

WATER PERMIT NO. 2122A-2

Phone: 557-3400

Name of Applicant: Rodney Hofeldt

Post Office Address: RR 5, Box 89, Millboro SD 57580

Amount of Water Claimed: no add'l Total Acres: no add'l

Source of Water Supply: spring fed dugout & Lost Creek

Water to be used for: irrigation County: Tripp

Location: approximately 25 miles SW of Winner

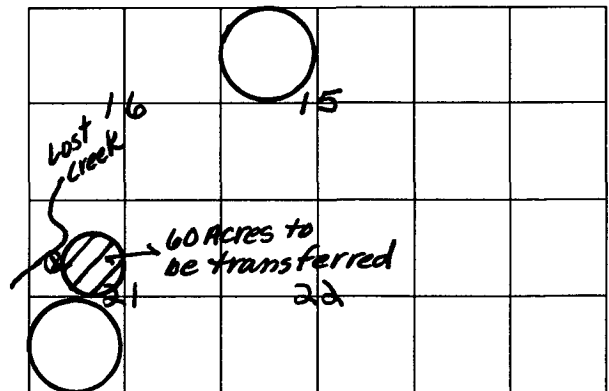
PRIORITY Date Received: 9-18-92 Fee: \$50.00

Corrected Application Received: 2-7-95 Period of Annual Use: April 1 - Oct 31

Remarks: transfer 60 acres of land authorized by Water Permit No. 2122-2 from the  
SW 1/4 Sec 21 and 15 to the NW 1/4 Sec 21.

Diversion Point: NW 1/4 SW 1/4 Sec 21-T95N-R77W

Land to be Irrigated: NW 1/4 Sec 21-T95N-R77W



Well Log: Driller: \_\_\_\_\_ Licensed: YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well: \_\_\_\_\_ REMARKS: \_\_\_\_\_

Type of Map: aerial Prepared By: Tim Schaal Reviewed and the Number

Assigned on: 2-7-95 By: Karen Schlaak

**FORM 2: Application for irrigation in South Dakota**

(type or print)

Mail to:  
Water Rights Division  
Joe Foss Building  
523 E Capitol  
Pierre SD 57501-3181  
605 773-3352

No. 2122A-2 Hydrologic Unit 10150006  
Basin Niobrara Trib.  
Newspaper Winner Advocate, Box 71  
(office use only)



**Application For Soil/Water Compatibility Permit And Permit To Appropriate Water**

Type of Application:        New        Vested Right        X Amendment/Correction to Permit No. 2122-2  
(check one) (Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. acreage change, change diversion point(s), add diversion point(s), etc.)  
Transfer of 60 acres from the SW $\frac{1}{4}$  Sec. 21 and NW $\frac{1}{4}$  Sec. 15-T95N-R77W  
to the NW $\frac{1}{4}$  of Sec. 21-T95N-R77W

- Name of Applicant Rodney Hofeldt Phone 557-3400  
Mailing Address RR 5, Box 89 Millboro State SD 57580  
(Street, P.R. or Box) (City) (Zip Code)
- Amount of water claimed No Add'l \*CFS or        \*\*GPM        \*\*\*AF Total Acreage No Add'l  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout if applicable)
- Source of water supply Spring fed Dugout & Lost Creek
- Location of point of diversion (example - 3 wells in SW $\frac{1}{4}$  NE $\frac{1}{4}$  section 12-T104N-R53W) 1700 ft. South & 950 ft.  
East of the NW corner of Sec. 21-T95N-R77W (SW $\frac{1}{4}$  NW $\frac{1}{4}$ )
- County Tripp
- County or counties where water will be used Tripp
- Annual period during which water is to be used April 1 thru October 31
- List below each forty acre subdivision, 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 $\frac{1}{4}$ Sec. 21-T95N-R77W | 60    |                  |       |
|                                    |       |                  |       |
|                                    |       |                  |       |
|                                    |       |                  |       |

- Type of Irrigation: Gravity:        Towline:        Center Pivot: X Gun:        Other (Specify):
- Crops to be irrigated: Alfalfa, Corn, Sudan
- Give a description of the project. (Attach sheet if more space is needed)

The applicant has developed two 130 acre center pivots located in the SW $\frac{1}{4}$  Sec. 21 and the NW $\frac{1}{4}$  Sec. 15-T95N-R77W and proposes to transfer the 60 acres in the corners not covered by the pivots to the NW $\frac{1}{4}$  of Sec. 21-T95N-R77W. This will require no additional water or amount of acres authorized by Water Permit No. 2122-2.

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

**STATE OF SOUTH DAKOTA)**

County of Tripp)<sup>ss</sup>

I, Rodney G. Hofeldt, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Rodney Hofeldt

Subscribed and sworn to before me this 11<sup>th</sup> day of September 19 92

Velma Croston

Notary Public

My Commission expires: 9-11-97

## SOUTH DAKOTA WATER PERMIT NO. 2122A-2

Date of first receipt of application September 18, 1992.

Date of receipt of corrected application March 6, 1995.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2122A-2 to Rodney Hofeldt, RR 5, Box 89, Millboro SD 57580 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. 2122A-2 transfers a portion of the acreage authorized by Water Permit No. 2122-2. Water Permit No. 2122-2 appropriates 4.57 cubic feet of water per second from a dugout (approximately 8 acre-feet storage capacity) located on a spring fed draw and supplemented with water from Lost Creek to irrigate 320 acres. The diversion point is located in the W 1/2 NW 1/4 Section 21 and the irrigated acreage is located in the SW 1/4 Section 21; NW 1/4 Section 15; all in T95N-R77W. This permit proposes to transfer 60 acres of the 320 acres authorized by Water Permit No. 2122-2, to the NW 1/4 Section 21-T95N-R77W. This permit extends the time to complete construction authorized under Water Permit No. 2122-2 and this permit by one year. This permit does not increase the diversion rate authorized by Water Permit No. 2122-2.
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: April 1 - October 31.
3. The date from which applicant may claim right is February 23, 1990.
4. The date of approval of Permit No. 2122A-2 is April 24, 1995.
5. All construction is to be completed on or before May 23, 1996.
6. Water is to be put to beneficial use on or before May 23, 1999.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

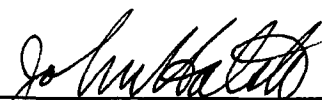
### QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This Permit does not authorize diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

(continued)

3. This permit extends the time to complete construction authorized under Water Permit No. 2122-2 and this permit by one year.

**WATER MANAGEMENT BOARD**

By:   
John Hatch, Chief Engineer  
Water Rights Division  
Department of Environment and Natural Resources

SEP 5 1995

date

# RECEIPT

## Division of Water Rights

413435

### South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ September 22, 19 92

RECEIVED OF T Lazy H Ranch, Rodney (Todd) Hofeldt, RR 5 Box 89, Millboro, SD 57580  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                               |       |       |
|-------------------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. <u>21224-2</u> to Appropriate Water, to construct and to put water to beneficial use _____ | 50    | 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 Filing Extension Request _____                                                                                        |       |       |
| Fee for _____                                                                                                                 |       |       |
| _____                                                                                                                         |       |       |
| _____                                                                                                                         |       |       |
| (Any Other Work Provided by Law)                                                                                              | Total | 50 00 |

By John Hatch  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

August 12, 1992

Rodney Hofeldt  
RR 5, Box 89  
Millboro, SD 57580

Dear Mr. Hofeldt:

Enclosed, as we discussed the other day, is a completed application form to transfer the acres in the corners of your center pivots. This form needs to be signed and returned to us along with the \$50.00 application fee. I have prepared an application map, you can keep the enclosed map for your purposes. A Soil/Water permit will be required since the NW 1/4 of Section 21 was not covered originally; however, another water sample will not be necessary.

