

WATER PERMIT NO. 8888-3

Name of Applicant: Sean and Fern Hoffman

Address: 13732 324th Avenue, Bowdle SD 57428

Phone: 605-281-9667

Amount of Water Claimed: No Add'l

Total Acres: 40

Source of Water Supply: Groundwater

Water to be used for: Irrigation

County: Walworth

Type of Waste Disposal System:

Location: Approx. 3.5 miles southwest of Bowdle SD

PRIORITY Date Received: 06-17-24

Application/License Fee: \$500.00

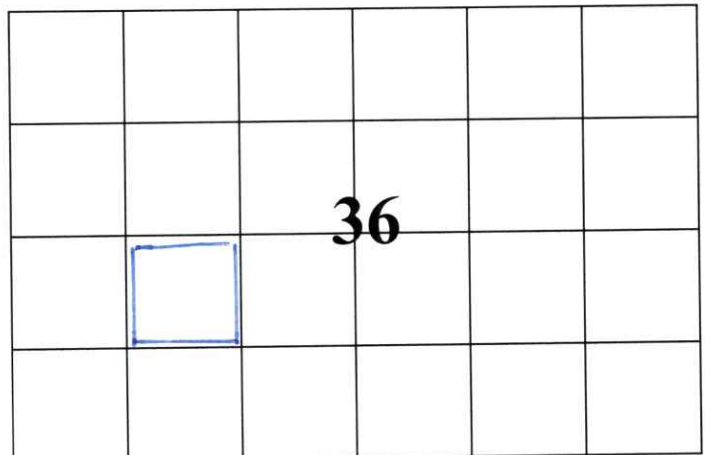
Corrected Application Received: 07-11-24

Period of Annual Use: May 1 – September 30

Remarks: Add'l 40 acres, and no increase to the diversion rate, to be irrigated w/ Permit 8398-3

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

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



Depth of Well: 40

Well Driller: Diversified Watering

Remarks:

Type of Map: aerial

Reviewed and the Number Assigned on: 07-11-24

By: Rachel Rodriguez

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 8888-3**

Date of first receipt of application June 17, 2024.

Date of return to applicant for corrections, amendments or changes June 18, 2024.

Date of receipt of corrected application July 23, 2024.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8888-3 to Sean and Fern Hoffman, 13732 324th Avenue, Bowdle SD 57428, authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8888-3 authorizes irrigation of an additional 40 acres and adds a second well. Water Permit No. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle: Edmunds Aquifer (20 feet deep) located in the NE 1/4 SW 1/4 Section 36 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This permit authorizes irrigation of an additional 40 acres located in the NW 1/4 SW 1/4 Section 36-T123N-R74W. The additional 40 acres and existing 120 acres authorized by Permit No. 8398-3 will all be irrigated from the well authorized by Permit No. 8398-3 and a second existing well (20 feet deep - Bowdle: Edmunds Aquifer) located within the NE 1/4 SW 1/4 Section 36-T123N-R74W. This permit and Water Permit No. 8398-3 will authorize a combined total of 1.78 cfs for irrigation of 160 acres from two wells. This site is located approximately three and one-half miles southwest of Bowdle SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is June 17, 2024.
4. The date of approval of Permit No. 8888-3 is September 30, 2024.
5. One-fifth of the construction is to be completed on or before March 30, 2027.
6. All construction is to be completed on or before September 30, 2029.
7. Water is to be put to beneficial use on or before September 30, 2033.
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 wells approved under Water Permit No. 8398-3 and Water Permit No. 8888-3 are located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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

OCT 11 2024

date



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

Mail to: SD DANR, Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8888-3</u> Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri R</u>
	Newspaper <u>Mobridge Tribune</u>
	<u>Aberdeen American News</u> (office use only)

PAID
JUN 17 2024
Ck# 1296
Rec't# _____

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.)

Adding 40 A. to Permit No. 8398-3

1. Name to Appear on Irrigation Permit Sean & Fern Hoffman

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

Mailing Address 13732 324th Ave Bowdle SD 57428
(Address) (City) (State) (Zip Code)

Phone _____ Mobile (605) 281-9667 Email hoffman.fern@gmail.com

2. Amount of water claimed N/A *CFS or N/A **GPM N/A ***AF Total Acreage 40
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Bowdle: Edmunds Aquifer 2 existing wells

4. Location of point of diversion NE 1/4 SW 1/4 Sec 36, T123N, R74W (auth. under WP 8398-3)
(example - 3 wells in SW 1/4 NE 1/4 section 12-T104N-R53W)

County Walworth

5. County or counties where water will be used Walworth

6. Annual period during which water is to be used May 1 - Sept 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
NW 1/4 of SW 1/4 36-123N-74W	32.5 40		

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

application for an additional 40 acres & no increase to diversion rate, to be irrigated w/ Permit No. 8398-3

I, Sean Hoffman, the applicant, certify under
Name of Person Title (if applicable)

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

2021-08

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)

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WATER

Supplemental Information

(type or print)

1. Well Information (check one or both as applicable)

☐ Drilling new well(s) ☒ Using existing well(s)

a) If new wells, how many _____ Have test holes been drilled? ☐ Yes ☐ No Drilled by _____
(if yes, please provide copies of logs)

b) If existing wells, how many 2 Provide copy of log(s), if available. Drilled by Diversified Dewatering

For either existing or proposed wells: SEE 8398-3

c) Well Depth (required, 40') Depth to Top of Water Bearing Material 12' Depth to Water from Surface 12'

d) Distance to nearest domestic well on applicant's property 3 miles Property owned by others 1 mile

