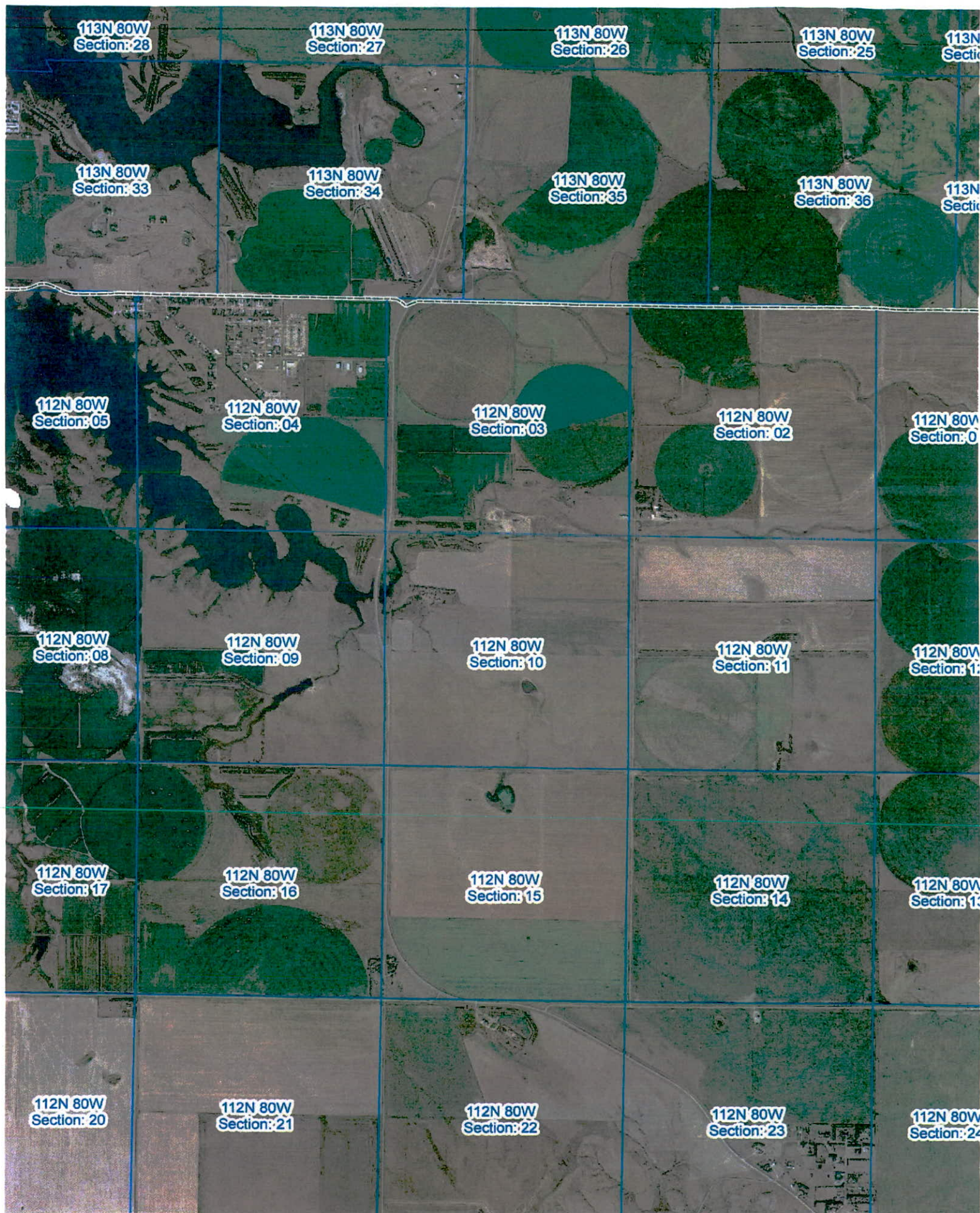
Upstream Downstream h) Surface Area of Impoundment i) Storage Acre Feetj) Drainage Area Above Dam Acres

HOFER
HUGHES COUNTY
~~Donna Park~~

SE 1/4 Section 10
T112N R80W



- 240 boundry - 231.5 Ac
- Pivot Coverage minus endgun - 103.5 Ac
- pivot coverage plus end gun - 66.5 Ac



113N 80W
Section: 28

113N 80W
Section: 27

113N 80W
Section: 26

113N 80W
Section: 25

113N
Section:

113N 80W
Section: 33

113N 80W
Section: 34

113N 80W
Section: 35

113N 80W
Section: 36

113N
Section:

112N 80W
Section: 05

112N 80W
Section: 04

112N 80W
Section: 03

112N 80W
Section: 02

112N 80W
Section: 01

112N 80W
Section: 08

112N 80W
Section: 09

112N 80W
Section: 10

112N 80W
Section: 11

112N 80W
Section: 12

112N 80W
Section: 17

112N 80W
Section: 16

112N 80W
Section: 15

112N 80W
Section: 14

112N 80W
Section: 13

112N 80W
Section: 20

112N 80W
Section: 21

112N 80W
Section: 22

112N 80W
Section: 23

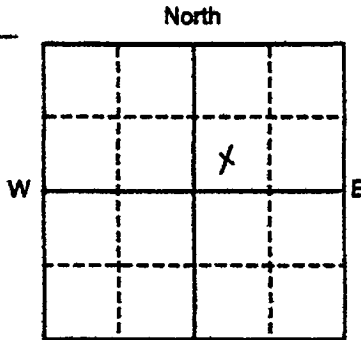
112N 80W
Section: 24

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 ☐ Municipal ☐ Business ☒ Test holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Mud Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe

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

Tremie PipeSCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 4 Inches Length 30 FeetMaterial PVCSlot Size 1025 Set From 91 Feet to 121 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro PlugDescribe 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:

FORMATION	DEPTH	
	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 _____ Inlet 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: Stretch's Well Service Inc

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

Jon HuberDate: 12-20-19

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

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date January 3, 2022

RECEIVED OF Jon Hofer 3608 N. Frontier Road Ft. Pierre SD 57532

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

Fee for Application for Permit No. <u>8573-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$ <u>750.00</u>
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>8575-3</u>	\$ <u>200.00</u>
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	\$ <u>950.00</u>

By Eric Gronlund
Chief Engineer

vm

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, December 29, 2021 3:37 PM
To: Schlaak, Karen
Subject: Jon Hofer (MGJR LLC)

Spoke with Jon – MGJR holds WP 8481-3 appropriating 2.22 cfs (1000 gpm) from a well in the Gray Goose aquifer to irrigate 80 acres in S ½ NE ¼ Section 10-T112N-R80W.

Just purchased the SE ¼ of this section and will be applying to use this same well for irrigation of the SE ¼ Section 10. No increase in the diversion rate authorized by No. 8481-3.



Eric Gronlund, PE
Chief Engineer, Water Rights Program
Department of Agriculture and Natural Resources
523 E. Capitol Ave. Pierre SD, 57501
605.773.3352
danr.sd.gov

Water Rights Program - File Documentation

NAME: Jonathon Hofer

ADDRESS: 3608 N Frontier Rd, Ft Pierre SD 57532

DATE: January 5, 2022

RE: Pending application

COMMENTS:

Jonathon Hofer indicated he would like to the name changed on the pending application to MCJR LLC, c/o Jonathon Hofer as listed on his existing Permit No. 8481-3.