If you have any questions, please feel free to contact me.

Sincerely,

Timothy G. Schaal, P.E.  
Natural Resources Engineer  
Water Rights Division  
(605) 773-3352

enclosure

Water Rights Division - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Rodney Hofeldt water permit application

ADDRESS:       COUNTY: Tripp

DATE: April 28, 1994   TELEPHONE:

RE: Call from Mr. Hofeldt

COMMENTS:

Mr. Hofeldt returned our call from about a week ago. I explained the reason we had called regarded his pending application. I explained that the application dating back to 9/18/92 had not been processed because the S/W Permit had not been issued. I further explained the S/W Compatibility Statutes were repealed and we could now process the application, however, obtaining S/W compatibility analysis could be helpful and could be required by the Chief Engineer or the Water Management Board.

Mr. Hofeldt asked if he could keep the application on hold until next fall so that he can decide whether he wants to move forward with the application. The application is to transfer the location of 60 acres in the corners not covered by the pivots to the NW $\frac{1}{4}$  Section 21, T95N, R77W. Mr. Hofeldt realized that he had only until May 23, 1995 to develop the acres under No. 2212-2 which means he would have the water permit amending No. 2212-2 and that the acreages would have to be developed by that time.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eric Handman



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

December 2, 1994

Rodney Hofeldt  
RR 5, Box 89  
Millboro SD 57580

Dear Mr. Hofeldt:

This spring, our office contacted you regarding your water permit application filed in September, 1992, to transfer 60 acres authorized by Water Permit No. 2122-2. At that time, you indicated you had not made a decision regarding the development of the 60 acres in the NW 1/4 Section 21-T95N-R77W. Enclosed is a copy of Water Permit No. 2122-2 and your application to transfer 60 acres. You should be aware that the construction period for Water Permit No. 2122-2 is May 23, 1995.

If you wish to pursue this application, please contact this office and we will proceed with preparing a report, recommendation and public notice. If you have decided not to pursue this application, the \$50.00 filing fee which has been submitted for the application can be applied towards the water license fee which is also \$50.00. The water license for Permit No. 2122-2 will then be issued.

Please let us know how you wish to proceed with this matter.

Sincerely,

Karen Schlaak  
Environmental Scientist  
605 773-3352

enclosures

Water Rights Division - DENR  
Conversation File Documentation

NAME OF PERSON OR FILE: Rodney Hofeldt

ADDRESS: COUNTY: Trip

DATE: 2/16/95 TELEPHONE:

RE: Call from Mr. Hofeldt

COMMENTS:

Mr. Hofeldt called regarding whether he wanted to pursue the transfer of 60 acres of the 320 acres authorized by Water Permit No. 2122-2. Mr. Hofeldt stated he did want to pursue the transfer and asked that we proceed with processing the application. I told him to provide me his request to proceed in writing.

During our conversation he also expressed concern over the period of time when construction authorized by No. 2122-2 is to be completed (May 23, 1995). Mr. Hofeldt requested a one year extension of time to complete construction of this transfer once (and if) the permit is approved.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Eve Hrenkova

This note is regarding my phone  
conversation about my Water permit No. 2122-2

My wishes are that we pursue  
the transfer of the 60 acres that we discussed.

Sincerely

Reed (Todd) Ryfel

P.S.

Sorry about the delay in  
getting this sent.



**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2122A-2, Rodney Hofeldt**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2122A-2, Rodney Hofeldt, RR 5 Box 89, Millboro, SD 57580.

The Chief Engineer is recommending APPROVAL of Application No. 2122A-2 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed. This Permit does not authorize diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversion under this Permit shall be in accordance with any written orders issued by the Chief Engineer.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. This application, if approved, will extend the time to complete construction authorized under Water Permit No. 2122-2 and this application by one year.

See report on application for additional information.



JOHN HATCH, Chief Engineer  
March 24, 1995

REPORT ON  
WATER PERMIT APPLICATION NO. 2122A-2  
RODNEY HOFELDT  
February 22, 1995

Water Permit Application No. 2122A-2 has been filed by Rodney Hofeldt to transfer a portion of the acreage authorized by Water Permit No. 2122-2. Water Permit No. 2122-2 appropriates 4.57 cubic feet of water per second from a dugout (approximately 8 acre-feet storage capacity) located on a spring fed draw and supplemented with water from Lost Creek to irrigate 320 acres. The diversion point is located in the W 1/2 NW 1/4 of Section 21 and the irrigated acres are located in the SW 1/4 of Section 21 and the NW 1/4 of Section 15-T95N-R77W. This application proposes to transfer 60 acres of the 320 acres authorized by Water Permit No. 2122-2, to the NW 1/4 of Section 21-T95N-R77W. This application, if approved, will extend the time to complete construction authorized under Water Permit No. 2122-2 and this application by one year. This application does not increase the diversion rate or the number of acres authorized under Water Permit No. 2122-2.

Discussion:

Mr. Hofeldt has developed the dugout and two 130 acre center pivots on the SW 1/4 of Section 21 and the NW 1/4 of Section 15-T95N-R77W. Water Permit Application No. 2122A-2 proposes to transfer the 60 acres located in the corners of these two quarters to the NW 1/4 of Section 21-T95N-R77W.

Lost Creek is a tributary of the Keya Paha River and is located in Tripp County. The Water Management Board at their February 27, 1991 meeting revised the qualifications on permits from the Keya Paha River and its contributing tributaries. The Board removed previous cut off dates and by-pass requirements from existing Water Permits and adopted the following qualification to be added to all new and existing Water Permits:

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed. This permit does not authorize the diversion of water from the Keya Paha River or contributing tributaries when the flow in the Keya Paha River at the USGS gaging station located at Wewela is 15 cfs or less, unless written authorization is received from the Chief Engineer. Diversions under this permit shall be in accordance with any written orders issued by the Chief Engineer.

The 15 cfs bypass was selected to assure that water is available for downstream domestic use and prior Water Rights. To maintain a flow of 15 cfs at Wewela, upstream permits will be shut off based upon priority.