2. Wastewater Disposal System Information

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

b) System Capacity (gallons) _____ Year Constructed _____

c) Connected to the City of _____ Sanitary System

3. Dugout Information

a) Surface Dimensions _____ Depth _____

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

4. Water Storage Dams

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

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

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____

If pipe, diameter _____

f) Secondary Spillway Capacity _____

Spillway Width _____

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

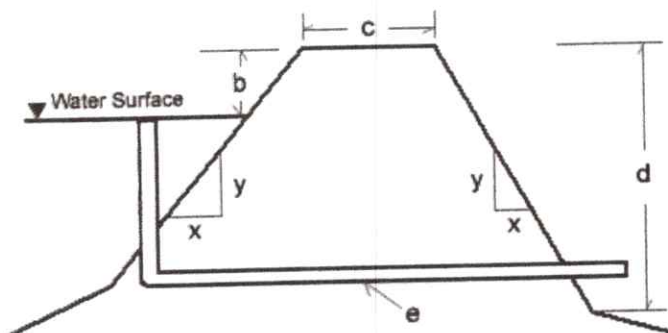
Upstream _____

Downstream _____

h) Area of Impoundment _____

i) Storage _____ Acre Feet

j) Drainage Area Above Dam _____ Acres



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JUN 17 2024

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WATER

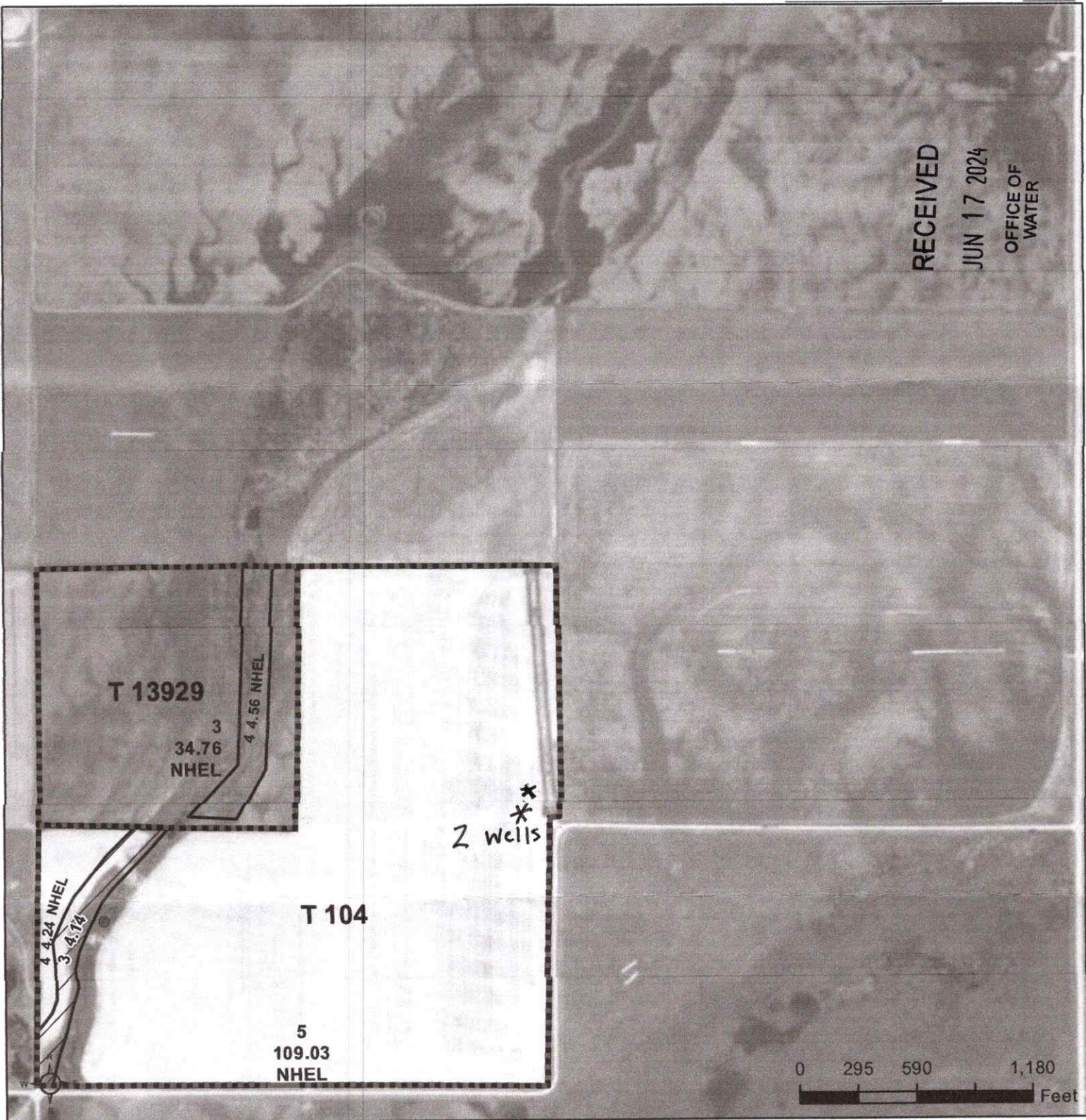


United States
Department of
Agriculture

Edmunds County, South Dakota

SEAN J. HOFFMAN
Unless otherwise noted, all crops are:
Non-Irrigated (NI) with the Intended Use of Grain (GR)
SHARES INITIALS

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WATER



Common Land Unit Tract Boundary
 Non-Cropland
 Cropland

Wetland Determination Identifiers
 Restricted Use
 Limited Restrictions
 Exempt from Conservation
 Compliance Provisions

Unless otherwise noted,
crops listed below are:
Non-Irrigated
Intended for Grain
Corn = Yellow
Soybeans = Common
Wheat - HRS or HRW
Sunflowers = Oil or Non

Producer Initial _____
Date _____

2024 Program Year

Map Created April 02, 2024

Farm 7694

36-123N-74W-Walworth

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

**SOUTH DAKOTA
WATER PERMIT NO. 8398-3**

Date of first receipt of application April 15, 2019.

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

Date of receipt of corrected application April 26, 2019.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8398-3 to Maurice Hoffman (dba Hoffman Farms), 13754 323rd Ave, Bowdle SD 57428 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle-Edmunds Aquifer (40 feet deep) located in the NE 1/4 SW 1/4 Section 36 to irrigate 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This site is located approximately 4 miles southwest of Bowdle SD.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 – September 30.
3. The date from which applicant may claim right is April 15, 2019.
4. The date of approval of Permit No. 8398-3 is July 8, 2019.
5. One-fifth of the construction is to be completed on or before January 8, 2022.
6. All construction is to be completed on or before July 8, 2024.
7. Water is to be put to beneficial use on or before July 8, 2028.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

WATER MANAGEMENT BOARD

By: Jeanne Goodman
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

JUL 23 2019
date



8398-3

J

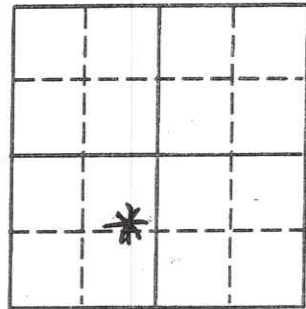
SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SW 1/4 Sec 36 Twp 123 Rg 74Well Owner: Sean HoffmanBusiness Name: Hoffman Bros. FarmsAddress: 13754 323rdCity, State, Zip: Bowdle SD 57428County Walworth

North

Please mark well location with an "X"



Well completion Date

7/10/23

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

3990 ft. from animal lot East (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

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

If other describe

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

GROUTING DATA:

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

SCREEN:

☒ Perforated pipe ☐ Manufactured Horizontal
 Diameter 8 Inches Length 1000 Feet
Material PlasticSlot Size 0 Set From 0 Feet to 1000 FeetOther information Heavy duty perforated pipe with sock Nylon

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

☐ Yes, How?

