

**WATER PERMIT NO. 2453-2**

Name of Applicant: Rodney Hofeldt

Address: 29859 310<sup>th</sup> Ave, Winner SD 57580

Phone: 605 557-3400

Amount of Water Claimed: no additional

Total Acres: 80 acres

Source of Water Supply: Lost Creek and dugout

Water to be used for: irrigation County: Tripp

Type of Waste Disposal System:

Location: approximately 25 miles southwest of Winner

PRIORITY

Date Received: 1-17-2001

Fee: \$225

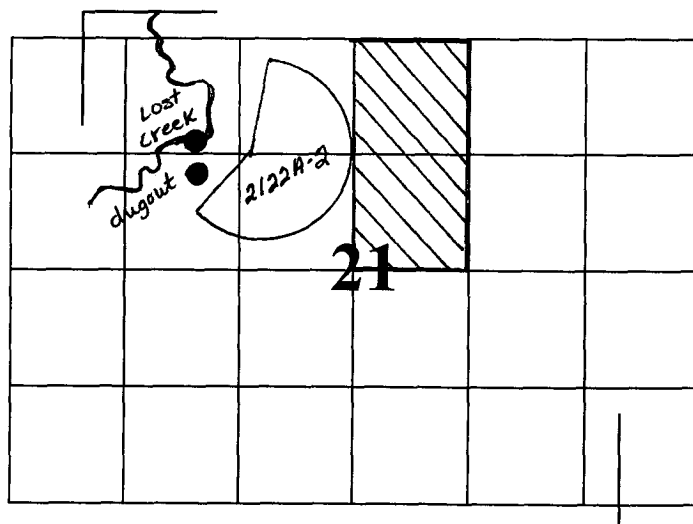
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Additional acres will allow pivot to make a full rotation

Diversion Point: Lost Creek – NW ¼ NW ¼ and  
dugout – SW ¼ NW ¼; both in Section 21-  
T95N-R77W

Land to be Irrigated: W ½ NE ¼ Section 21-  
T95N-R77W



Depth of Well: NA

Well Driller: : NA

Remarks:

Type of Map: topo

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 1-18-2001

By: Karen Schlaak

Notice of Hearing - date to intervene: \_\_\_\_\_

**SOUTH DAKOTA**  
**WATER PERMIT NO. 2453-2 FOR IRRIGATION**

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Date of first receipt of application January 17, 2001.

The Water Management Board approved Water Permit Application No. 2453-2 on March 7, 2001 for Rodney Hofeldt, 29859 310<sup>th</sup> Ave, Winner 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. 2453-2 authorizes irrigation of 80 additional acres. Water Right No. 2122A-2 currently appropriates 4.0 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 dugout is located in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 21 with the Lost Creek diversion point located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 21-T95N-R77W. The irrigated acres are located in the W  $\frac{1}{2}$  Section 21 and NW  $\frac{1}{4}$  Section 15; all in T95N-R77W. This permit is to irrigate 80 additional acres located in portions of the NE  $\frac{1}{4}$  Section 21-T95N-R77W. The permit holder intends to move the pivot currently making a one-half rotation in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 21 approximately 1,320 feet to the east and allow the pivot to make full rotation in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  and portions of the NE  $\frac{1}{4}$  Section 21. This permit does not authorize any increase in the developed diversion rate.
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 January 17, 2001.
4. One-fifth of the construction is to be completed on or before September 7, 2003.
5. All construction is to be completed on or before March 7, 2006.
6. Water is to be put to beneficial use on or before March 7, 2010.
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 watering and prior water rights must be bypassed. 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. Diversions 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.