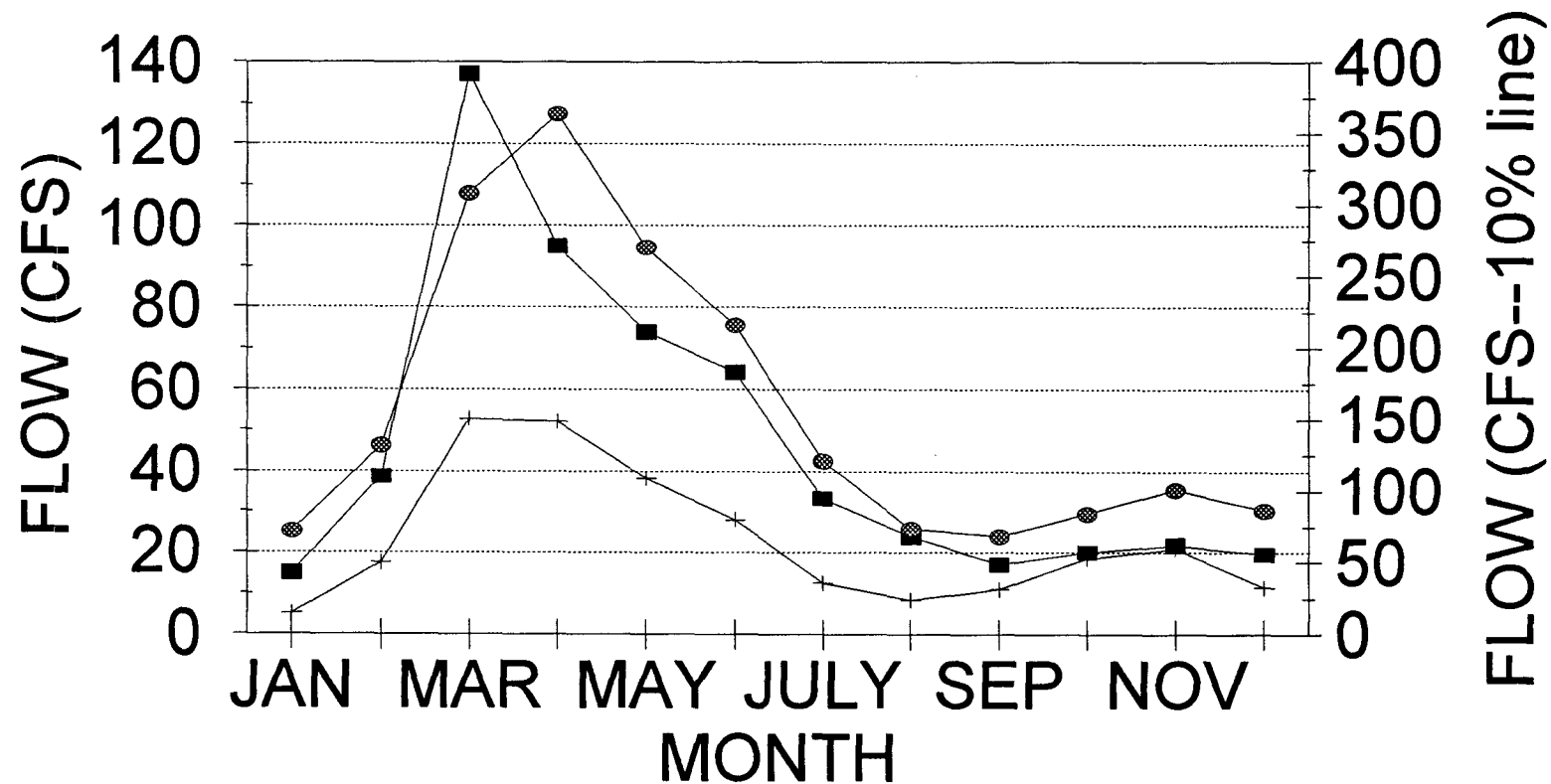
There are 16 permits on the Keya Paha River and contributing tributaries in Tripp County. The following table lists the Water Permits and Water Rights by priority date. Water Right No. 879-2 and No. 931-2 are the only permits located downstream of the Wewela gaging station.

TABLE 1

| PERMIT<br>NO.      | PRIORITY<br>DATE         | NAME                                   | DIVERSION<br>RATE | ACRES        |
|--------------------|--------------------------|----------------------------------------|-------------------|--------------|
| 281-2              | 01/15/1940               | Charles Richey                         | 0.60              | 43.65        |
| 282-2              | 01/15/1940               | Charles Richey                         | 0.20              | 15.41        |
| 369-2              | 11/28/1950               | Victor Weickum                         | 0.50              | 35.0         |
| 414-2              | 06/01/1955               | H. W. Carlson                          | 0.79              | 55.0         |
| 465-2              | 07/22/1957               | Lucile Richey                          | 1.00              | 70.0         |
| 710-2              | 05/12/1961               | Charles Richey                         | 1.16              | 81.44        |
| 835-2              | 06/15/1964               | Alva Wiley                             | 0.71              | 50.0         |
| 1530-2             | 11/23/1964<br>02/16/1977 | Vern Keszler<br>(Sand Creek)           | 1.17              | 99.2         |
| 879-2              | 01/28/1966               | Richard Kirsch                         | 1.50              | 105.0        |
| 931-2              | 09/18/1967               | Lloyd Blomstrom                        | 1.19              | 83.0         |
| 959-2              | 01/26/1968               | Alva Wily                              | 0.57              | 40.0         |
| 1107-2             | 03/26/1972               | Stanley Hanson                         | 1.67              | 184.0        |
| 1108-2 &<br>2141-2 | 04/07/1972<br>11/26/1990 | Garnet Sargent                         | 6.00              | 266.0        |
| 1128-2             | 11/10/1972               | Charles Hellman                        | 1.86              | 130.0        |
| 2122-2             | 02/23/1990               | Rodney Hofeldt<br>(Lost Creek)         | 4.57              | 320.0        |
| 2184-2             | 07/26/1991               | Jerry/Cindy Kemp<br>(Cottonwood Creek) | <u>2.00</u>       | <u>160.0</u> |
| Total              |                          |                                        | 25.49             | 1737.70      |

# KEYA PAHA RIVER AT WEWELA

## Duration Hydrograph for last 39-Years



■ 10% ● 50% + 90%

Figure 1

# KEYA PAHA RIVER AT WEWELA

## Duration Hydrograph for last 39-Years

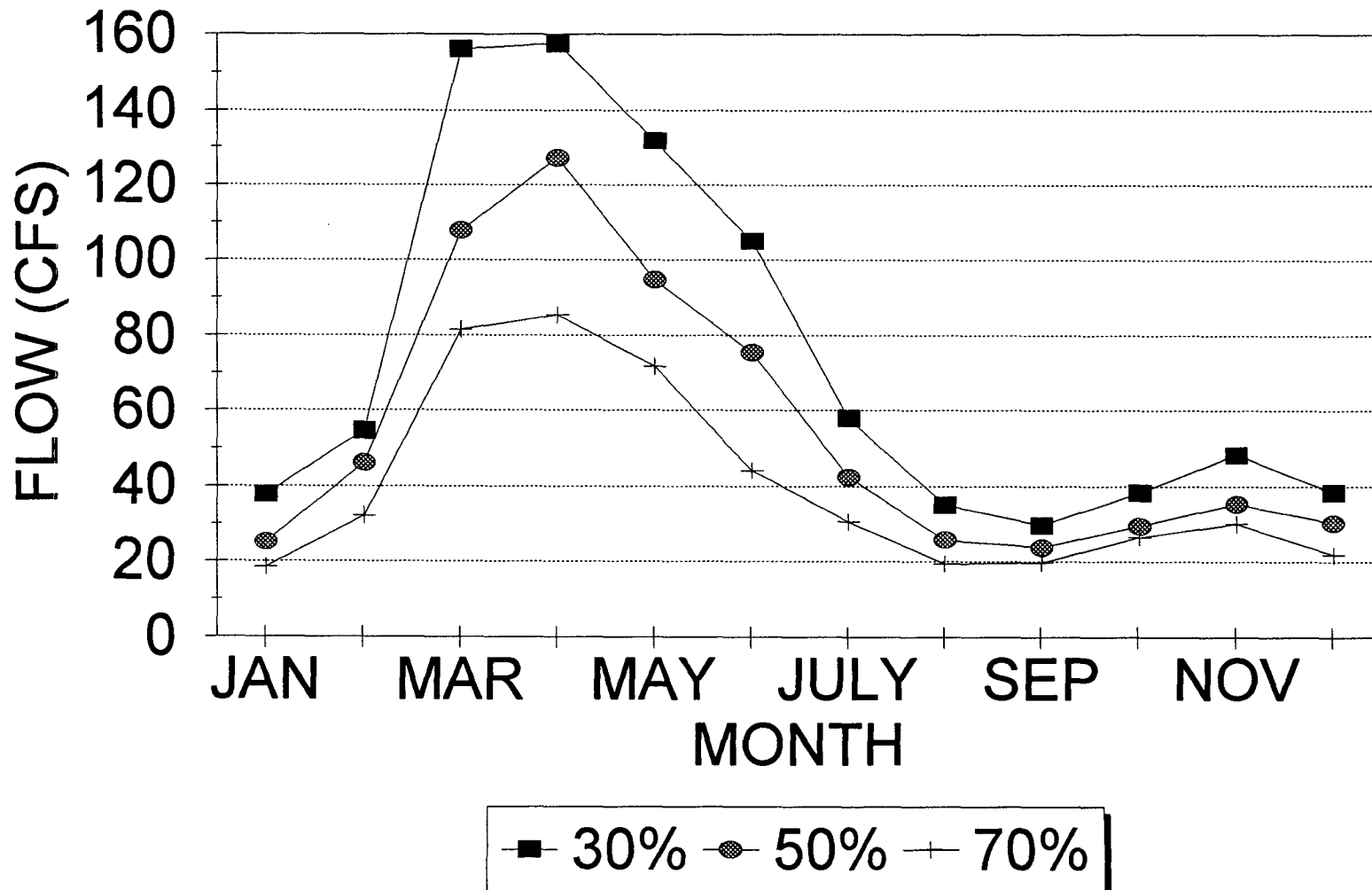
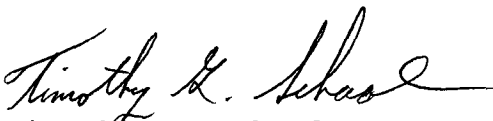