Lab sample sent to for water quality analysis

☒ No, Why Not?Non Potable irrigation

WELL LOG:

DEPTH

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

STATIC WATER LEVEL

6

FEET

If flowing: closed in pressure

PSI

GPM flow 800through 6

Inch pipe

Controlled by ☒ Valve☐ Reducers☐ Other

Reduced flow rate

GPM

Can well be completely shut in?

WELL TEST DATA:

☒ Pumped

Describe:

Diesel pump with flowmeter☐ Bailed☐ Other

Pumping Level Below Land Surface

8Ft. After 2Hrs. pumped 800

GPM

Ft. After

Hrs. pumped

GPM

If pump installed, pump rate:

GPM

REMARKS

Well Head GPS - 45.42362 - 99.71854Tail GPS - 45.42078 - 99.71929

This well was drilled under license #

And this report is true and accurate.

Drilling firm:

Dawinell Dewatering

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

AUG 28 2023

Date:

8/23/23

523 E Capitol Ave.

Pierre SD 57501

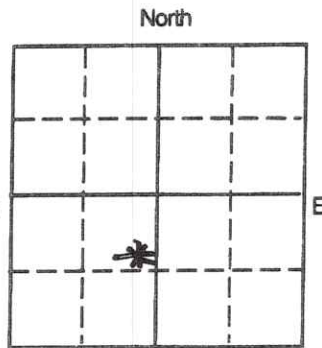
OFFICE OF
WATER

Please return WHITE COPY to: DENR Water Rights

8398-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

11-02

Location NE 1/4 SW 1/4 Sec 36 Twp 123 Rg 74Well Owner: Sean Hoffman
Business Name: Hoffman Bros Farms
Address: 13754 323rd
City, State, Zip: Bowdle SD 57428County
WalworthPlease mark well
location with an "X"

Well completion Date

7/9/23

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

3990 ft. from animal lot East (Identify source)

PROPOSED USE:

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

METHOD OF DRILLING:

Trenching - Horizontal well

CASING DATA:

If other describe

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>45.56</u> LB/FT	<u>12</u> IN	<u>0</u> FT	<u>20</u> FT	IN
LB/FT	IN	FT	FT	IN
LB/FT	IN	FT	FT	IN

GROUTING DATA:

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

Describe grouting procedure Bentoliner Wrap

SCREEN:

☒ Perforated pipe
☐ Manufactured Horizontal
Diameter 8 Inches Length 1000 FeetMaterial PlasticSlot Size _____ Set From 0 Feet to 1000 FeetOther information Heavy Duty Perforatedpipe with Nylon sock

WAS A PACKER OR SEAL USED?

☐ Yes ☒ No

If so, what material?

Describe packer(s) and location

DISINFECTION: Was well disinfected upon completion?

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

WELL LOG:

DEPTH

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

STATIC WATER LEVEL

6

FEET

If flowing: closed in pressure

PSI

GPM flow 800 through 6 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other

Reduced flow rate _____ GPM

Can well be completely shut in?

WELL TEST DATA:

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

Pumping Level Below Land Surface

8 Ft. After 2 Hrs. pumped 800 GPM

Ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate: _____ GPM

REMARKS

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

And this report is true and accurate.

Drilling firm: Deweyl Dewatering

Signature of License Representative:

Signature of Well Owner or Equitable Property Holder:

RECEIVED

AUG 28 2023

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

Please return WHITE COPY to: DENR Water Rights

RECEIPT

WATER RIGHTS PROGRAM South Dakota Department of Agriculture and Natural Resources

Date June 18th, 2024

RECEIVED OF Sean & Fern Hoffman 13732 324th Avenue Bowdle SD 57428

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

Fee for Application for Permit No. <u>888-3</u> to Appropriate Water, to construct and to put water to beneficial use	\$500.00
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form _____	\$ _____
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
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
	\$500.00

By Eric Gronlund
Chief Engineer

SE

Duvall, Ron

From: Fern Hoffman <hoffman.fern@gmail.com>
Sent: Tuesday, July 23, 2024 9:37 AM
To: Duvall, Ron
Subject: Re: [EXT] Water Permit Application to Add 40 acres

Good morning Ron! Yes, we would like the application to include a second well.

Thank you!

Fern Hoffman

Sent from my iPhone

On Jul 23, 2024, at 8:16 AM, Duvall, Ron <Ron.Duvall@state.sd.us> wrote:

Sean and Fern,

Any thoughts yet on whether you want to include the option of a second well as marked on the map submitted with your application?

Thank you,

Ron

From: Duvall, Ron
Sent: Thursday, July 18, 2024 3:22 PM
To: hoffman.fern@gmail.com
Cc: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: Water Permit Application to Add 40 acres

Sean and Fern,

I am looking over your application to add 40 acres adjacent to the area already permitted for irrigation in the SW1/4 section 36-T123N-R74W. I see on the application that you are not requesting any increase in the 800 gallons per minute pump rate, but the map submitted with the application shows two wells rather than only one well as approved on your earlier permit. Do you want this application to also include the option to construct a second well in the NE1/4 SW1/4 section 36 to help ensure that you can pump at 800 gallons per minute?

Please let me know.

Thank you,

Water Rights Program - File Documentation

NAME: Fern Hoffman

ADDRESS: 13732 324th Avenue, Bowdle SD 57428

DATE: July 11, 2024

RE: Email I sent dated June 26, 2024

COMMENTS:

Spoke with Fern and she informed me that the map in Section 7 is not part of the application.

Rachel Rodriguez

Rachel Rodriguez
Water Rights Program
605 773-3352

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Wednesday, June 26, 2024 2:03 PM
To: hoffman.fern@gmail.com
Subject: RE: Water Permit Application

Good afternoon,

I am just following up on the email I sent on Tuesday, June 18th. I need to know if the map for Sec 7-T122N-R73W is part of this application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



From: Rodriguez, Rachel
Sent: Tuesday, June 18, 2024 4:00 PM
To: hoffman.fern@gmail.com
Subject: Water Permit Application

Good afternoon,

I am in receipt of your application. However, I need to know what the map, see attachment, for Sec 7-T122N-R73W is for?

Once I receive your response, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Tuesday, June 18, 2024 4:00 PM
To: 'hoffman.fern@gmail.com'
Subject: Water Permit Application
Attachments: map.pdf

Good afternoon,

I am in receipt of your application. However, I need to know what the map, see attachment, for Sec 7-T122N-R73W is for?