**WATER MANAGEMENT BOARD**

By: Garland Erbele

Garland Erbele, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

**APR 04 2001**

date



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

|                                                                                                                    |                                                    |                                                      |
|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------|
| Mail to:<br>Water Rights Program<br>Joe Foss Building<br>523 E. Capitol<br>Pierre, SD 57501-3181<br>(605) 773-3352 | No. <u>2453-2</u>                                  | (office use only)<br>Hydrologic Unit <u>10150006</u> |
|                                                                                                                    | Basin <u>Niobrara Trib.</u>                        |                                                      |
|                                                                                                                    | Newspaper <u>Winner Advocate, Winner, SD 57580</u> |                                                      |
|                                                                                                                    |                                                    |                                                      |



## Application For Permit To Appropriate Water For Irrigation

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

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)  
additional acres to WR No. 2122A-2 without any additional  
diversion rate

1. Name of Applicant Rodney Hofeldt Phone 605 557-3400  
(check one) ☒ Owner ☐ Tenant/lessee  
Mailing Address 29859 310<sup>th</sup> Ave Winner State SD 57580  
(Street, RR, or Box and City) (Zip Code)

2. Amount of water claimed no add'l \*CFS or \*\*GPM \*\*\*AF Total Acreage 80  
(\*Cubic Feet per Second) (\*\*Gallons per Minute) (\*\*\*)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply Lost Creek & dugout

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)  
Lost Creek - NW NW Sec 21 Dugout SW NW Sec 21; all in T95N, R77W  
County Tripp

5. County or counties where water will be used Tripp

6. Annual period during which water is to be used April 1 - Oct 31

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 NE 1/4 Sec 21 T95N R77W  | 40.35 |                  |       |
| SW 1/4 NE 1/4 Sec 21, T95N R77W | 40.35 |                  |       |
| NE 1/4 NE 1/4 "                 | 5     |                  |       |
| SE 1/4 NE 1/4 "                 | 5     |                  |       |

8. Give a description of the project. (Attach sheet if more space is needed)  
Applying for additional acres to allow presently permitted acres which  
makes a windshield wipe rotation to make full rotation in the E 1/2 NW 1/4  
+ W 1/2 NE 1/4 Section 21

STATE OF SOUTH DAKOTA) SS  
County of Hughes

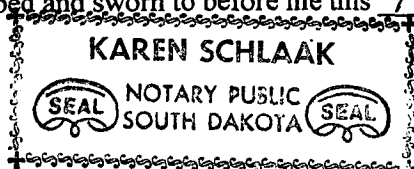
Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Rodney Hofeldt, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Rodney Hofeldt

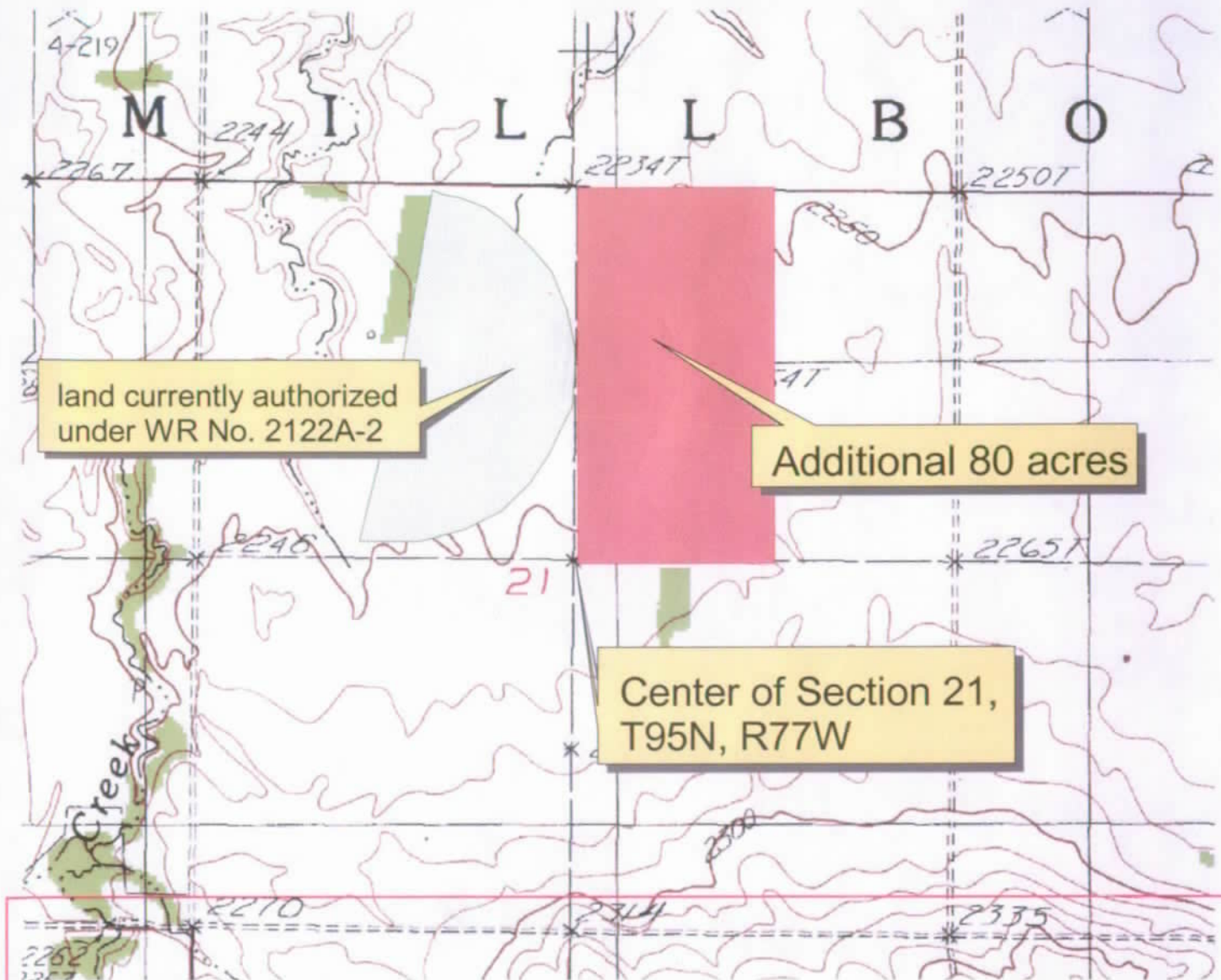
Subscribed and sworn to before me this 17<sup>th</sup> day of January 20 01