Figure 2

The hydrographs in Figures 1 & 2 represent the mean monthly flow of the Keya Paha River at the USGS gaging station at Wewela for 39 years of record, starting in 1955. The hydrographs indicate there is a 90% chance of occurrence, or 9 out of 10 years, that there will be at least 10 cfs in the river during July, August, and September; and a 50% chance of occurrence, or 1 out of 2 years, that there will be at least 42 cfs in July and 25 cfs in August and September. The annual mean discharge at the Wewela gaging station is 70.9 cfs for 55 years of record.

Conclusions:

1. Water Permit Application No. 2122A-2 should be approved since it does not increase the diversion rate or number of acres irrigated authorized by Water Permit No. 2122-2
2. The Keya Paha River qualification should be included on this application to assure that water is available for downstream domestic use and prior Water Rights.
3. This application should also provide a one year extension of time to the construction period for Water Permit No. 2122-2 which would expire on May 23, 1995.
4. Water Permits No. 2122-2 and 2122A-2 will have the second Junior priority date on the Keya Paha River and contributing tributaries and will be the second permits shut off under the Keya Paha River qualification.



Timothy G. Schaal, P.E.  
Natural Resources Engineer III

Approved by:

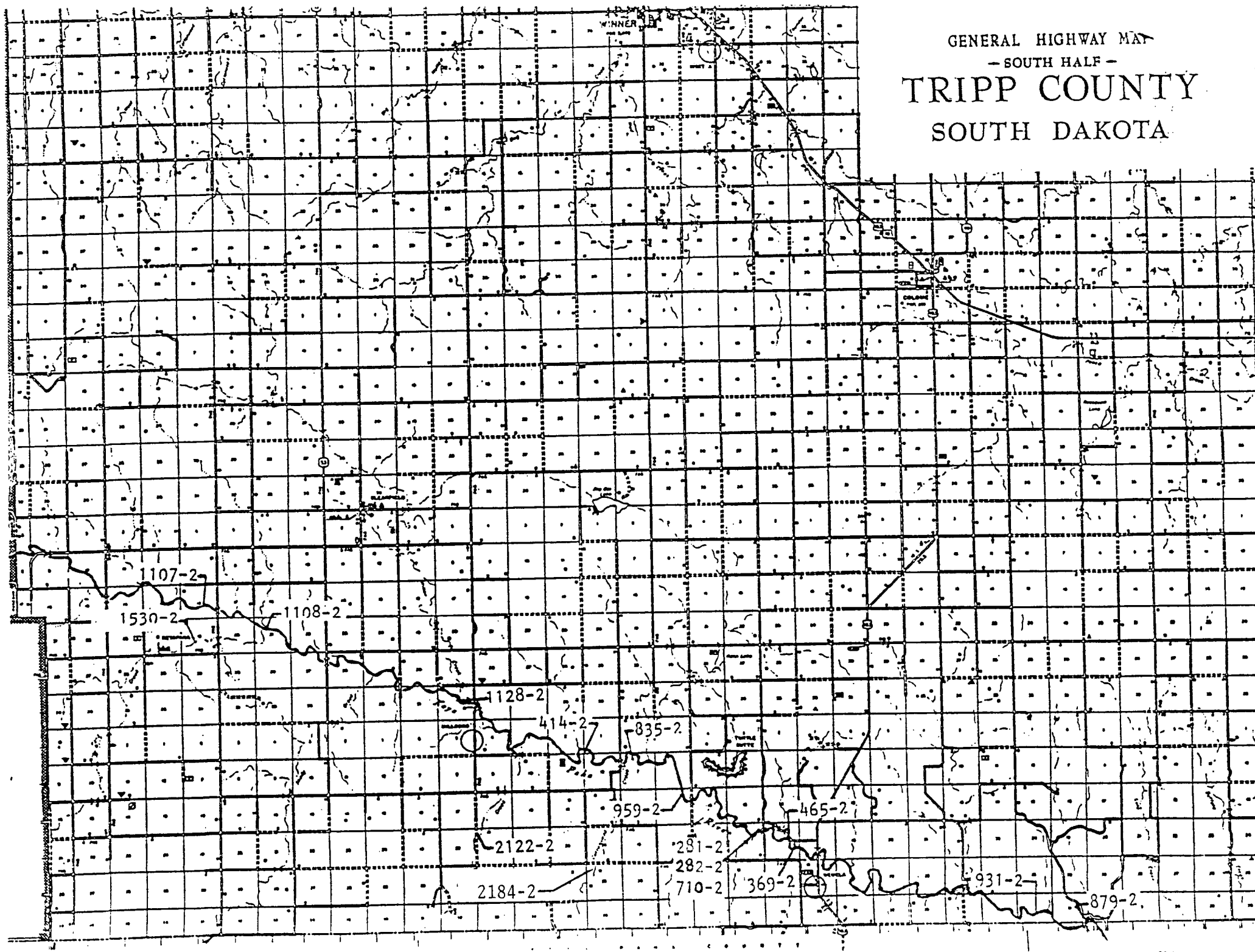


Delvin D. Brosz, P.E.  
Natural Resources Engineer IV

References:

1. U.S. Geologic Survey, Water Resources Data South Dakota Water Years 1950-1994, U.S. Geological Survey Water Resources Division, Huron, SD.
2. Water Rights Division, 1991, Water Permit/Rights Files, DENR, Joe Foss Building, Pierre, SD.

GENERAL HIGHWAY MAP  
- SOUTH HALF -  
TRIPP COUNTY  
SOUTH DAKOTA





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

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

March 30, 1995

Rodney Hofeldt  
RR 5 Box 89  
Millboro, SD 57580

Dear Mr. Hofeldt:

Water Permit Application No. 2122A-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Winner Advocate printed at Winner, SD (Ph # 605-842-1481). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

**NOTE:** If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

March 30, 1995

Winner Advocate  
Box 71  
Winner, SD 57580-0071

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 2122A-2 to be published twice. Please publish the first notice on April 5, 1995, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Rodney Hofeldt, RR 5 Box 89, Millboro, SD 57580 (Ph # 605-557-3400).

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Notice of Hearing to Appropriate Water by Application No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper

Instruction to Newspaper - Publish first Notice on April 5, 1995, with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF APPLICATION NO. 2122A-2 to Appropriate Water  
and to Amend Water Permit No. 2122-2

Notice is given that Rodney Hofeldt, RR 5 Box 89, Millboro, SD 57580 has filed an application for a water permit to transfer a portion of the acreage authorized by Water Permit No. 2122-2. Water Permit No. 2122-2 appropriates 4.57 cubic feet of water per second from a dugout (approximately 8 acre-feet storage capacity) located on a spring fed draw and supplemented with water from Lost Creek to irrigate 320 acres. The diversion point is located in the W 1/2 NW 1/4 Section 21 and the irrigated acreage is located in the SW 1/4 Section 21; NW 1/4 Section 15; all in T95N-R77W. This application proposes to transfer 60 acres of the 320 acres authorized by Water Permit No. 2122-2, to the NW 1/4 Section 21-T95N-R77W. This application, if approved, will extend the time to complete construction authorized under Water Permit No. 2122-2 and this application by one year. This permit does not increase the diversion rate authorized by Water Permit No. 2122-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2122A-2 because 1) existing rights will not be unlawfully impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. 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 the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by April 24, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Division address to request copies of information pertaining to this application. Steven M. Pirner, Acting Secretary, Department of Environment and Natural Resources.