Karen Schlaak
Water Rights Program



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8573-3, 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. 8573-3, MGJR LLC, 3608 N Frontier Rd, Ft. Pierre SD 57532.

The Chief Engineer is recommending APPROVAL of Application No. 8573-3 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 domestic water uses and water rights, 3) the proposed use is a beneficial use and 4) it is in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board with the following qualifications:

1. The well approved under this Permit and 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 this Permit and 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. This Permit and Permit No. 8481-3 authorize a maximum combined diversion rate of 2.22 cfs for the irrigation of 190 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
February 6, 2022

Report to the Chief Engineer
On Water Permit Application No. 8573-3
MCJR LLC c/o Jonathon Hofer

January 20, 2022

Water Permit Application No. 8573-3 proposes to irrigate 110 acres located in the SE $\frac{1}{4}$ of Section 10-T112N-R80W from the same well authorized by Water Permit No. 8481-3. Water Permit No. 8481-3 authorizes 2.22 cubic feet per second (cfs) from one well completed into the Gray Goose aquifer (120 feet deep) located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 for irrigation of 80 acres located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10; all in T112N-R80W. No additional diversion rate was requested by the applicant.

If approved, Water Permit No. 8481-3 and Water Permit Application No. 8573-3 would collectively authorize a maximum instantaneous diversion rate of 2.22 cfs for the irrigation of 190 acres. The site is located approximately 10 miles northwest of Pierre, SD.

AQUIFER: Gray Goose (GG)

HYDROGEOLOGY:

The Gray Goose aquifer is a buried outwash deposit of coarse sand and gravel (Hamilton, 1986). The outwash deposit partly fills a broad and irregular river channel that was carved into the Pierre Shale bedrock (Hamilton, 1986). The river channel can range up to five miles wide and extends 30 miles from the northwestern corner to the central part of Hughes County (Hamilton, 1986). The top of the Gray Goose aquifer material can range from just a few feet below land surface to 230 feet deep and buried by till (Hamilton, 1986). The Gray Goose aquifer generally has static water levels ranging from 15 feet to 250 feet below ground surface (Hamilton, 1986). The thickness of the Gray Goose aquifer materials is 40 feet on average but can exceed 60 feet along a meandering band of material with irregular width that extends eastward from Lake Oahe (Hamilton, 1986). The Gray Goose aquifer is hydrologically connected with Lake Oahe (Hamilton, 1986). Water moves from Lake Oahe into the Gray Goose aquifer at times when the lake level is higher than the potentiometric surface of the aquifer and vice versa (Hamilton, 1986). The direction of groundwater movement of the Gray Goose aquifer is commonly from the northwest to the southeast (Hamilton, 1986).

Hedges and others (1982) estimated that the Gray Goose aquifer underlies approximately 33,400 acres and contains approximately 200,400 acre-feet (ac-ft) of recoverable water in storage. Further studies by Hamilton (1986) proposed that the Gray Goose aquifer covers approximately 70,400 acres and contains approximate 560,000 ac-ft of water in storage. For this report, the areal extent estimated from Hedges and others (1982) will be used considering the similarity in shape to the first occurrence aquifer materials map of Hughes County delineated by Jensen in 2019. This areal extent will also restrict the overestimation of recharge to the Gray Goose aquifer. Furthermore, the Gray Goose aquifer potentially extends further into Sully County than what is currently mapped. There are currently six water rights/permits in Sully County that are

completed into the Gray Goose aquifer (Water Rights, 2022c). However, the aquifers overall extension into Sully County is unknown. The areal extent of the aquifer material that corresponds to the Gray Goose aquifer is shown in Figure 1 along with the location of the diversion point.

A well completion report was submitted with the application for Water Permit No. 8481-3. The report lists “topsoil” from 0 to 1 foot below land surface, “yellow clay” from 1 to 77 feet, “blue clay” from 77 to 90 feet, “sand” from 90 to 105 feet, and “coarse sand” from 105 to 121. The static water level in the well was 70 feet below land surface at the time of well completion (December 2019). The Gray Goose aquifer is confined at the diversion point based on the submitted well completion report, water levels, and lithologic logs on file for nearby observation wells (SDGS, 2022; Water Rights, 2022b and 2022d).