KAREN SCHLAAK, Notary Public  
My Commission Expires  
April 1, 2004  
4-2000



Karen Schlaak  
Notary Public signature

Rodney Hofeldt's Application for 80 additional acres



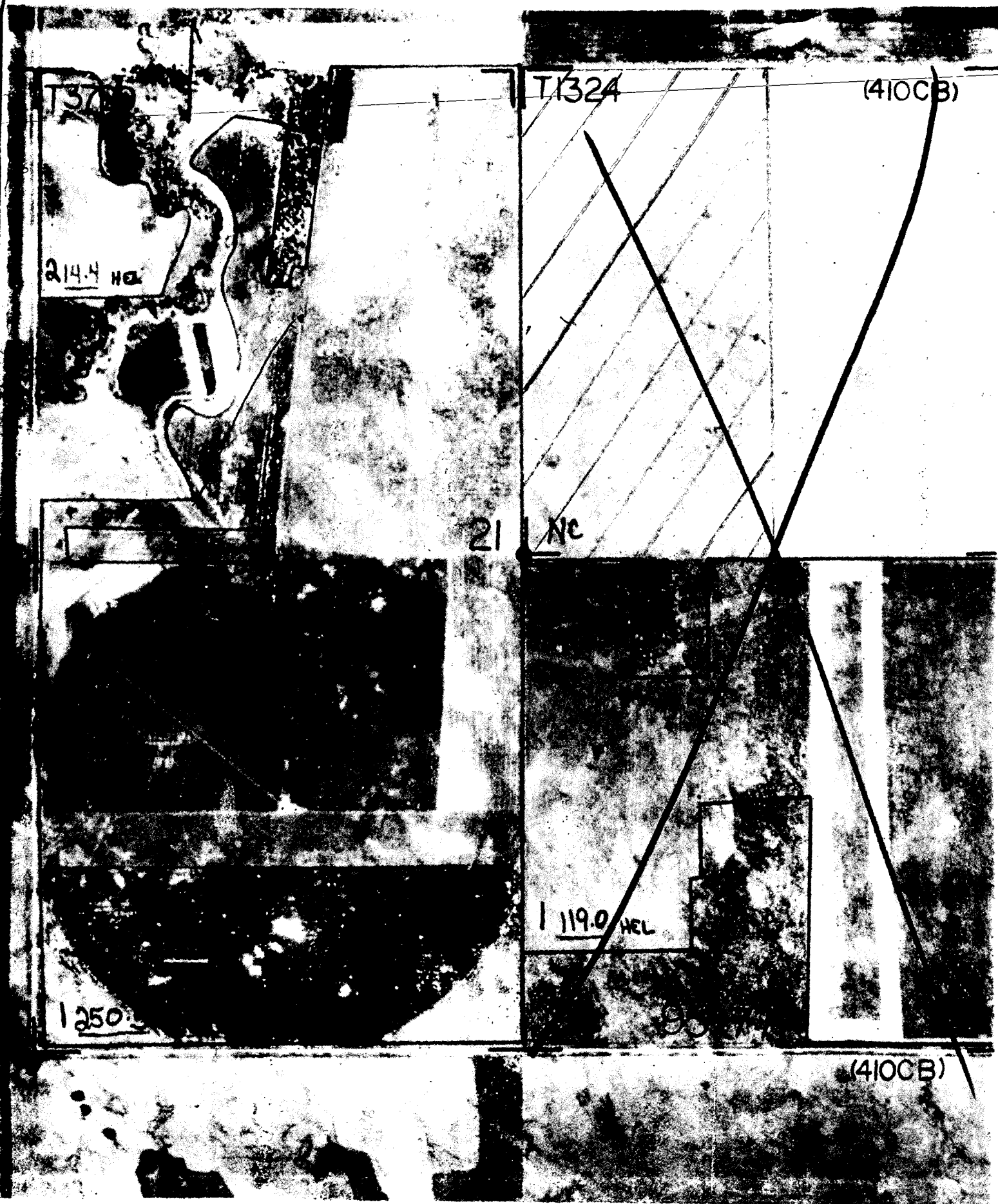
Mr. Hofeldt intends to reposition pivot in a manner that will allow the pivot to make full rotation on the E 1/2 NW 1/4 and the W 1/2 NE 1/4 of Section 21