**AFFIDAVIT OF PUBLICATION**  
STATE OF SOUTH DAKOTA, County of Tripp-ss.

Michelle and Jerome Johnson  
of said county being first duly sworn, on oath says that he is  
the publisher of the

**WINNER ADVOCATE**

a weekly newspaper printed and published at Winner, said  
county of Tripp, and has full and personal knowledge of all the  
facts herein stated that said newspaper is a legal newspaper  
and has a bona fide circulation of at least two hundred copies  
weekly and has been published within said County for fifty-  
two successive weeks prior to the publication of the notice  
herein mentioned, and was printed wholly or in part in an  
office maintained at said place of publication; that the

*notice of application*  
*40 lines @ 2 col xate*  
*40 lines @ 2 col xate x 80%*

*Rod Hofeldt*

a printed copy of which, taken from the paper in which the  
same was published, is attached to this sheet, and is made a  
part of this affidavit, was published in said newspaper at least  
one in each week for 2 successive weeks, on the  
day of each week on which said newspaper was regularly  
published, to wit:

*April 5, 1995*  
*April 12, 1995*

That the full amount of the fees for the publication of the  
annexed notice is \$ 41.01

Subscribed and sworn to before me this 13  
day of April, 1995

*Carol Bicer*

Notary Public

County of Tripp, South Dakota

My Commission Expires August 31, 1999

**Notice of Application No. 2122A-2**  
**to appropriate water and to**  
**amend water permit No. 2122-2**

Notice is given that Rodney Hofeldt, RR 5 Box 89, Millboro, SD, 57580 has  
filed an application for a water permit to transfer a portion of the acreage  
authorized by Water Permit No. 2122-2. Water Permit No. 2122-2 appropriates  
4.57 cubic feet of water per second from a dugout (approximately 8 acre-feet  
storage capacity) located on a spring fed draw and supplemented with water from  
Lost Creek to irrigate 320 acres. The diversion point is located in the W 1/2  
NW 1/4 Section 21 and the irrigated acreage is located in the SW 1/4 Section  
21; NW 1/4 Section 15; all in T95N-R77W. This application proposes to  
transfer 60 acres of the 320 acres authorized by Water Permit No. 2122-2, to the  
NW 1/4 Section 21-T95N-R77W. This application, if approved, will extend the  
time to complete construction authorized under Water Permit No. 2122-2 and  
this application by one year. This permit does not increase the diversion rate  
authorized by Water Permit No. 2122-2.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of  
Application No. 2122A-2 because 1) existing rights will not be unlawfully  
impaired, 2) it is a beneficial use of water, and 3) it is in the public interest. In  
accordance with SDCL 46-2A-23, the chief engineer will act on the application,  
as recommended, unless a petition is filed opposing the application or the  
applicant files a petition contesting the chief engineer's recommendation. 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  
the application. Notice of the hearing will be given to the applicant and any  
person filing a petition.

Any person interested in opposing or supporting this application or  
recommendation must file a written petition with BOTH the applicant and chief  
engineer. The applicant must file a petition if contesting the chief engineer's  
recommendation. The Chief Engineer's address is "Water Rights Division, Foss  
Building, 523 E Capitol, Pierre, SD 57501 (605 773-3352)" and the applicant's  
mailing address is given above. A petition filed by either an interested person  
or the applicant must be filed by April 24, 1995.

The petition may be informal, but must include a statement describing the  
petitioner's interest in the application, the petitioner's reasons for opposing or  
supporting the application, and the signature and mailing address of the  
petitioner or the petitioner's legal counsel, if legal counsel is obtained.  
Contact Eric Gronlund at the above Water Rights Division address to request  
copies of information pertaining to this application. Steven M. Pirner, Acting  
Secretary, Department of Environment and Natural Resources.

(14-15 3736)





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181

**SEP 5 1995**

Rodney Hofeldt  
RR 5 Box 89  
Millboro, SD 57580

Dear Mr. Hofeldt:

Enclosed is Water Permit No. 2122A-2 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

enclosures

**PLEASE NOTE:** Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

FROM : Rodney Hofeldt  
HC 88 BOX 89  
Millboro, S.D. 57580



SUBJECT : One year suspension of Water Permit No. 2122-2 & 2122A-2

TO: Whom it may Concern ,

In late October or early November when I received the 1995 Questionnaire I was already started with my corn harvest , so I made the mistake of putting it up until I had more time. This was MY first mistake,(NO EXCUSE). I then forgot about it until I received your notice the 1ST part of February.

At that time I filled out the Questionnaire and prepared it to be mailed the next day along with some other unrelated documents. I thought the matter had been taken care of that day, until I received Your notice of Suspension of My water permit that arrived on the 8th of March, at first I had no idea what could of happened. After looking though all papers and my file cabinet I found the sealed envelope containing the Questionnaire that I thought was mailed the 1st of February. It had been picked up and put back into My filing cabinet by mistake. (AGAIN THIS IS NO EXCUSE IT WAS MY MISTAKE.)

This was on a Friday and it was impossible to respond over the weekend, so I will prepare this letter now and will hand deliver it and the Questionnaire to your office on Monday the 11th of March.

All though it is about a 130 mile drive and I am calving now I feel I must get this resolved at the earliest date possible. Because without this permit my operation can simply not survive, even for one year.

Also I have been working on a loan and other matters trying to get a center pivot up and running by this spring for the permit 2122A-2. There is simply no way the bank will work with me without this matter resolved.

I apologize for the inconvenience and my mistakes once again, and ask you what I can do to rectify the situation, I have put my self in.

Sincerely Yours,

Rodney T. Hofeldt



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 12, 1998

Permit No. 2122A-2

Rodney Hofeldt  
RR 5, Box 89  
Millboro, SD 57058

Dear Mr. Hofeldt:

The investigation of your water use system was conducted on November 7, 1997, by Tim Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit Nos. 2122-2 and 2122A-2. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2122-2 will be incorporated into 2122A-2.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

**Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181**

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NO 415648

Pierre, February 18, 19 98

RECEIVED OF Rodney Hofeldt, HCR 88, Box 89, Millboro, SD 57580  
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. \_\_\_\_\_ to Appropriate Water, to construct  
and to put water to beneficial use \_\_\_\_\_

Fee for Application for Permit No. \_\_\_\_\_ to Appropriate Water, for Future  
Use \_\_\_\_\_

Fee to retain Future Use Permit No. \_\_\_\_\_ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water  
License No. 2122A-2

50 00

Fee for Filing Transfer Form \_\_\_\_\_

Fee for Filing Extension Request \_\_\_\_\_

Fee for \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Any Other Work Provided by Law)

Total

50 00

By \_\_\_\_\_  
Chief Engineer

John Hatch

**Permit No. 2122-2 & 2122A-2****Niobrara Trib - Water District****Report Of Examination Of Works And/Or Application of Water To Beneficial Use**

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, November 7, 1997, made a thorough examination of the water use system constructed by Rodney Hofeldt of RR 5, Box 89, Millboro, SD 57580 holder of Permit No. 2122-2 & 2122A-2, bearing the priority of February 23, 1990 authorizing the diversion of 4.57 cu. ft. per second and the storage of 8.0 acre-feet of the waters of Lost Creek & dugout for irrigation purposes, in Tripp County.