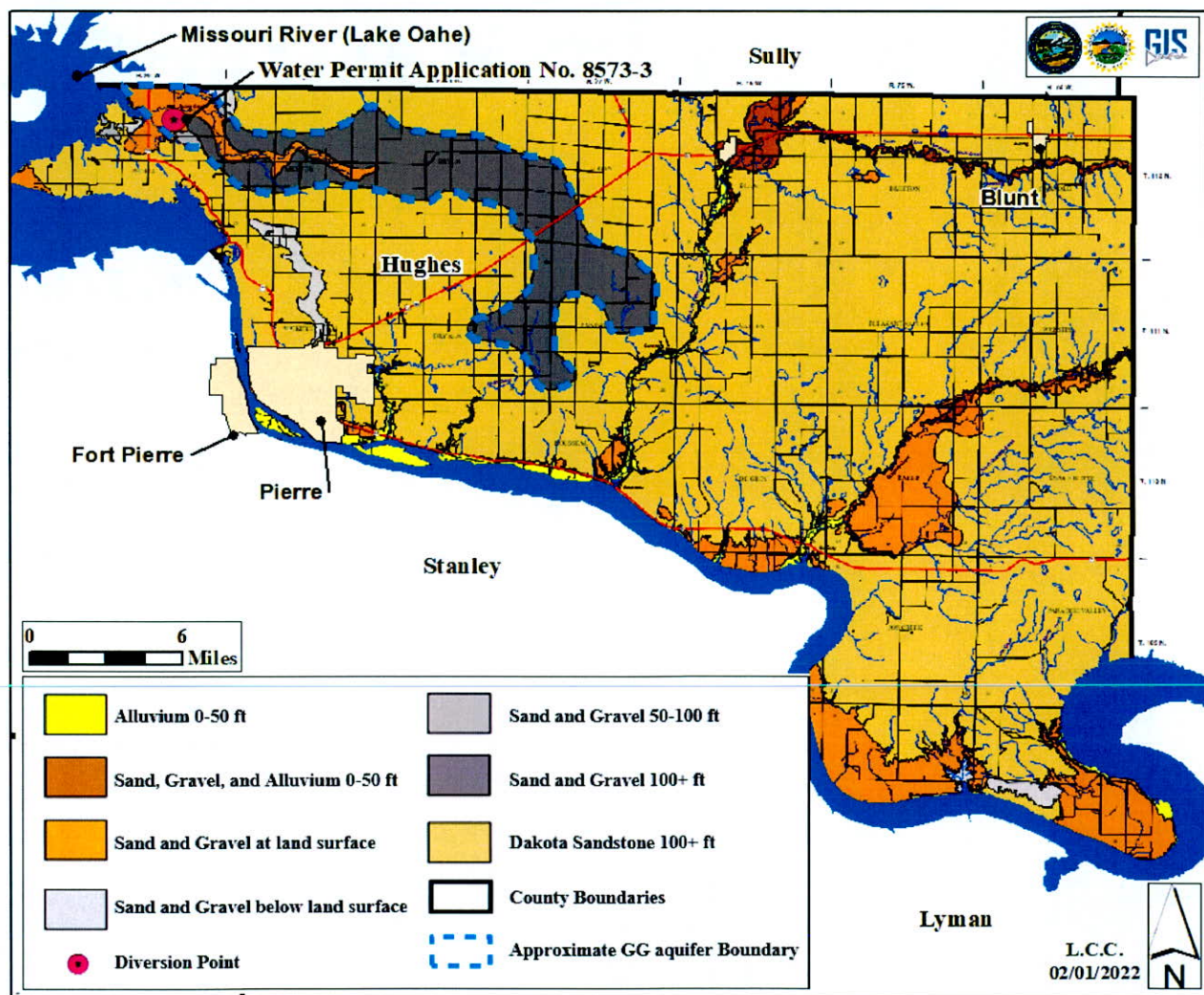


Figure 1: Map of the approximate areal extent of the Gray Goose aquifer in Hughes County including the diversion point location of Water Permit Application No. 8573-3 (modified from Jensen, 2019; Water Rights, 2022b and 2022c).

South Dakota Codified Law (SDCL) 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 diversion point can be developed without unlawful impairment of existing domestic water uses and water rights, and that the proposed use is a beneficial use and in the public interest as it pertains to matters of public interest within the regulatory authority of the Water Management Board as defined by SDCL 46-2-9 and 46-2-11." This report will address the availability of unappropriated water and the potential for unlawful impairment of existing domestic water uses and water rights within the Gray Goose aquifer.

WATER AVAILABILITY:

Water Permit Application No. 8573-3 proposes to appropriate water from the Gray Goose aquifer for irrigation. The probability of unappropriated water being available from the 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. However, an application may be approved for a water distribution system for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the greenhorn formation in excess of the average estimated annual recharge." The Gray Goose aquifer is not older than or stratigraphically lower than the Greenhorn Formation (Fahrenbach et al, 2010), and the applicant's proposed use is not for use in a water distribution system as defined by SDCL 46-1-6(17). Therefore, the average annual recharge and average annual withdrawal rates to and from the Gray Goose aquifer must be considered.

HYDROLOGIC BUDGET:

Recharge

Recharge to the Gray Goose aquifer is primarily through infiltration of precipitation and inflow from Lake Oahe when the water level is higher than the potentiometric surface of the aquifer (Hamilton, 1986). Hedges and others (1985) estimated the recharge rate to the Gray Goose aquifer by utilizing data collected from seven observation wells completed into the aquifer over the period of 16 years. The average annual recharge rate that was estimated for the unconfined portions Gray Goose aquifer was 3.2 inches per year (in/yr). If this recharge rate is applied to the entire areal extent that was estimated by Hedges and others (1985), the estimated average annual recharge to the Gray Goose aquifer is approximately 8,907 acre-feet per year (ac-ft/yr). This estimated annual recharge to the Gray Goose aquifer is likely a maximum because the recharge value is for the unconfined portions of the aquifer and the Gray Goose aquifer is under both confined and unconfined conditions.

The Gray Goose aquifer has historically been observed to be primarily under unconfined conditions, however, observation wells completed into the Gray Goose aquifer demonstrate that areas of the aquifer are now under confined conditions as a result of increased water levels in the

aquifer (Water Rights, 2022b). Hedges and others (1985) estimated a general range of recharge rates to confined aquifers in South Dakota. The estimated recharge rate to confined aquifers range from 0.15 to 0.60 in/yr (Hedges and others, 1985). If these two recharge rates are applied to the areal extent estimated by Hedges and others (1985), the estimated annual recharge to confined areas of the Gray Goose aquifer range from 417.5 ac-ft/yr to 1,670 ac-ft/yr. It is likely the upper end of this recharge range is likely the minimum recharge to the Gray Goose aquifer as a result of the aquifer being under both confined and unconfined conditions.

The recharge rate and annual recharge to the Gray Goose aquifer was also estimated from flow calculations by Hamilton (1986). The recharge rate was estimated to be 0.3 in/yr or 1,500 ac-ft/yr (Hamilton, 1986). It should be noted that this recharge to the Gray Goose aquifer was estimated by utilizing only one year of data and it is likely that this recharge rate doesn't represent the average annual recharge to the aquifer as a result of yearly fluctuations of the water level of Lake Oahe.

Therefore, it is likely that the average annual recharge to the Gray Goose aquifer lies between the likely minimum recharge of 1,670 ac-ft/yr that was estimated by Hedges and others (1985) for confined aquifers and the likely maximum recharge of 8,907 ac-ft/yr that was estimated by Hedges and others (1985) for the unconfined areas of the Gray Goose aquifer. However, the average annual recharge to the aquifer could potentially be highly variable within that range and possibly be lower or exceed that range depending on the annual inflow from Lake Oahe.

Discharge

Discharge from the Gray Goose aquifer is primarily through evapotranspiration in the valley of Medicine Knoll Creek, outflow to Lake Oahe when the water level is lower than the potentiometric surface of the aquifer, and well withdrawals (Hamilton, 1986). Currently, there are 19 water rights/permits authorized to appropriate water from the Gray Goose aquifer, plus three pending applications – Water Permit Application Nos. 8576-3, 8577-3, and 8578-3 are estimated to use 670 ac-ft/yr on average (assuming an application rate of 1 ft/ac) (Water Rights, 2022c). It should be noted that Water Permit Application No. 8573-3 has a senior priority date to Water Permit Application Nos. 8576-3, 8577-3, and 8578-3. There are no future use permits reserving water from the Gray Goose aquifer presently.

Table 1 summarizes the four non-irrigation water rights/permits authorized to appropriate water from the Gray Goose aquifer with the estimated annual use for each water right/permit as determined by their maximum permitted diversion rate or annual volume. The amount of water that can be withdrawn was estimated by assuming the non-irrigation water rights/permits limited by an annual volume will withdraw their entire appropriated volume every year. It is estimated that the non-irrigation water rights/permits limited only by a diversion rate will pump at their maximum permitted diversion rate for 60 percent of the time.

Water Right No. 8203-3 appropriates water from the Gray Goose aquifer for the purpose of maintaining the water level in a dammed pond for fish and wildlife propagation. In return, the estimated annual use is likely to be less than 60 percent of the instantaneous diversion rate (482.2 ac-ft/yr). Buhler (2016) also noted that the annual use could increase due to any seepage from the

dammed pond. The reported annual use of Water Permit No. 8203-3 from 2016 to 2020 was on average 10.8 ac-ft/yr (Water Rights, 2022f). For the estimation of withdrawals from the Gray Goose aquifer, Water Permit No. 8203-3 is assumed to use the 2016 to 2020 reported average of approximately 10.8 ac-ft/yr. Overall, the average annual withdrawal rate for the Gray Goose aquifer for non-irrigation water rights/permits is approximately 125 ac-ft/yr (Table 1) (Water Rights, 2022c).

Table 1: Estimated annual water use for non-irrigation water rights/permits authorized to appropriate water within the Gray Goose aquifer (Water Rights, 2022c).