*Eric Gronlund*  
Eric Gronlund  
Water Rights Program  
January 17, 2001

2453-2

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



# RECEIPT

## Water Rights Program

South Dakota Department of Environment and Natural Resources

NE 416735

Pierre, January 17, 2001

RECEIVED OF Rodney Hofeldt, 29859 310th Ave, Winner SD 57580  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                                 |              |        |
|---------------------------------------------------------------------------------------------------------------------------------|--------------|--------|
| Fee for Application for Permit No. <u>2453-2</u> to Appropriate Water, to construct<br>and to put water to beneficial use _____ | 225          | 00     |
| Fee for Application for Permit No. _____ to Appropriate Water, for Future<br>Use _____                                          |              |        |
| Fee to retain Future Use Permit No. _____ after period of seven years.                                                          |              |        |
| Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water<br>License No. <u>2453-2</u> _____            | 50           | 00     |
| Fee for Filing Transfer Form _____                                                                                              |              |        |
| Fee for Filing Extension Request _____                                                                                          |              |        |
| Fee for _____                                                                                                                   |              |        |
| _____                                                                                                                           |              |        |
| _____                                                                                                                           |              |        |
| (Any Other Work Provided by Law)                                                                                                | <b>Total</b> | 275 00 |

By Darland Eibeke  
Chief Engineer  
*gmd*

File No. 2453-2

Water Rights Division -DENR  
Conversation or File Documentation

NAME OF PERSON OR FILE: Rodney Hofeldt

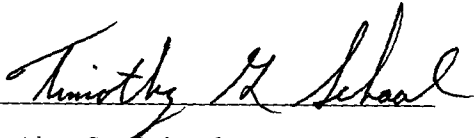
ADDRESS: 29859 310<sup>th</sup> Ave, Winner, SD 57580 COUNTY: Tripp

DATE: January 26, 2001

TELEPHONE: (605) 557-3400

RE: change in location of proposed irrigation to include the entire NE 1/4

I talked to Mr. Hofeldt today about the proposed location of the center pivot after he moves it if Water Permit Application No. 2453-2 is approved. We discussed that the center pivot could cross over into the E 1/2 of the NE 1/4 of Section 21, if he moved the pivot over far enough to miss the trees he has planted in the NE 1/4 NW 1/4 of Section 21-T95N-R77W. He did not know if that would be the case, because some of the trees are dead and may be removed, but agreed to change the description to include portions of the NE 1/4 of Section 21-T95N-R77W. He said it would not be a problem since he owns the entire NE 1/4.