I have to report on the conditions of the same as follows:

## A. Works used to divert the water:

**John Deere 4 cyl., 80 Hp diesel motor, Model No. T04239T211897 with a Berkley 13.5 inch Centrifugal pump, Model No. B4JRMBH CW and an Isuzu 6 cyl., 100 Hp diesel motor, Model No. 6BD1PW with a Berkley 13.5 inch Centrifugal pump, Model No. B4JRMBH**

## B. Works used to transport water to place of use:

**Approximately 11,000 feet of buried 8 inch PVC pipe**

## C. Works used to apply water to beneficial use:

**3 Lindsey Zimmatic 7 tower Center Pivots**

The system is in the following condition **Good**. The point of diversion is located Lost Creek--1250 ft. south & 800 ft. east of the NW corner of Sec. 21-T95N-R77W (NW ¼ NW ¼) and Dugout--1550 ft. south & 925 ft. east of the NW corner of Sec. 21-T95N-R77W (SW ¼ NW ¼). The works are capable of diverting and conveying to the place of use 4.0 (1800 gpm) cu. ft. per second of water and storing 8.0 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Sec. 21-T95N-R77W

NW ¼ SW ¼--32.5 acres

NE ¼ SW ¼ --32.5

SW ¼ SW ¼ --32.5

SE ¼ SW ¼ --32.5

Sec. 15-T95N-R77W

NW ¼ NW ¼--32.5 acres

NE ¼ NW ¼ --32.5

SW ¼ NW ¼ --32.5

SE ¼ NW ¼ --32.5

NE 1/4 NW ¼ --25 acres

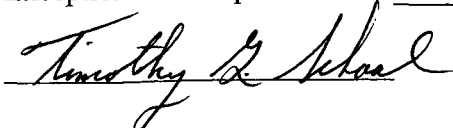
SE ¼ NW ¼ --30

SW ¼ NW ¼ -- 5

comprising a total of 320 acres of land and the license should be issued for 4.0 cfs and 8.0 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes **X**

Exceptions to compliance are: **none** Date Report Completed: January 7, 1998



Timothy G. Schaal, P.E.  
Natural Resources Engineer  
DENR, Water Rights Program

## REPORT ON INSPECTION OF PERMIT NO. 2122-2 & 2122A-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 7, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Rodney Hofeldt

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Rodney Hofeldt, RR 5, Box 89, Milliboro, SD 57580

DIVERSION POINT LEGAL LOCATION: Lost Creek—1250 ft. south & 800 ft. east of the NW corner of Sec. 21-T95N-R77W (NW ¼ NW ¼) and Dugout—1550 ft. south & 925 ft. east of the NW corner of Sec. 21-T95N-R77W (SW ¼ NW ¼).

### Pump:

- 1) Make 2 Berkley Centrifugal pumps
- 2) Model B4JRGBH (both)
- 3) Size 13.5
- 4) Capacity 900 GPM

### Motor:

- |                                         |                            |
|-----------------------------------------|----------------------------|
| 1) Make <u>John Deere 4 cyl. diesel</u> | <u>Isuzu 6 cyl. diesel</u> |
| 2) Model No. <u>T04239T211897</u>       | <u>6BD1PW</u>              |
| 3) Horsepower rating <u>80</u> hp       | <u>100</u> hp              |

### DISTRIBUTION LINES OR CANALS:

- 1) Type Buried PVC 2) Size 8 inches 3) Length Approximately 11, 000 feet

### SYSTEM TYPE:

#### Center pivot:

- 1) Make 3 Lindsey Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers XXX feet
- 5) End gun yes
- 6) High or low pressure low