Permit No.	Name	County	Status	Use	Div. Rate (cfs)	Estimated Volume (ac-ft/yr)
4580A-3	Platte Center West LLC	HU	LC	COM	0.17	73.8
4917-3	Tom Olson	SU	LC	COM	0.07	30.4
5943-3	Cow Creek Estates LLC	SU	LC	COM	0.022	9.6
8203-3	Milton Morris	SU	PE	FWP, REC	1.11	10.8
HU: Hughes County; SU: Sully County					TOTAL:	125
LC: Licenced Water Right; PE: Permitted Water Right						
COM: Commercial; FWP: Fish & Wildlife Propagation; REC: Recreation						

Currently, there are 15 irrigation water rights/permits appropriating water from the Gray Goose aquifer (Water Rights, 2022c). The reported annual irrigation withdrawals from the Gray Goose aquifer are shown in Table 1. The average annual withdrawal rate for the Gray Goose aquifer irrigation water rights/permits that have reported over the period of record is approximately 1,412 ac-ft/yr (Table 2) (Water Rights, 2022a).

Since the number of irrigation water rights/permits has continued to increase over the period of record, the estimated average annual withdrawal rate for irrigation appropriations for the entire period of record may not accurately reflect the current level of development. The average annual withdrawal rate for irrigation appropriations from 2011 to 2020 better represents the current level of irrigation development in the Gray Goose aquifer. The average annual withdrawal rate for the Gray Goose aquifer from 2011 to 2020 is approximately 1,539 ac-ft/yr (Table 2) (Water Rights, 2022a).

Table 2: Reported historic irrigation use from the Gray Goose aquifer (Water Rights, 2022a).

Year	No. of Permits Reporting	Reported Pumpage (ac-ft)
1979	7	606
1980	6	1,199
1981	9	1,127
1982	7	1,608.4
1983	7	1,650.5
1984	7	1,620
1985	7	1,792
1986	7	922
1987	7	1,868
1988	7	2,392.1
1989	7	2,132
1990	7	2,165
1991	8	2,280.6
1992	8	1,307
1993	8	1,585
1994	8	1,033.1
1995	8	2,171.8
1996	8	1,591.6
1997	8	1,610
1998	8	1,528.8
1999	8	1,026.4
2000	8	1,006.9
2001	8	886
2002	8	779.7
2003	8	1,101
2004	7	818.1
2005	7	675.8
2006	7	1,044.6
2007	9	1,111.6
2008	9	960
2009	9	1,393.5
2010	9	924.8
2011	11	1,863.5
2012	10	1,941.3
2013	13	1,408.4
2014	14	1,064.6
2015	14	1,697.7
2016	13	1,998.3
2017	14	2,268.6
2018	14	2,470.2
2019	14	564.8
2020	14	111.6
MIN	6	112
MAX	14	2,470
AVG	9	1,412
AVG (2011-2020)	13	1,539

There are domestic wells completed into the Gray Goose aquifer that do not require a water right/permit, so the withdrawal amount from those wells is unknown (Water Rights, 2022d). Withdrawals from domestic wells on an average annual basis are not considered to be a significant portion of the hydrologic budget due to their relatively low diversion rates. Additionally, with the development of rural water systems in areas where the Gray Goose aquifer is the uppermost aquifer available; it is likely some domestic users may have transitioned to rural water. Therefore, the quantity of water withdrawn by domestic wells is estimated to be negligible to the hydrologic budget for the Gray Goose aquifer.

Hydrologic Budget Summary

The average annual withdrawal rate from the Gray Goose aquifer totals approximately 2,524 ac-ft/yr (irrigation: 1,539 ac-ft/yr; non-irrigation: 125 ac-ft/yr; pending applications: 670 ac-ft/yr; Water Permit No. 8481-3: 80 ac-ft/yr; Water Permit Application No. 8573-3 (if approved) (assuming an application rate of 1 ft/ac): 110 ac-ft/yr) (Water Rights 2022a and 2022c). It should be noted that Water Permit No. 8481-3 was included in this estimation of withdrawals from the Gray Goose aquifer as a result of the permit being approved in 2021 and has yet to appropriate water from the aquifer. The average annual recharge rate to the Gray Goose aquifer is estimated to range from approximately 1,670 to 8,907 ac-ft/yr. Overall, the estimated average annual recharge to the Gray Goose aquifer is likely greater than the estimated average annual withdrawal rate from the aquifer which is supported by the observation well data. Therefore, there is a reasonable probability that unappropriated water is available for the appropriation proposed by this permit application.

OBSERVATION WELL DATA:

Administrative Rule of South Dakota (ARSD) 74:02:05:07 requires that the Water Management Board shall rely upon 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 average annual recharge of the aquifer.

The DANR-Water Rights Program monitors nine observation wells completed into the Gray Goose aquifer (Water Rights, 2022b). These observation wells provide data on how the aquifer reacts to regional climatic conditions and local pumping. There are three observation wells within approximately three miles of the diversion point. The closest observation well to the diversion point is observation well HU-80A (approximately 0.7 miles south). The hydrographs for these three observation wells are displayed in Figures 2 through 4 (Water Rights, 2022b).

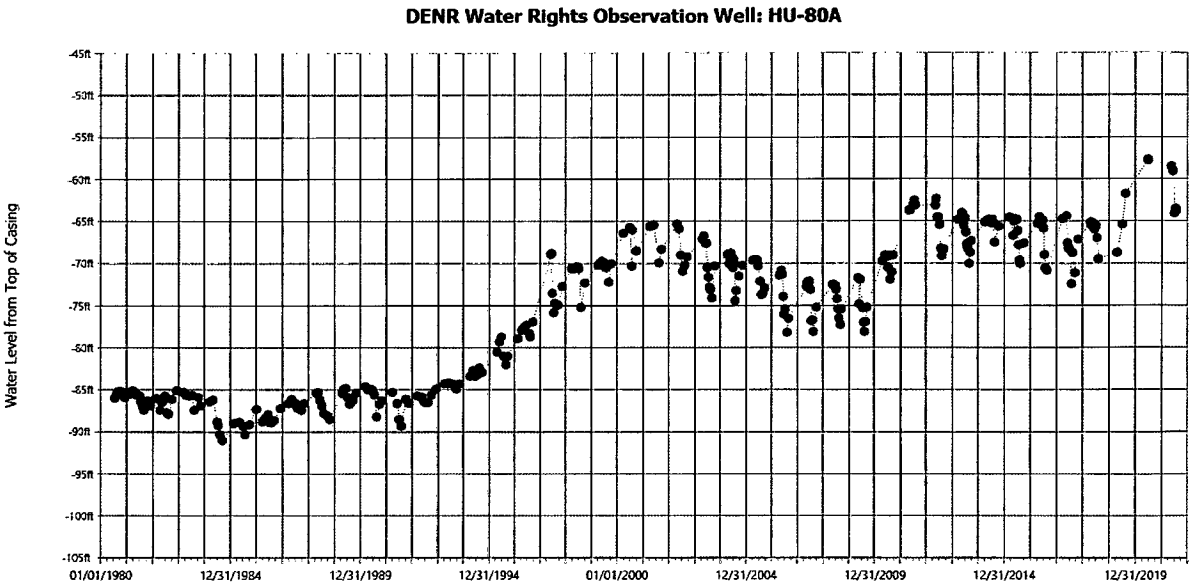


Figure 2: Hydrograph of the Gray Goose aquifer observation well HU-80A, located approximately 0.7 miles south of the diversion point (Water Rights, 2022b).