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

REPORT ON  
WATER PERMIT APPLICATION No. 2453-2  
Rodney Hofeldt  
January 29, 2001

Water Permit Application No. 2453-2 has been filed by Rodney Hofeldt to irrigate an additional 80 acres of land located in portions of the NE 1/4 of Section 21-T95N-R77W. Water Right No. 2122A-2 currently appropriates 4.0 cubic feet of water per second (cfs) to irrigate 320 acres from a dugout, which is located on a spring fed draw and is supplemented with water from Lost Creek. The dugout has a storage capacity of approximately 8 acre-feet and is located in the NW 1/4 NW 1/4 of Section 21-T95N-R77W. The 320 acres of irrigated land are located in the W 1/2 of Section 21 and the NW 1/4 of Section 15, all in T95N-R77W.

Discussion:

Water Permit No. 2122-2 was issued to Mr. Hofeldt on October 30, 1990, with a priority date of February 23, 1990, to appropriate 4.57 cfs from Lost Creek and a spring fed draw and dugout (with approximately 8 acre-feet storage) to irrigate 320 acres. The 320 acres of irrigation are located in the SW 1/4 of Section 21-T95N-R77W and the NW 1/4 Section 15-T95N-R77W.

Water Permit No. 2122A-2 was issued to Mr. Hofeldt on September 5, 1995, with a priority date of February 23, 1990, (established by Water Permit No. 2122-2). This permit transferred 60 acres from the non-irrigated corners of the two center pivots, authorized under Water Permit No. 2122-2, to the NW 1/4 of Section 21-T95N-R77W, with no increase in diversion rate.

The two permits were inspected on November 7, 1997, incorporated and licensed on April 23, 1998. The incorporated permits authorize 4.0 cfs from the original Lost Creek and the spring fed draw and dugout diversion point to irrigate 320 acres of land.

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 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.