Once I receive your response, I can begin processing your application.

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**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. 8888-3, Sean and Fern Hoffman**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Agriculture and Natural Resources concerning Water Permit Application No. 8888-3, Sean and Fern Hoffman, 13732 324th Avenue, Bowdle SD 57428.

The Chief Engineer is recommending APPROVAL of Application No. 8888-3 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 wells approved under Water Permit No. 8398-3 and Water Permit No. 8888-3 is located near domestic wells and other wells which may obtain water from the same aquifer. Water withdrawals must be controlled so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. 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
September 3, 2024

Report to the Chief Engineer
Water Permit Application No. 8888-3
Sean and Fern Hoffman
August 28, 2024

Water Permit Application No. 8888-3 proposes to irrigate an additional 40 acres and add a second well without increasing the diversion rate. Water Permit No. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well completed into the Bowdle: Edmunds aquifer (20 feet deep) located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 for the irrigation of 120 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, all in T123N-R74W. This application proposes to irrigate an additional 40 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, T123N-R74W. The additional 40 acres and existing 120 acres authorized by Water Permit No. 8398-3 will all be irrigated from the well authorized by Permit No. 8398-3 and a second existing well (20 feet deep completed into the Bowdle: Edmunds aquifer) located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, all in T123N-R74W. This application, if approved, and Water Permit No. 8398-3 will authorize a combined total of 1.78 cfs for the irrigation of 160 acres from two wells. The site is located in Walworth County, approximately 3 $\frac{1}{2}$ miles southwest of Bowdle, South Dakota.

Aquifer: Bowdle: Edmunds (B:E)

Description of Aquifer:

The Bowdle: Edmunds aquifer is located on the Coteau du Missouri, an extensive remnant of a plateau that lies east of the Missouri River that was carved by ancient major streams. During the most recent glacial period approximately 75,000 to 10,000 years ago, ice sheets crushed, cut, ground, and polished weak sedimentary rocks in their path. When the ice melted, the landscape was covered with glacial outwash and till, which is the material that composes the Bowdle: Edmunds aquifer (Thompson, 2009) and shaped the current features of the Coteau du Missouri.

The aquifer is a surface system, and on the Coteau du Missouri, the bedrock elevations are relatively high, while the surficial deposits are thin. Therefore, the aquifer is often lying on bedrock overlain by a thin cover of till, or is exposed at the surface. The Bowdle: Edmunds aquifer covers approximately 46,900 acres in Edmunds, Faulk and Walworth counties (Hedges et al., 1982). While there is no listed acreage within Potter County in the main report, the surficial aquifer map shows an approximate area of 7,500 acres underlying Potter County (Hedges et al., 1982). That is a total approximate areal extent of 57,100 acres. The general direction of water movement in the Bowdle: Edmunds aquifer is from north to south towards Swan Lake (Kume and Howells, 1987).

In June 2024, the applicant submitted a Notice of Completion of Works and Application of Water to Beneficial Use for Water Permit No. 8398-3 reporting that the water use system was completed. The wells associated with Permit No. 8398-3 were drilled in July of 2023, and are horizontal wells with the “head” (the vertical portion) for each well at the same location. The horizontal portions are approximately 1,000 feet long with one extending north and one south from the “head” location. Coarse sand and gravel were reported from zero to 20 feet deep with a static water level of 6 feet below the ground surface, and so the aquifer is non-buried and

unconfined. Nearby well completion reports within three miles show that the aquifer is locally unconfined, with saturated thicknesses ranging from 5 to 29 feet (Water Rights, 2024d).

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 Bowdle: Edmunds aquifer.

SDCL 46-6-3.1

SDCL 46-6-3.1 states that “No application to appropriate groundwater may be approved if, according to the best possible 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. An application may be approved, however, 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 for use by water distribution systems.”

Water Permit Application No. 8888-3 does not involve a water distribution system as defined by SDCL 46-1-6(17) and the Bowdle: Edmunds aquifer is not older or stratigraphically lower than the Greenhorn formation (Fahrenbach et al., 2010). Therefore, in order to approve an application to appropriate water, there needs to be evidence showing a reasonable probability that unappropriated water is available. This report will address whether average annual recharge exceeds discharge with available data and observation well analysis.

Hydrologic Budget Analysis:

Recharge

The Bowdle: Edmunds aquifer is likely recharged in the northern segment by infiltration from precipitation where the aquifer is exposed at the land surface, and by surface water features when the potentiometric surface of the water is higher than the potentiometric surface of the aquifer. Hedges et al. (1985) estimated the recharge rate of the aquifer to be 2.7 inches/year using observation well data, calculated by multiplying the average annual water level rise for a series of wells by the specific yield of the aquifer materials. Applying 2.7 inches/year to the 57,100 acre extent that Hedges et al. (1982) estimated, the annual recharge to the Bowdle: Edmunds aquifer is approximately 12,850 acre-feet.

Discharge

The aquifer is likely discharged by outflow towards Swan Lake to the south, evapotranspiration, and withdrawals from wells (Flint, 1955; Kume and Howells, 1987; Water Rights, 2024d). There are currently 18 existing water rights/permits authorized to appropriate water from the Bowdle: Edmunds aquifer. There are no future use permits reserving water or pending applications.

Of the 18 water rights/permits, 15 are for irrigation use (Water Rights, 2024a). Table 1 shows the average irrigation application rate per permitted acre (inches/acre) for the years 2014 through 2023. The average rate was calculated by converting acre-feet/year to acre-inches/year, and then dividing that by the number of acres permitted or licensed, to find the application rate of inches per year. This was done for each water right/permit and then averaged for each year. Only water rights/permits who reported pumping above zero acre-feet for any given year were used. The overall average rate of application per acre for the Bowdle: Edmunds aquifer using the last ten years of irrigation data is approximately 9.5 inches/year. Applying this average application rate of 9.5 inches of water per acre per year, the 15 irrigation water rights/permits are assumed to pump approximately 1,412 acre-feet per year using their combined 1,783 licensed or permitted acres. This application is requesting to irrigate an additional 40 acres with no increase to the diversion rate under Water Permit No. 8398-3. Assuming the same average application rate of 9.5 inches of water per acre per year, this application will use an estimated 32 acre-feet of water/year, if approved.

Table 1. Average irrigation rate (inches/acre) for each year 2014 through 2023 using licensed or permitted acreage for current appropriators (Water Rights, 2024a).