**DUGOUT:**

**400 ft. x 100 ft. x 12 ft. deep = 8.0 acre-feet storage**

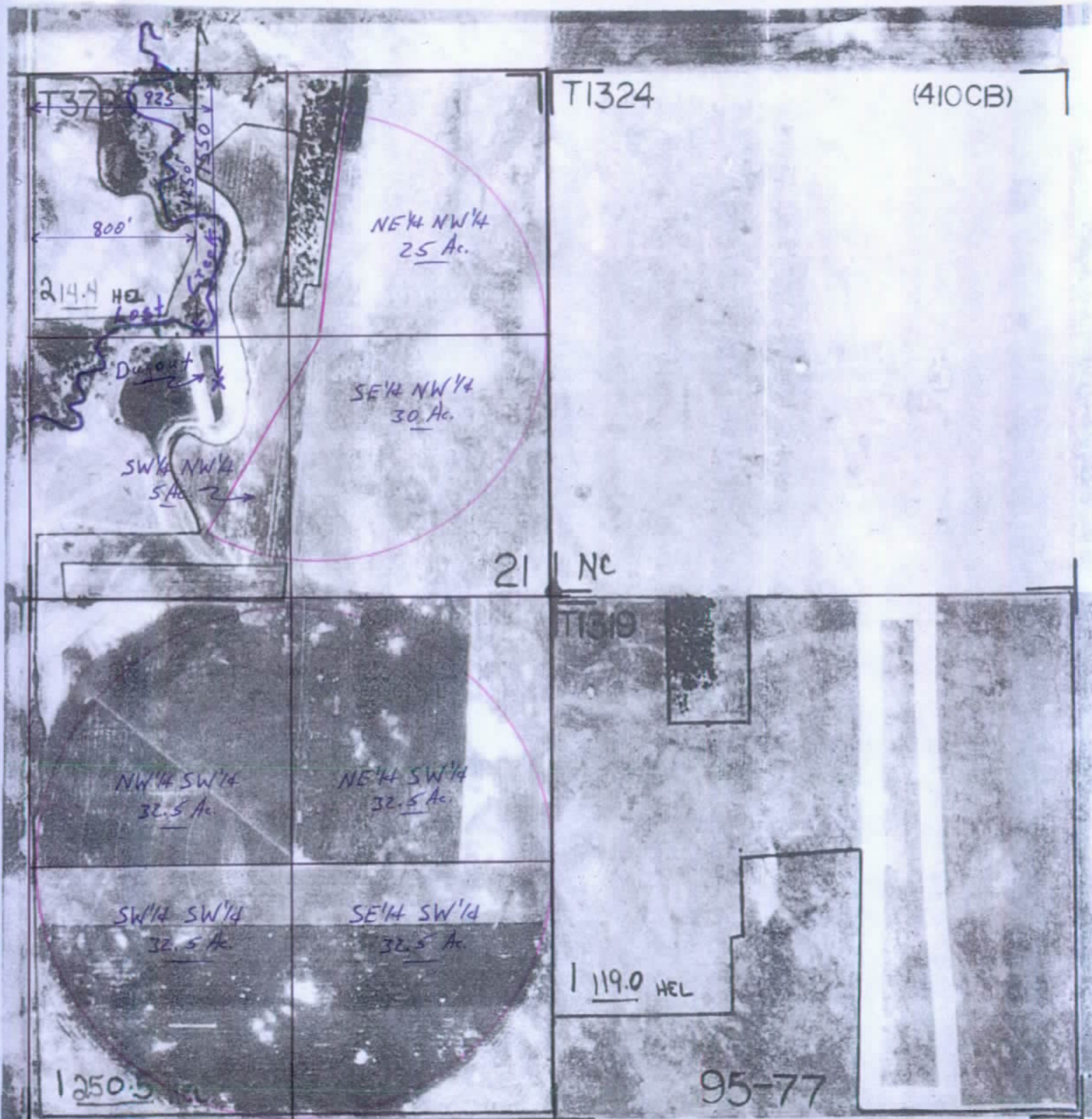
**CHEMIGATION EQUIPMENT:**

- 1) Does chemigate **NO**

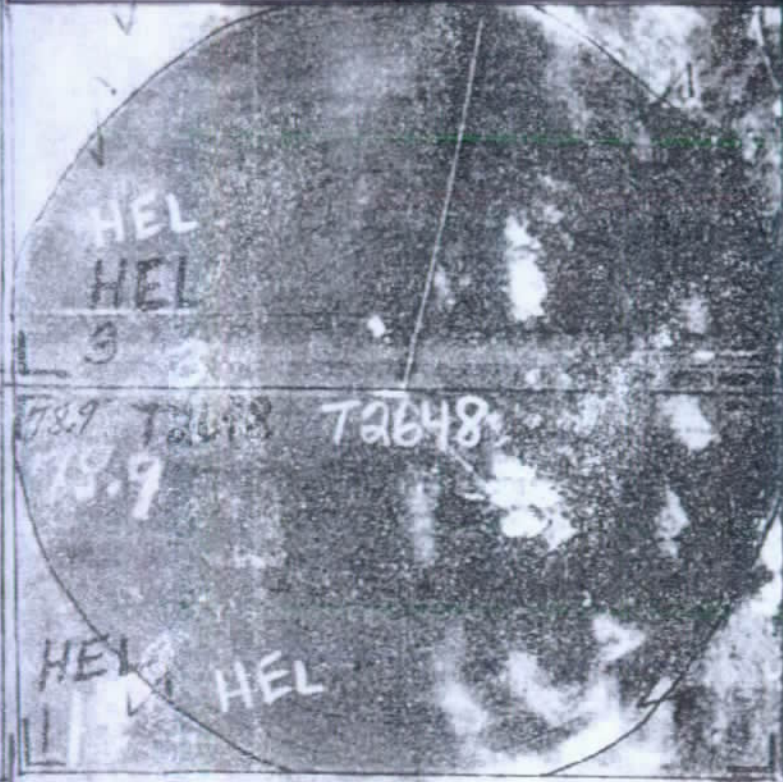
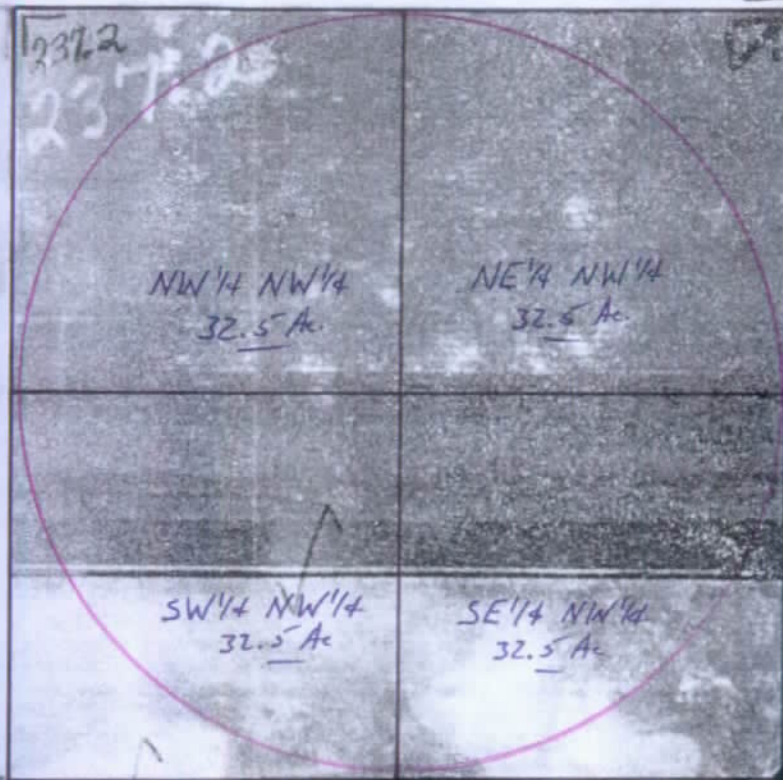
**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit **N/A**
- 2) Special qualifications to permit being abided by **yes**
- 3) All structures, wells and lands on map **yes**
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**

MAP NOT TO SCALE  
THIS IS NOT AN OFFICIAL WETLAND MAP.



NOT TO SCALE



95-77  
T1318(218-L) (C-7)