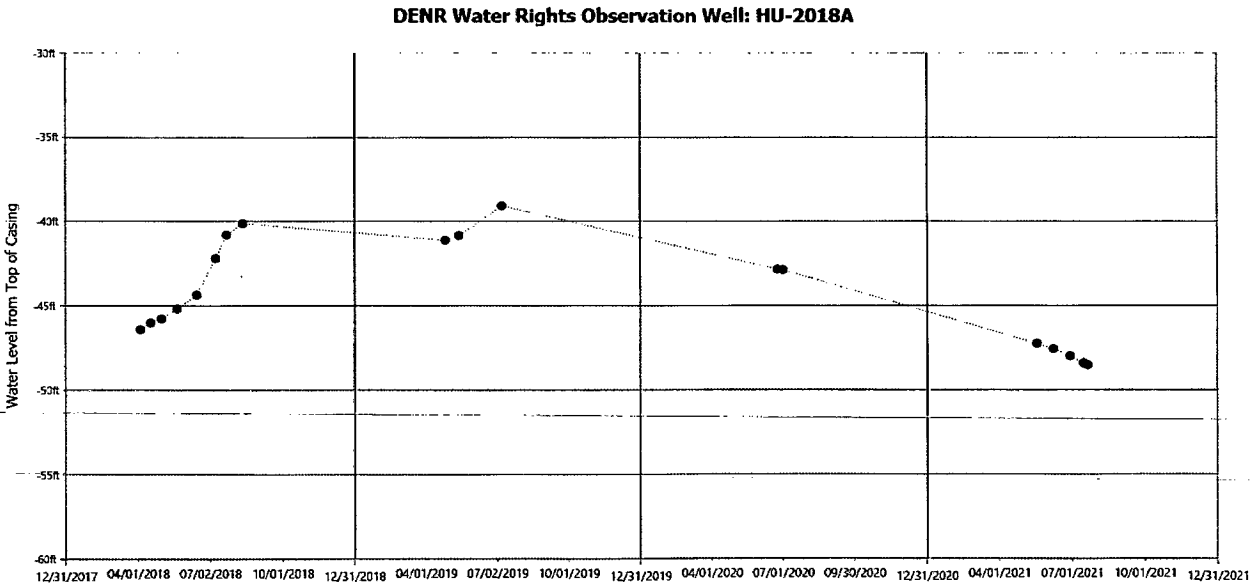


Figure 3: Hydrograph of the Gray Goose aquifer observation well HU-2018A, located approximately 2.1 miles northwest of the diversion point (Water Rights, 2022b).

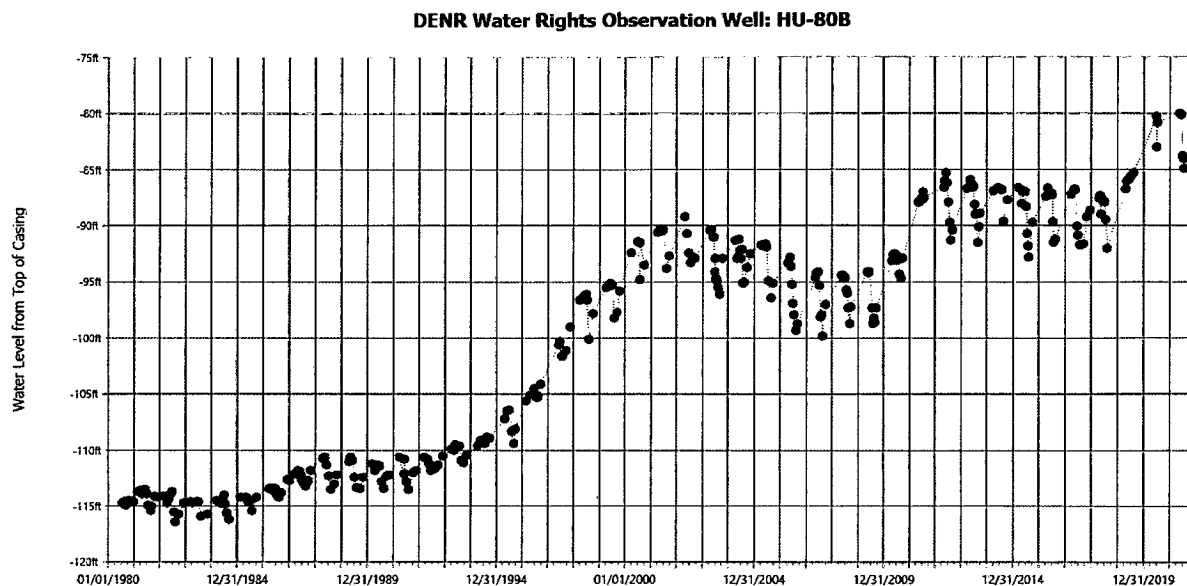


Figure 4: Hydrograph of the Gray Goose aquifer observation well HU-80B, located approximately 2.6 miles southeast of the diversion point (Water Rights, 2022b).

The hydrographs for the observation wells display stable to increasing water levels over their respective periods of record. It should be noted that the static water level for observation well HU-2018A began being recorded in 2018 and has yet to collect sufficient data on the overall behavior of the Gray Goose aquifer. The hydrographs for the Gray Goose aquifer indicate that the aquifer responds well to climatic conditions because water levels are rising during wetter periods (early spring snowmelt and precipitation) and declining to a stable water level during drier periods. Additionally, the water levels in the observation wells display that the amount of recharge to and natural discharge from the aquifer greatly exceeds pumping with the aquifer returning to pre-pumping conditions between irrigation seasons. This recovery of the aquifer indicates that climatic conditions and therefore, the effects of recharge to and natural discharges from the aquifer govern the long-term fluctuations of waters levels in the aquifer rather than the impacts of pumping from the Gray Goose aquifer. By recognizing that both recharge to and natural discharge from an aquifer can be captured for pumping, the observation well hydrographs demonstrate unappropriated water is available for the proposed appropriation.

POTENTIAL FOR UNLAWFUL IMPAIRMENT OF EXISTING WATER RIGHTS:

Currently, there are 19 water rights/permits authorized to appropriate water from the Gray Goose aquifer, plus three pending applications – Water Permit Application Nos. 8576-3, 8577-3, and 8578-3 (Water Rights, 2022c). Of the 19 water rights/permits, 15 are located within approximately three miles of the diversion point (Water Rights, 2022c). The 15 water rights/permits are shown in Figure 5 and identified in Table 3. The nearest water right/permit (not held by the applicant) to the diversion point completed into the Gray Goose aquifer is Water Right No. 3354-3 located approximately half a mile southeast of the diversion point.

There are domestic wells on file with the DANR-Water Rights Program that are completed into the Gray Goose aquifer, with the closest domestic well on file (not held by the applicant)

approximately 0.4 miles northeast of the proposed diversion point (Water Rights, 2022d). There could potentially be other domestic wells completed into the Gray Goose aquifer near the diversion point that are not on file with the DANR-Water Rights Program.