Year	Average irrigation rate (in/acre) for current water rights/permits
2014	6.97
2015	8.05
2016	12.43
2017	12.55
2018	12.11
2019	5.17
2020	6.53
2021	13.78
2022	9.40
2023	7.97
AVG	9.50

Of the 18 water rights/permits appropriating water from the Bowdle: Edmunds aquifer, three are for municipal use. The municipal water rights are No. 1329-3 for the Town of Tolstoy, and Nos. 770-3 and 704B-3 for the City of Bowdle (Water Rights, 2024c). The Town of Tolstoy public water system purchases 100% of their water from Mid-Dakota Rural Water and so Water Right No. 1329-3 is assumed to pump zero acre-feet/year. The City of Bowdle public water system also

purchases 100% of their municipal water needs from WEB Water Development Association (Drinking Water, 2024). However, wells associated with both Water Right Nos. 770-3 and 704B-3 are maintained for emergencies, and also used to water hospital and park lawns (Water Rights, 2024a). Assuming 60% use for five months of the year (the irrigation season), the combined diversion rate of 0.39 cfs equates to approximately 86 acre-feet of estimated yearly use.

Domestic use does not require a water permit, and so the total withdrawal amount is unknown. Due to relatively low diversion rates and the availability of rural water, withdrawals from domestic wells are not considered to be a significant portion of the hydrologic budget.

Hydrologic Budget Summary

Recharge to the Bowdle: Edmunds aquifer is estimated to be 12,850 acre-feet/year. The estimated annual withdrawal in the aquifer is 1,498 acre-feet (1,412 acre-feet for irrigation use plus 86 acre-feet for municipal use). This application will withdraw an estimated 32 acre-feet/year from the increase in irrigated acreage to Water Permit No. 8398-3. Based on the hydrologic budget analysis, there is a reasonable probability that unappropriated water is available for the proposed appropriation.

Observation Well Analysis:

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 SD DANR Water Rights Program monitors 8 observation wells completed into the Bowdle: Edmunds aquifer. There are three observation wells within approximately 1 ½ miles of the existing well for this application: ED-75A is ½ mile to the northeast, WL-75T is ½ mile to the southwest, and WL-75U is 1 ½ miles southeast (Water Rights, 2024b). The applicant's own wells are the nearest high capacity (greater than 0.2 cfs) wells to those observation wells. Hydrographs for these observation wells are shown in Figure 1, and static water level elevations are referenced to the local ground elevation. Hydrographs for observation wells illustrate climatic conditions and pumping from the Bowdle: Edmunds aquifer at those locations (Water Rights, 2024b). Hydrographs for unconfined aquifers more directly represent stored water in an aquifer because pressurized water levels due to confining layers change more dramatically from the effects of pumping than water levels that are only under atmospheric pressure.

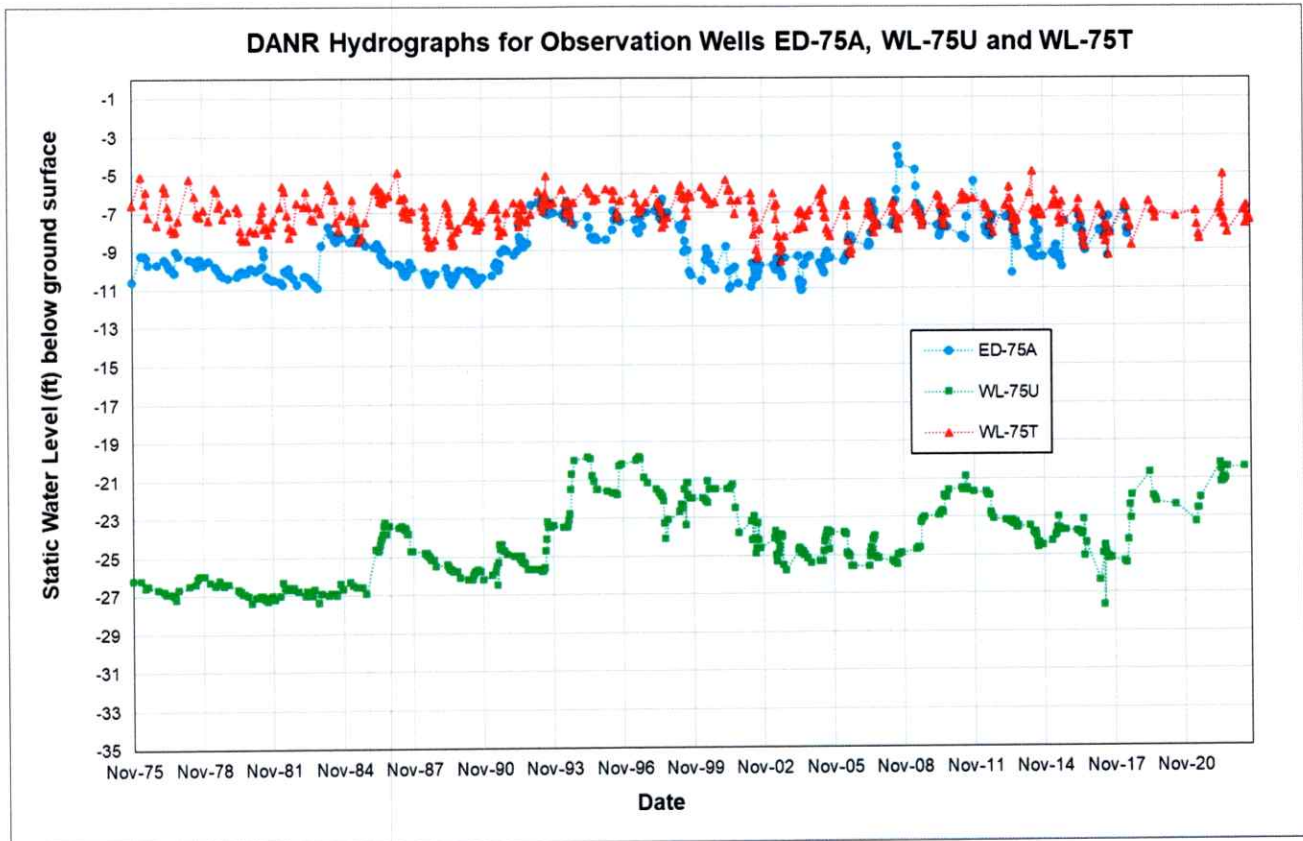


Figure 1. Hydrographs for observation wells in the Bowdle: Edmunds aquifer near the existing wells for Application No. 8888-3 (Water Rights, 2024b).