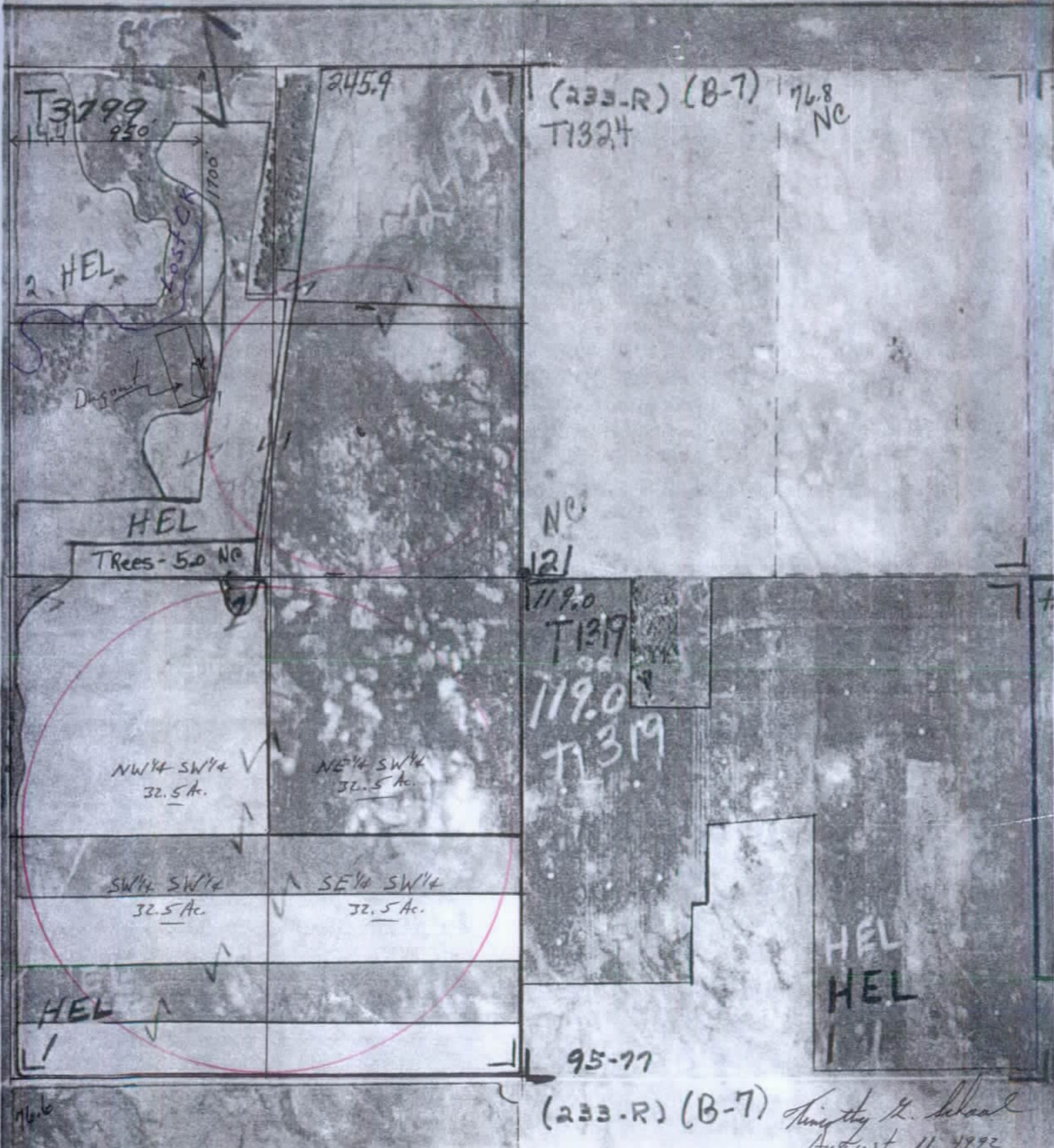
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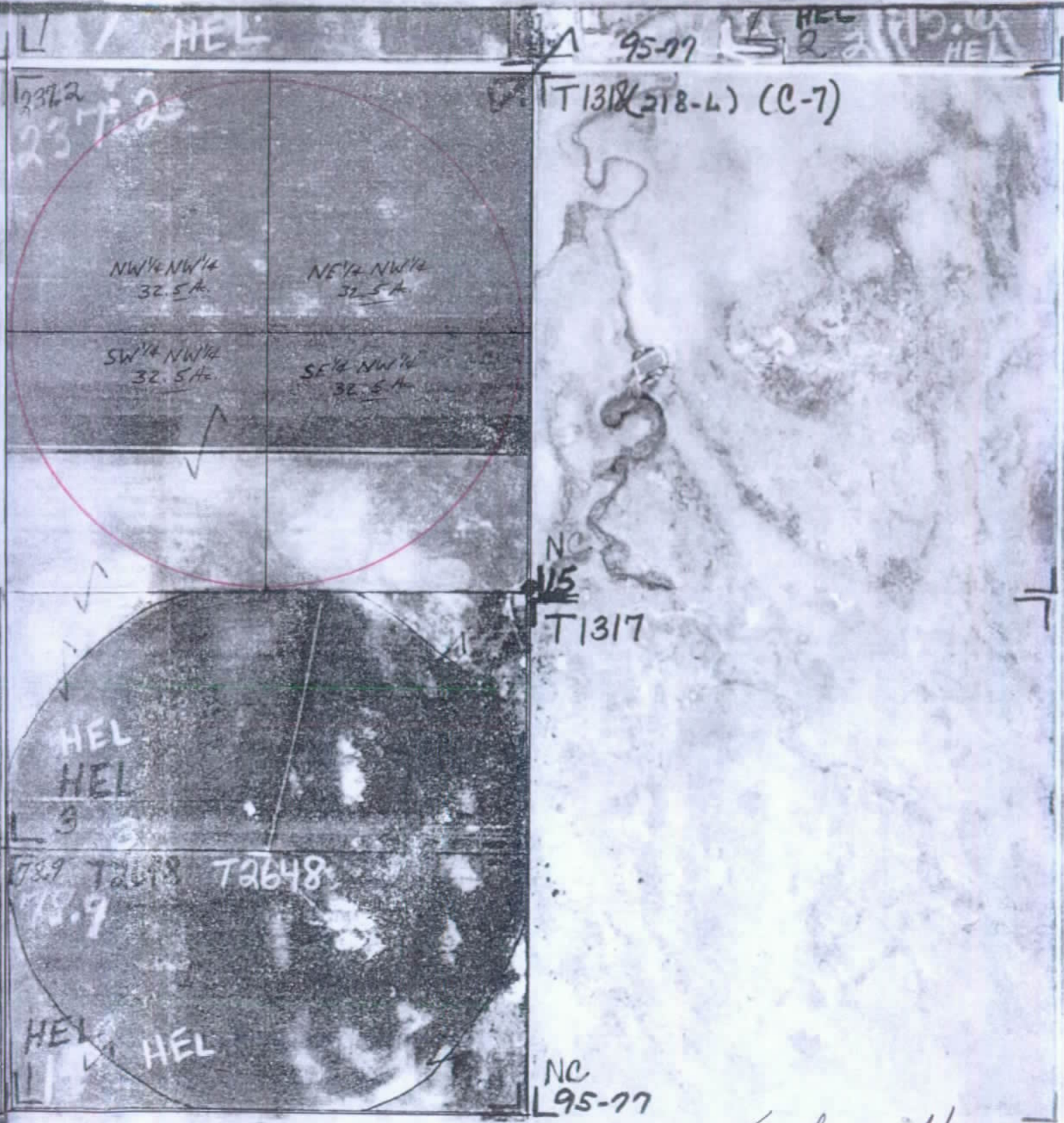
Water Permit No. 2122-2 &  
2122A-2

Timothy G. School  
January 7, 1997

NOT TO SCALE



NOT TO SCALE



Timothy G. Schaal  
August 11, 1992

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 2122A-2

(1) Rodney Hofeldt, RR 5 Box 89, Millboro SD 57580 made Application No. 2122A-2, September 18, 1992 for a water permit to transfer a portion of the acreage authorized by Water Permit No. 2122-2 located in Tripp County, South Dakota for irrigation purposes. Permit No. 2122A-2, with a priority date of February 23, 1990 (established by Permit No. 2122-2) was approved April 24, 1995 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before May 23, 1996 and for the application to beneficial use of said water on or before May 23, 1999.

Water Permit No. 2122-2 appropriated 4.57 cubic feet of water per second from a dugout (approximately 8 acre-feet storage capacity) located on a spring fed draw and supplemented with water from Lost Creek to irrigate 320 acres. Water Permit No. 2122A-2 transferred 60 acres of the 320 acres authorized by Water Permit No. 2122-2 to the NW 1/4 Section 21-T95N-R77W. The applicable portions of Water Permit No. 2122-2 are incorporated into No. 2122A-2.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 8.0 acre-feet of water and to divert 4.0 cubic feet of water per second for beneficial use. The location of the diversion points are: Lost Creek - 1250 feet south and 800 feet east of the northwest corner of Section 21 (NW 1/4 NW 1/4) and Dugout - 1,550 feet south and 925 feet east of the northwest corner of Section 21 (SW 1/4 NW 1/4); all in T95N-R77W.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

| Section 21-T95N-R77W |            | Section 15-T95N-R77W |            |
|----------------------|------------|----------------------|------------|
| NW 1/4 SW 1/4        | 32.5 acres | NW 1/4 NW 1/4        | 32.5 acres |
| NE 1/4 SW 1/4        | 32.5 acres | NE 1/4 NW 1/4        | 32.5 acres |
| SW 1/4 SW 1/4        | 32.5 acres | SW 1/4 NW 1/4        | 32.5 acres |
| SE 1/4 SW 1/4        | 32.5 acres | SE 1/4 NW 1/4        | 32.5 acres |
| NE 1/4 NW 1/4        | 25 acres   |                      |            |
| SE 1/4 NW 1/4        | 30 acres   |                      |            |
| SW 1/4 NW 1/4        | 5 acres    |                      |            |
| Total 320 acres      |            |                      |            |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rodney Hofeldt, RR 5 Box 89, Millboro SD 57580 the holder and/or owner of Incorporated Water Permit No. 2122A-2 is issued a license to appropriate water, the right to store 8.0 acre-feet of water and to use 4.0 cubic feet of water per second from a dugout and Lost Creek with a priority date of February 23, 1990 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2122A-2 and subject to South Dakota State Law.

  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

APR 23 1998

date





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

APR 23 1998

2122A-2

Rodney Hofeldt  
RR 5, Box 89  
Millboro, SD 57580

Dear Mr. Hofeldt:

Enclosed is Water License No. 2122A-2 and Receipt No. 415648 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2122A-2 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

ks  
enclosures

**NOTE: The applicable portions of Water Permit No. 2122-2 are incorporated into No. 2122A-2.**



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

APR 16 2002

2453-2

Rodney Hofeldt  
29859 310<sup>th</sup> Ave.  
Winner, SD 57580

Dear Mr. Hofeldt:

Enclosed is Water License No. 2453-2. This is the final water right document completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program  
(605) 773-3352

NOTE: The applicable portions of No. 2122A-2 are incorporated into Water License No. 2453-2

enclosures