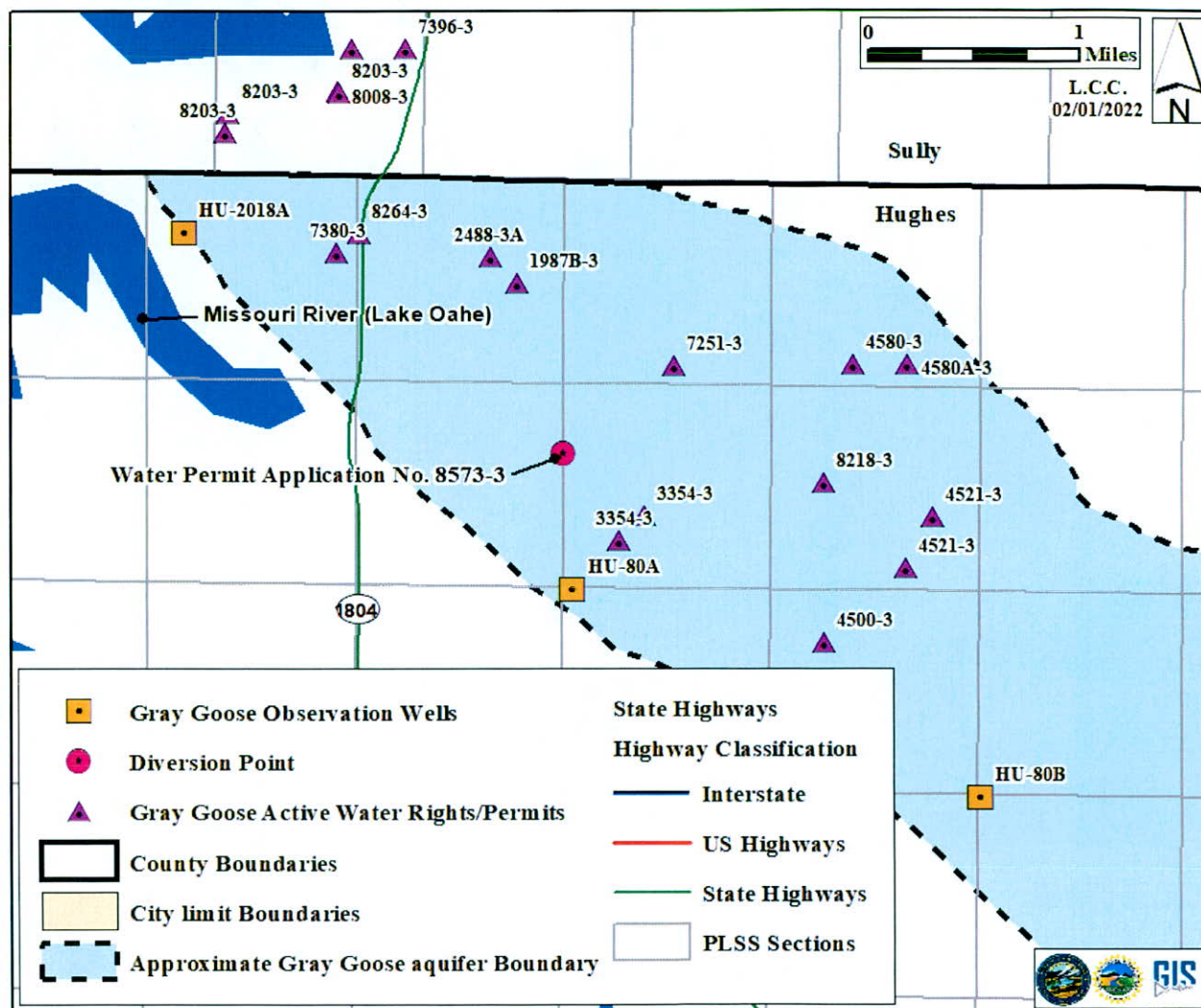


Figure 5: Map of the site location of Water Right Permit Application No. 8573-3, nearby observation wells, and nearby water rights/permits completed into the Gray Goose aquifer (modified from Jensen, 2019; Water Rights, 2022b and 2022c).

Table 3: Water rights/permits from the Gray Goose aquifer within approximately three miles of the diversion point (Water Rights, 2022c).

Permit No.	Name	Use	Status	Rate (cfs)	Acres
1987B-3	Jim Schumacher	IRR	LC	2.11	148
2488-3A	Jim Schumacher	IRR	LC	1.56	127
3354-3	James F Schumacher	IRR	LC	1.78	136
4500-3	Jim Schumacher	IRR	LC	1.78	132
4521-3	Lenny & Karen Peterson	IRR	LC	3.56	252
4580A-3	Platte Center West LLC	COM, LCO	LC	0.17	N/A
4580-3	Marvin Schumacher	IRR	LC	3.56	264
6732-3	Oahe Speedway LLC	IRR	PE	0.067	30
7251-3	Marvin Schumacher	IRR	LC	1.78	215
7380-3	Jonathon Hofer	IRR	PE	0.22	60
7396-3	Oahe Speedway LLC	IRR	PE	0.27	6
8008-3	Oahe Trail Development Inc	IRR	LC	2.22	131
8203-3	Milton Morris	FWP, REC	PE	1.11	N/A
8218-3	Charlene Schumacher	IRR	PE	4	280
8264-3	Jonathon Hofer	IRR	PE	1.11	48
LC: Licenced Water Right; PE: Permitted Water Right					
COM: Commercial; FWP: Fish & Wildlife Propagation; REC: Recreation; Livestock Confinement Operations; IRR: Irrigation					

The Gray Goose aquifer is generally under unconfined conditions in Hughes County (SDGS, 2022; Water Rights, 2022c and 2022d). The diversion point is expected to be under confined conditions based on the submitted well completion report, water levels, and lithologic logs on file for the nearby observation wells (Water Rights, 2022d). Observation well data (see Figures 2 through 4) documents minimal drawdown from withdrawals of existing wells near the diversion point. Therefore, pumping from the diversion point is not expected to significantly lower water levels within the aquifer. Drawdown created by pumping a well generally does not extend far from the pumped well in an unconfined aquifer; however, in a confined aquifer, drawdown from pumping could extend a distance from the diversion point. The exact drawdown behavior cannot be known without an aquifer performance test. In Hughes County, there have been no complaints submitted to the DANR-Water Rights Program regarding potential well interference for adequate wells completed into the Gray Goose aquifer (Water Rights, 2022e).

Within approximately two miles of the diversion point for this application, the Gray Goose aquifer has a saturated aquifer thickness ranging from approximately 17 to 46 feet, with the depth to the top of aquifer materials ranging from approximately 45 to 145 feet below land surface, and static water levels at well completion varying from approximately 38 to 101 feet below land surface (SDGS, 2022; Water Rights 2022b and 2022d). The Water Mangament Board recognizes that the saturated thickness of an aquifer may be less than optimal for the placement of the pump intake. The Water Management Board defined an “adequate well” in ARSD 74:02:04:20(6) as:

“A well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or

formation material when the well is constructed, or to allow the pump to be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet”

The Water Management Board recognizes that putting water to beneficial use requires a certain amount of drawdown to occur. The Board has developed rules to allow water to be placed to maximum beneficial use without the necessity of maintaining artesian head pressure for domestic use. 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.”