When evaluating hydrographs, the context of the entire period of record is important, as it shows long-term trends of the aquifer and not only the beginning and ending water levels. The overall, long-term trend for these hydrographs shows stable to increasing water levels. Long-term climatic fluctuations can also be seen in the hydrographs, for example there had been expansive drought in South Dakota in the late 1980's to early 1990's, the early to mid- 2000's, from 2012 to 2014, 2017 and 2018, and from 2020 to the present (NOAA, 2024). This is also reflected in Table 1, where irrigators will use more water per acre during drier years.

A shallow, unconfined aquifer will have more short-term fluctuations between seasons, making the hydrographs look choppy. The aquifer is responding to pumping on a short-term timeframe, and then returning to pre-pumped levels in the spring, and this is the same for other observation wells in the Bowdle: Edmunds aquifer. Overall, water levels are responding to long-term wet periods and dry periods, meaning that climatic conditions, and therefore the effects of recharge to and natural discharge from the aquifer govern the long-term trends in the aquifer rather than the effects of pumping. Since both recharge to and natural discharge from an aquifer can be captured for pumping, Figure 1 shows that unappropriated water is available for the proposed appropriation.

Potential for Unlawful Impairment:

The nearest water rights/permits to the existing well under Water Permit No. 8398-3 are Water Right Nos. 6415-3, 6993-3, and 6794A-3, and Permit Nos. 7961-3, 8396-3, and 8397-3, all belonging to Hoffman Farms (same as this applicant) and all within 2 ½ miles. The nearest water right not belonging to the applicant is Water Right No. 7013-3 and Water Permit No. 7983-3, for Sharon or Mark Beitelspacher. The wells for No. 7983-3 are also horizontal wells. Since the applicant's own wells are the closest nearby permits, they will likely manage pumping to avoid impacting themselves, and therefore reduce potential impacts to others. The applicant's own wells are at the greatest risk of impairment from this appropriation.

The nearest wells to the diversion point for this application are in an unconfined area of the Bowdle: Edmunds aquifer, and most of the aquifer is likely unconfined (Water Rights, 2024d). The effects of drawdown from an unconfined aquifer generally do not extend far from a well. An aquifer performance test would be required to know the exact aquifer response to pumping. Saturated aquifer thicknesses for nearby wells range from approximately 5 to 29 feet. These reported thicknesses are on the low side for the requirements of an adequate well, defined in the Administrative Rules of South Dakota (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 the be placed as near to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.”

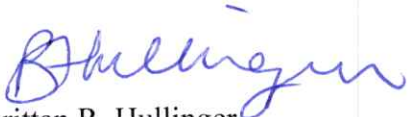
There are domestic wells on file that are completed into the Bowdle: Edmunds aquifer, with the closest domestic wells on file (not held by the applicant) located approximately 0.9 miles northwest of the existing wells for this application (Water Rights, 2024d). There could potentially be other domestic wells completed into the Bowdle: Edmunds aquifer that are not on file with the Water Rights Program. Domestic use in South Dakota have priority over other use types. There have not been any complaints about well interference in the Bowdle: Edmunds aquifer in Walworth, Edmunds, Faulk, or Potter counties (Water Rights, 2024e). There was opposition to Water Permit No. 7983-3, approximately 2.7 miles northeast, when the application was out for public notice in 2014 by nearby domestic well owners. However, there have been no complaints since the Water Management Board made a final decision that the applicants for Water Permit No. 7983-3 should control their withdrawals so that existing wells and domestic use are not adversely impacted.

While the best information available indicates that there is a reasonable probability that average recharge exceeds average annual withdrawals in the aquifer, conditions can occur where withdrawals in the aquifer exceed recharge for a period of time. Situations may occur where pumping from a thicker part of an unconfined aquifer could cause drawdown impacting adequate wells in a thinner part of the aquifer. Considering the adequate well construction standard, the unconfined nature of the Bowdle: Edmunds aquifer, that the nearest wells to the proposed diversion are the applicant's own, the lack of unlawful interference complaints for the Bowdle:

Edmunds aquifer in Walworth, Edmunds, Faulk, or Potter counties, and that this application is not requesting a greater diversion rate for the additional acres from the existing wells, there is a reasonable probability that this proposed application will not impair other users.

Conclusions:

1. Water Permit Application No. 8888-3 proposes to irrigate an additional 40 acres located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 from two existing wells located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, all in T123N-R74W. Water Permit No. 8398-3 appropriates 1.78 cfs from one well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36 for the irrigation of 120 acres located in the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36; all in T123N-R74W. The additional 40 acres and existing 120 acres authorized by Water Permit No. 8398-3 will all be irrigated from the existing wells without an increase in diversion rate, during the season of May 1 to September 30. The site is located in Walworth County, approximately 3 $\frac{1}{2}$ miles southwest of Bowdle, South Dakota.
2. Based on a hydrologic budget analysis and observation well data, there is a reasonable probability that unappropriated water is available from the Bowdle: Edmunds aquifer to supply the proposed increase in irrigated acres.
3. There is a reasonable probability that the diversion by Water Permit Application No. 8888-3, if approved, will not unlawfully impair existing water rights/permits and domestic uses.



Brittan R. Hullinger
Natural Resources Engineer I
Water Rights Program, SD DANR

Reviewed By:



Adam Mathiowetz, P.E.
Natural Resources Engineer IV
SD DANR, Water Rights Program

References:

- Drinking Water Program. 2024. SD DANR Drinking Water Program Online Database.
<<https://danr.sd.gov/OfficeOfWater/DrinkingWater/default.aspx>> Accessed August 27, 2024.
- Fahrenbach, M.D., Steece, F.V., Sawyer, J.F., McCormick, K.A., McGillivray, G.L., Schulz, L.D., and Redden, J.A. 2010. South Dakota Stratigraphic Correlation Chart. Oil and Gas Investigations 3. SD DANR Geological Survey. Vermillion, SD.
- Flint, R. F. 1955. Pleistocene Geology of Eastern South Dakota. Geological Survey Professional Paper 262. Washington, D.C.
- Hedges, L.S., Burch, S.L., Iles, D.L., Barari, R.D., and Schoon, R.A. 1982. Evaluation of Groundwater 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. Office of Geological Survey. Vermillion, South Dakota.
- Hedges, L.S., Allen, J., and Holly, D.E. 1985. Evaluation of Groundwater Resources, Eastern South Dakota and Upper Big Sioux River, South Dakota, and Iowa. Task 7: Groundwater Recharge. Office of Geological Survey. Vermillion, South Dakota.
- Kume, J. and Howells, L. 1987. Water Resources of Walworth County, South Dakota. Water Resources Investigations Report 85-4015. U.S. Geological Survey. Huron, South Dakota.
- National Oceanic and Atmospheric Administration (NOAA). 2024. National Integrated Drought Information System (NIDIS). Accessed August 28, 2024
<<https://www.drought.gov/states/south-dakota#historical-conditions>>
- Thompson, Harry F. (Ed.) 2009. A new South Dakota history (2nd ed.). The Center for Western Studies. Sioux Falls, South Dakota.
- Water Rights. 2024a. "1979-2023 Irrigation Summaries by Aquifer." SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024b. Observation Well Data. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024c. Water Right/Permit Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024d. Well Completion Reports. SD DANR Water Rights Program. Joe Foss Building. Pierre, South Dakota.
- Water Rights. 2024e. County Files. SD DANR Water Rights Program. Joe Foss Building. Pierre, 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.**

September 9, 2024

Sean and Fern Hoffman
13732 324th Avenue
Bowdle SD 57428

Dear Mr. & Mrs. Hoffman:

Water Permit Application No. 8888-3 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 Mobridge Tribune printed in Mobridge SD (Ph # 605 845-3646) and the American News printed in Aberdeen SD (**requires prepayment** – see attachment for contact number). 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,

Rachel Rodriguez

Rachel Rodriguez
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. 8888-3 to Appropriate Water

Notice is given that Sean and Fern Hoffman, 13732 324th Avenue, Bowdle SD 57428, have filed an application for a water permit to irrigate an additional 40 acres and add a second well. Water Permit No. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle: Edmunds Aquifer (20 feet deep) located in the NE 1/4 SW 1/4 Section 36 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This application proposes to irrigate an additional 40 acres located in the NW 1/4 SW 1/4 Section 36-T123N-R74W. The additional 40 acres and existing 120 acres authorized by Permit No. 8398-3 will all be irrigated from the well authorized by Permit No. 8398-3 and a second existing well (20 feet deep - Bowdle: Edmunds Aquifer) located within the NE 1/4 SW 1/4 Section 36; all in T123N-R74W. This application, if approved, and Water Permit No. 8398-3 will authorize a combined total of 1.78 cfs for irrigation of 160 acres from two wells. This site is located approximately three and one-half miles southwest of Bowdle SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8888-3 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 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 September 30, 2024.

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 September 30, 2024.

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.

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 9, 2024 11:03 AM
To: ads@mobridgetribune.com
Subject: 8888-3 Sean & Fern Hoffman - Public Notice
Attachments: 8888-3 public.short_final.docx; FORM8.FRM.doc

Attached is a notice to be published on September 18, 2024.

Sean and Fern Hoffman, 13732 324th Avenue, Bowdle SD 57428, 605-281-9667, 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 Ave, Pierre SD 57501.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 9, 2024 11:04 AM
To: aan-legals@aberdeennews.com
Subject: 8888-3 Sean & Fern Hoffman - Public Notice
Attachments: 8888-3 public.short_final.docx; FORM8.FRM.doc

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us



Rodriguez, Rachel

From: Gannett Legals Public Notices 4 <ganlegpubnotices4@gannett.com>
Sent: Monday, September 9, 2024 11:22 AM
To: Rodriguez, Rachel
Subject: RE: [EXT] 10559718 8888-3 Sean & Fern Hoffman - Public Notice
Attachments: 10559718.pdf

PLEASE FORWARD INFORMATION TO APPLICANT AND FOR FUTURE REQUESTS PLEASE INCLUDE APPLICANTS EMAIL ADDRESS

Please Read Through ENTIRE Confirmation Before Approving and Prepaying.

Please find attached your order confirmation and proof of the ad. **Please note that prepayment is required.**

Your ad is set to run in:

· Aberdeen American News Sept. 18 \$58.94

The total cost above includes an affidavit, which will be mailed to you after the ad publishes. **Please call the number below before 9am Monday Sept. 16 for PAYMENT** of the ad in order to run. This **DOES** include a publishers affidavit.

All orders are subject to a 3.99% service fee. As an incentive for customers, we provide a discount off the order cost equal to the 3.99% service fee if you pay with ACH. Pay by ACH and Save!

*NOTE: We are not legally trained, and it is your responsibility to make sure your AD meets the requirements of your State/Court which includes wording and publication times. Please verify all information is there and that it is correct. If your ad is not complaint with applicable law and needs to be re-published you will be responsible for all additional fees incurred.

Thanks

Sirona Marshall
Public Notice Representative



Office: 844-254-5287

From: Rodriguez, Rachel <Rachel.Rodriguez@state.sd.us>
Sent: Monday, September 9, 2024 11:04 AM
To: SD-Aberdeen Legals <aan-legals@aberdeennews.com>
Subject: 10559718 8888-3 Sean & Fern Hoffman - Public Notice

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Mobridge Tribune Affidavit of Publication

STATE OF SOUTH DAKOTA

COUNTY OF WALWORTH

I, Lori Cox, having first duly sworn under oath say: The Mobridge Tribune is a legal weekly newspaper of general circulation as required by South Dakota Code of Nineteen Hundred Thirty-Nine, and any acts amendatory thereto, printed and published by the Mobridge Publishing, Inc., in Mobridge, in said county and state, and has been such legal newspaper during the time hereinafter mentioned; that during all of said time as an employee or officer of said newspaper I have had personal knowledge of the facts stated in this affidavit; that the advertisement headed:

Sean & Fern Hoffman file application to appropriate water

Sean & Fern Hoffman

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive weeks upon the following dates, to-wit:

1- Mobridge Tribune: 9/18/2024

that the full amount of the fees charged for publishing the same to-wit: the sum of \$46.41 inures solely to the benefit of the publishers of said newspaper; that no agreement or understanding for any division of this sum has been made with any other person; and that no part of said sum has been agreed to be paid to any person whomsoever.

Lori Cox

Subscribed and sworn to before me this date of
9/23/2024

Arden Pahl

Arden Pahl, Notary Public

State of South Dakota

My commission expires August 1, 2025



Sean and Fern Hoffman file application to appropriate water

NOTICE OF APPLICATION

NO. 8888-3 to Appropriate Water

Notice is given that Sean and Fern Hoffman, 13732 324th Avenue, Bowdle SD 57428, have filed an application for a water permit to irrigate an additional 40 acres and add a second well. Water Permit No. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle: Edmunds Aquifer (20 feet deep) located in the NE 1/4 SW 1/4 Section 36 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This application proposes to irrigate an additional 40 acres located in the NW 1/4 SW 1/4 Section 36-T123N-R74W. The additional 40 acres and existing 120 acres authorized by Permit No. 8398-3 will all be irrigated from the well authorized by Permit No. 8398-3 and a second existing well (20 feet deep - Bowdle: Edmunds Aquifer) located within the NE 1/4 SW 1/4 Section 36; all in T123N-R74W. This application, if approved, and Water Permit No. 8398-3 will authorize a combined total of 1.78 cfs for irrigation of 160 acres from two wells. This site is located approximately three and one-half miles southwest of Bowdle SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8888-3 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 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 September 30, 2024.