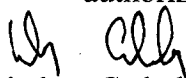
The diversion point for Water Permit Application No. 8573-3 is expected to be under confined conditions with approximately 20 feet of artesian head pressure. The Water Management Board considered the delivery of water by artesian head pressure versus maximum beneficial use during the issuance of Water Right No. 2313-2 for Coca-Cola Bottling Company of the Black Hills. The Board adopted the Findings of Facts and Conclusions of Law that noted the 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...” (Water Rights, 1995). 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 as an unlawful impairment, it would also conflict with SDCL 46-1-4 (Water Rights, 1995). With that in mind, some existing well owners may need to install or lower pumps depending on the specific characteristics of the Gray Goose aquifer at their location. However, when considering the statutes (SDCL 46-1-4 and 46-6-6.1), rules (ARSD 74:02:04:20(6) and (7)), the saturated thickness of the aquifer, the amount of artesian head pressure in observation wells, and appropriate user’s wells completed into the Gray Goose aquifer, any drawdown created from the proposed diversion is not expected to cause an unlawful impairment on existing water right/permit holders with adequate wells or domestic users with adequate wells. Therefore, there is a reasonable probability that any interference from the proposed appropriation will not impose unlawful impairments on existing users with adequate wells.

CONCLUSIONS:

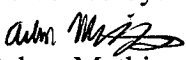
1. Water Permit Application No. 8573-3 proposes to irrigate an additional 110 acres from the same well authorized by Water Permit No. 8481-3. Water Permit No. 8481-3 authorizes 2.22 cfs from one well completed into the Gray Goose aquifer. No additional diversion rate was requested by the applicant.
2. If approved, Water Permit No. 8481-3 and Water Permit Application No. 8573-3 would collectively authorize a maximum instantaneous diversion rate of 2.22 cfs for the

irrigation of 190 acres. The site is located approximately 10 miles northwest of Pierre, SD.

3. There is a reasonable probability that unappropriated water is available from the Gray Goose aquifer for this proposed appropriation based on the hydrological budget and observation well data.
4. There is a reasonable probability this diversion will not unlawfully impair adequate wells authorized by existing water rights or domestic use wells.


Lindsey Cederberg
Natural Resources Engineer I
SD DANR - Water Rights Program

Reviewed by:


Adam Mathiowetz, PE
Natural Resources Engineer IV
SD DANR - Water Rights Program

References

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Water Rights, 2022c. Water Right/Permit Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022d. Well Completion Reports, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022e. County Files, SD DANR-Water Rights Program, Joe Foss Bldg, Pierre, SD.

Water Rights, 2022f. "1994-2020 Non-irrigation Water Use Data. SD DANR-Water Rights Program, Joe Foss Building, Pierre, South Dakota.

Schlaak, Karen

From: Duvall, Ron
Sent: Wednesday, February 9, 2022 9:27 AM
To: jonhofer@yahoo.com
Cc: Schlaak, Karen
Subject: Water Permit Application No. 8573-3
Attachments: 8573-3APPL.pdf

Jonathon,

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 tomorrow along with a receipt for the fee you submitted with your application.

Please let me know if you have any questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Duvall, Ron

From: no-reply@caspio.com
Sent: Wednesday, February 23, 2022 9:08 AM
To: Duvall, Ron; Gronlund, Eric
Subject: [EXT] Comment on 8573-3, MGJR LLC, Jonathon Hofer

Comment On:
No. 8573-3, MGJR LLC, Jonathon Hofer

Comment Deadline Date:
02/25/2022

Date Comment Filed:
02/23/2022 09:07:34

Commenter Info:
marv schumacher
19683 hwy 1804
pierre SD, 57501

Comment:
First off I am not opposing the Hoffer application for water use permit. My main concern is the large number of expected acres to be added this year to the grey goose aquifer. We have been operating on the north edge of the aquifer for many years and are dependent on the recharge from lake Oahe. It appears this year that the lake level will be extremely low and the aquifer has not really been stressed much since the last number of acres were added. I do not pretend to understand all the makings of how the aquifer works but just wanted to voice my concern as I am on the edge and may be one of the first effected. Thank you for your time and I appreciate what you do Marv Schumacher

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:

02/15/22

Cost of Printing

\$59.03

Marylin Baker
(Signature)

Business Manager
(Title)

2-16-22

(Date Signed)

Legal Notices

omends APPROVAL of Application No. 8573-3 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.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 this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-3 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by February 25, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 25, 2022.

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 \$59.03.

SNAXLP 18905
tldly 2/15

FORT PIERRE CITY COUNCIL UNAPPROVED MINUTES REGULAR MEETING

Monday, February 7, 2022

The regular meeting of the Fort Pierre City Council was held at the SD Municipal League conference room and called to order by Mayor Hanson at 6:30 pm. Members in attendance for Roll Call were Bernhard, L. Cronin, K. Cronin, Iverson, and Kenzy. Reuben was absent. Officials in attendance were Cronwell, Hahn, Hazen, Thorson, and Tabs. Meeting was also held via Zoom.

Approval of Agenda. L. Cronin moved and Bernhard seconded to approve the agenda. Motion passed on Voice Vote.

Conflict of Interest Declarations. No Conflict of Interest was declared.

Reports. 1.) Hanson informed council she had received a letter from the Fort Pierre Chamber thanking the City for the funding in 2022. 2.) Hanson reported on the Energize Conference being held in Fort Pierre on 5/1/22 & 5/2/22. 3.) Hanson reported to council that at the Tourism meeting they received the schedule for the Stanley County Fairgrounds and there is the possibility of the Fairgrounds being host to the National Indian Relays. 4.) Hanson informed council the BID Board is working on getting the permits for the All Season Fish Cleaning Station. 5.) Hanson also mentioned there is the possibility of

SNAXLP 18905
tldly 2/15

NOTICE OF APPLICATION

NO. 8573-3 to

Appropriate Water

Notice is given that MGJR LLC, c/o Jonathan Hoyer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has filed an application for a water permit to irrigate 110 additional acres. Water Permit No. 8481-3 authorizes 2.22 cubic feet of water per second (cfs) from one well 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 application proposes to irrigate an additional 110 acres located in the SE 1/4 Section 10-T112N-R80W from the well authorized by Water Permit No. 8481-3 with no increase in the 2.22 cfs pump rate. This application, if approved, and No. 8481-3 will authorize a total of 2.22 cfs for irrigation of 190 acres. This site is located approximately 16 miles northwest of Pierre SD.

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

APPROVAL of

Application No. 8573-3 with

qualifications because 1)

unappropriated water is

available, 2) existing

domestic water uses and

water rights will not be

unlawfully impaired, 3)

it is a beneficial use of

water, and 4) it is in the

public interest as it

pertains to matters within

the regulatory authority of

the Water Management

Board. The Chief Engineer's

recommendation with

qualifications, the application,

and staff report are available

Proof Of Publication

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

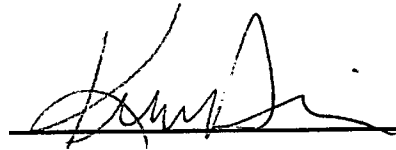
RECEIVED

FEB 17 2022

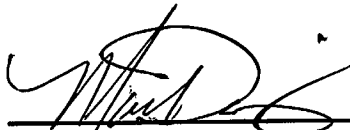
WATER RIGHTS
PROGRAM

Legal Notice Number: 1241

I, Kim Davis, 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: Jonathan Hofer – Notice of Application, was published for one day, in said newspaper and not in any supplement of the said newspaper; the publication was on 2/15/2022. That the full amount of the fee charged for the publishing \$ 46.89 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.

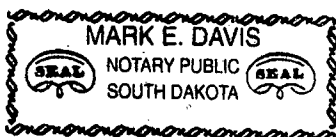


Subscribed and sworn to me before this date 2/15/22.



Notary Public, South Dakota

My Term Expires 12/27/2024



Schlaak, Karen

From: Duvall, Ron
Sent: Wednesday, February 9, 2022 9:18 AM
To: rcrandall@plainsman.com
Cc: dhelvik@plainsman.com; Schlaak, Karen
Subject: ATTENTION: Legal Public Notice
Attachments: FORM8.FRM.doc; 8573-3public.short_final.docx

Hello,

Attached is a notice to be published on February 15, 2022. MCJR LLC, c/o Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has been asked 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 Ave, Pierre SD 57501.

Please acknowledge receipt of this email and let me know if you have any questions.

Thank you,

Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA

Schlaak, Karen

From: Duvall, Ron
Sent: Wednesday, February 9, 2022 9:08 AM
To: legals@capjournal.com
Cc: Schlaak, Karen
Subject: ATTENTION: Legal Public Notice
Attachments: FORM8.FRM.doc; 8573-3public.short_final.docx

Hello,

Attached is a notice to be published on February 15, 2022. MCJR LLC, c/o Jonathon Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has been asked to contact you to authorize publication and arrange for payment.

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Ron Duvall
Dept. of Agriculture & Natural Resources
Office of Water, Water Rights Program
605.773.3352
danr.sd.gov



DANR
SOUTH DAKOTA



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPERS RIGHT AWAY.**

February 9, 2022

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

Dear Mr. Hofer:

Water Permit Application No. 8573-3 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 (Ph # 605 224-7301) and the Plainsman printed at Huron (Ph # 605 353-7414). 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. 8573-3 to Appropriate Water

Notice is given that MCJR LLC, c/o Jonathan Hofer, 3608 N Frontier Rd, Ft. Pierre SD 57532 has filed an application for a water permit to irrigate 110 additional acres. Water Permit No. 8481-3 authorizes 2.22 cubic feet of water per second (cfs) from one well 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 application proposes to irrigate an additional 110 acres located in the SE 1/4 Section 10-T112N-R80W from the well authorized by Water Permit No. 8481-3 with no increase in the 2.22 cfs pump rate. This application, if approved, and No. 8481-3 will authorize a total of 2.22 cfs for irrigation of 190 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. 2011-1 with qualifications because 1) unappropriated water is available, 2) existing domestic water uses and water rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest as it pertains to matters within the regulatory authority of the Water Management Board. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <https://danr.sd.gov/public> or contact Ron Duvall for this information, or other information, at the Water Rights Program address provided below.

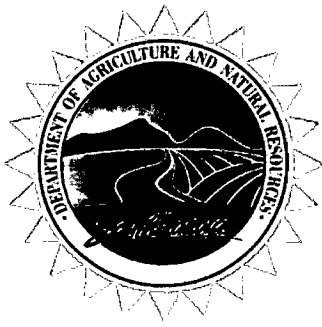
Any person interested in opposing this application or recommendation shall allege that the application, upon approval, will cause injury to the person that is unique from any injury suffered by the public in general. The injury must concern a matter either within the regulatory authority found in SDCL 46-2A-9 for approval or denial of the application, or other matter concerning the application within the regulatory authority of the board to act upon as defined by SDCL 46-2-9 and 46-2-11, or both. Any person meeting the petitioner requirements and wishing to be a party of record in a contested case hearing shall file a written petition to oppose the application with BOTH the applicant and Chief Engineer. A petition opposing the application shall be filed on a form provided by the Chief Engineer. The petition form is available online at <https://danr.sd.gov/public> or by contacting the Chief Engineer. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501" or call (605) 773-3352. The applicant's mailing address is given above. If contesting the Chief Engineer's recommendation, the applicant shall also file a petition. A petition filed by either an interested person or the applicant must be filed by February 25, 2022.

The petition shall include a statement describing the unique injury upon approval of the application on the part of the petitioner, the petitioner's reasons for opposing the application, and the name and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

Any interested person may file a comment on the application with the Chief Engineer. The comment shall be filed on a form provided by the Chief Engineer and is available online at <https://danr.sd.gov/public> or by calling (605) 773-3352 or writing the Chief Engineer at the address provided above. Filing a comment does not make the commenter a party of record or a participant in any hearing that may be held. Any comment must be filed by February 25, 2022.

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__



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

MAR 30 2022

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

Dear Mr. Hofer:

Enclosed is Water Permit No. 8573-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

A 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 information 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

8573-3

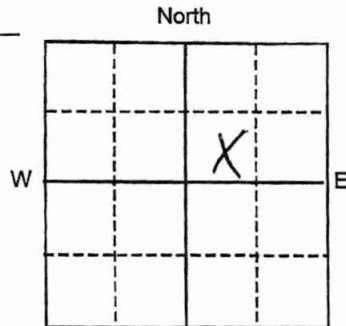
SD EForm - 1621LD V1

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"



Well Completion Date

2-10-22

1 Mile

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

NONE ft. from (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Reverse Circulation

CASING DATA:

☐ Steel ☒ Plastic ☒ Other
If other describe Stainless Steel

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>50R26 LB/FT</u>	<u>16</u> IN	<u>0</u> FT	<u>103</u> FT	<u>26</u> IN
<u>SCH40 SS</u>	<u>16</u> IN	<u>103</u> FT	<u>123</u> FT	<u>26</u> IN

GROUTING DATA:

Grout Type	No. of Sacks	Grout Weight	From	To
<u>#20</u>	<u>15</u>	<u>0</u> Lb/gal	<u>0</u> Ft	<u>100</u> Ft
	<u>65 per driver</u>			

Describe grouting procedure in 10/19/2022Tremie Pipe

SCREEN:

☐ Perforated pipe ☒ Manufactured
Diameter 16 Inches Length 20 FeetMaterial Stainless SteelSlot Size 1050 Set From 103 Feet to 123 Feet

Other information

WAS A PACKER OR SEAL USED? ☒ Yes ☐ NoIf so, what material? Enviro PlugDescribe 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: Jon Huser

Business Name:

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

WELL LOG:

FORMATION	DEPTH	
	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>Course Sand</u>	<u>105</u>	<u>123</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: Submersable☐ Bailed☐ Other

Pumping Level Below Land Surface

82 Ft. After 4 Hrs. pumped 600 GPM

_____ Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

RECEIVED

FEB 24 2022

WATER RIGHTS PROGRAM

This well was drilled under license # 722 and this report is true and accurate.Drilling firm: Stretch's Well Service Inc.

Signature of License Representative

Tom Radtzen

Signature of Well Owner or Equitable Property Holder:

Jon HuserDate: 2-21-22