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 September 30, 2024.

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 \$46.41 and can be viewed free of charge at www.sdpublicnotices.com

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OCT 07 2024

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Aberdeen News
Watertown Public Opinion

PO Box 630567 Cincinnati, OH 45263-0567

AFFIDAVIT OF PUBLICATION

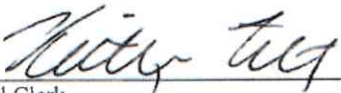
Sean Hoffman
Sean and Fern Hoffman
13732 324th AVE
Bowdle SD 57428-6602

STATE OF SOUTH DAKOTA, COUNTY OF BROWN

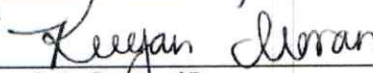
The AMERICAN NEWS is a daily newspaper of general circulation, printed and published in Aberdeen, Brown County, South Dakota, and has been such a newspaper during the times hereinafter mentioned; and personal knowledge of the facts herein state that the notice hereto annexed was Published in said newspapers in the issue dated:

09/18/2024

That said newspaper is a legal newspaper published five days or more each week; with a bona fide circulation of more than two hundred copies daily; published in the English language within the said county of Brown for more than one year prior to the first publication of said notice; and printed in whole in an office maintained at the place of publication of said newspaper. Sworn to and subscribed before on 09/18/2024



Legal Clerk



Notary, State of WI, County of Brown

2:14 28

My commission expires

Publication Cost: \$58.94
Tax Amount: \$0.00
Payment Cost: \$58.94
Order No: 10559718
Customer No: 1483112
PO #: Permit No. 8398-3

of Copies:
1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance

KEEGAN MORAN
Notary Public
State of Wisconsin

NOTICE OF
APPLICATION NO. 8888-3
to Appropriate Water

Notice is given that Sean and Fern Hoffman, 13732 324th Avenue, Bowdle SD 57428, have filed an application for a water permit to irrigate an additional 40 acres and add a second well. Water Permit No. 8398-3 appropriates 1.78 cubic feet of water per second (cfs) from one well to be completed into the Bowdle: Edmunds Aquifer (20 feet deep) located in the NE 1/4 SW 1/4 Section 36 for irrigation of 120 acres located in the E 1/2 SW 1/4, SW 1/4 SW 1/4 Section 36; all in T123N-R74W. This application proposes to irrigate an additional 40 acres located in the NW 1/4 SW 1/4 Section 36-T123N-R74W. The additional 40 acres and existing 120 acres authorized by Permit No. 8398-3 will all be irrigated from the well authorized by Permit No. 8398-3 and a second existing well (20 feet deep - Bowdle: Edmunds Aquifer) located within the NE 1/4 SW 1/4 Section 36; all in T123N-R74W. This application, if approved, and Water Permit No. 8398-3 will authorize a combined total of 1.78 cfs for irrigation of 160 acres from two wells. This site is located approximately three and one-half miles southwest of Bowdle SD.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8888-3 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 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 September 30, 2024. 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 September 30, 2024. 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 Sept. 18, 2024, at the total approximate cost of \$58.94 and may be viewed free of charge at www.sdpublicnotice.com

Rodriguez, Rachel

From: Rodriguez, Rachel
Sent: Monday, September 9, 2024 11:54 AM
To: hoffman.fern@gmail.com
Subject: 8888-3 Sean & Fern Hoffman - Public Notice
Attachments: 8888-3 Rec.pdf; 8888-3 Ltr.pdf; 8888-3 PubNotice.pdf; Aberdeen News Info.pdf

Good morning,

Attached is a copy of the report, chief engineer's 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 also being mailed to you today.

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

Thank you,

Rachel Rodriguez
DANR | Program Assistant
Rachel.Rodriguez@state.sd.us





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

OCT 11 2024

Sean and Fern Hoffman
13732 324th Avenue
Bowdle SD 57428

Dear Mr. Hoffman:

Enclosed is Water Permit No. 8888-3 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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

**Affidavit of Public Notice
Posting on DANR Website**

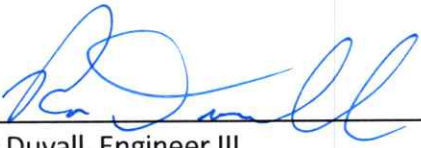
Pursuant to SDCL § 46-2A-4, public notice of the following application was posted on the DANR web site at <https://danr.sd.gov/public>. The posted public notice is the same notice as published in the pertinent newspaper(s) and a copy of the public notice is maintained in the application file. If the application is contested, the posting is moved to the DANR contested case website at <https://danr.sd.gov/public/ContestedCase.aspx> until final action is taken on the application pursuant to SDCL § 46-2A-4.

Application No.: 8888-3

Name of Applicant: Sean & Fern Hoffman

Date of Posting: 9/17/2024

Date of Removal: 10/11/2024



Ron Duvall, Engineer III

10/11/2024

Date

Subscribed and sworn to before me, a notary public, this 11th day of Oct, 2024.



Notary Public - South Dakota
My commission expires Rachel Rodriguez
My Commission Expires
May 16, 2029

(SEAL)



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

Date 10/18/2024

TO: Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

FROM: Sean and Fern Hoffman
(name)
13732 329th Ave
(address)
Bowdle, SD 57428 605-281-8924
(city, state, zip) (phone)

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

Water Permit No. 8888-3 states that the water use system is to be constructed by 9/30/2029, and water is to be put to beneficial use by 9/30/2029.
(date) (date)

The water use system was completed on 06/17/2024.
(date)

Applying the water to beneficial use was completed on 06/17/2024.
(date)

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

Fern Hoffman
(signature)



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OCT 23 2024

OFFICE OF
WATER



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

8888-4

Sean & Fern Hoffman
13732 324th Ave
Bowdle SD 57428

Dear Mr. & Ms. Hoffman:

I am writing to acknowledge receipt of the "Notice of Completion of Works" form that you sent in to let us know that you are completed with your water use system authorized by Permit No. 8888-3.

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

Someone from our office will contact you prior to the inspection to set up a time that is convenient for you. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Permitting Administrator
Water Rights Program
(605) 773-3352
email: Amanda.Dewell@state.sd.us