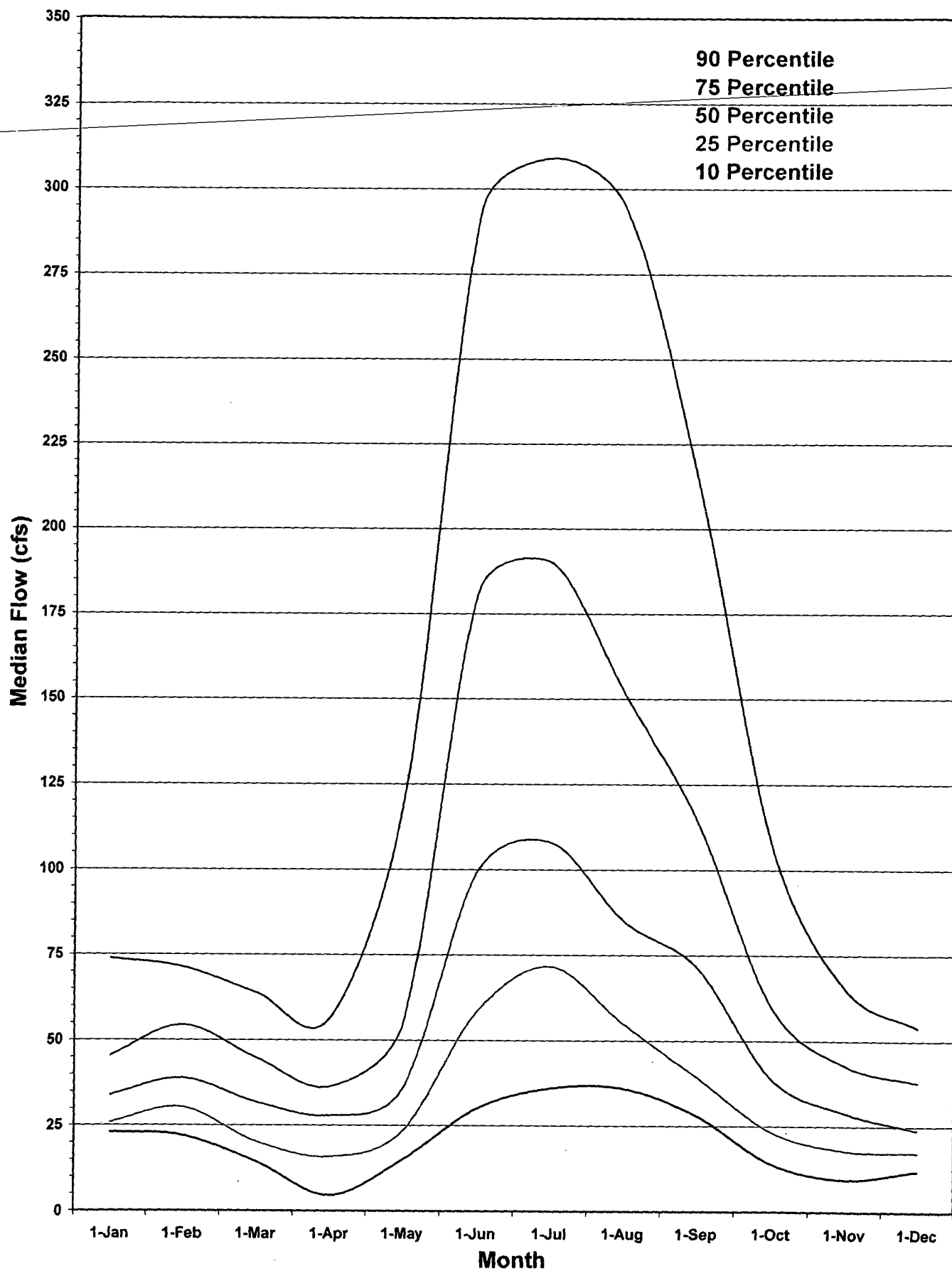
There are 13 permits on the Keya Paha River and contributing tributaries in Tripp County with the Keya Paha River qualification. The following table lists the Water Permits/Rights by priority date. Water Right No. 879-2 and No. 931-2 are the only permits located downstream of the USGS gaging station at Wewela.

Table 1

| PERMIT NO.         | PRIORITY DATE              | NAME                         | DIVERSION RATE | ACRES IRRIGATED |
|--------------------|----------------------------|------------------------------|----------------|-----------------|
| 369-2              | 11/28/1950                 | Terry Weickum                | 0.50           | 35.0            |
| 414-2              | 06/01/1955                 | H.W. & Brad Carlson          | 0.79           | 55.0            |
| 465-2              | 07/22/1957                 | Lucile Richey                | 1.00           | 70.0            |
| 710-2              | 01/15/1940 &<br>05/12/1961 | Charles Richey               | 1.96           | 140.5           |
| 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                 | Jeff Kirsch                  | 1.50           | 105.0           |
| 931-2              | 09/18/1967                 | Vernon Van Epps              | 1.19           | 83.0            |
| 959-2              | 01/26/1968                 | Alva Wiley                   | 0.57           | 40.0            |
| 1107-2             | 03/26/1972                 | Robert 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           |
| 2122A-2            | 07/26/1991                 | Rodney Hofeldt               | 4.0            | 320.0           |
|                    |                            |                              |                |                 |
|                    |                            | TOTAL                        | 22.92          | 1577.70         |

The following graph represents median monthly flows in the Keya Paha River at the USGS gaging station at Wewela for 52 years of record. The hydrograph indicates that there is a 10 percent chance (90 percentile), or 1 out of 10 years, that there will be at least 225 cfs in the river during June, July, August and September; a 50 percent chance (50 percentile), or 1 out of 2 years, that there will be at least 75 cfs and a 90 percent chance (10 percentile), or 9 out of 10 years, that there will be at least 30 cfs in the river during those months.

KEYA PAHA RIVER AT WEWELA  
1947-1998



Page 3

Water Permit Application No. 2453-2  
Rodney Hofeldt

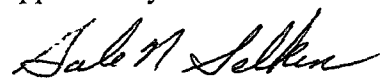
Conclusions:

1. Water Permit Application No. 2453-2 should be approved since unappropriated water is available.
2. Approval of Water Permit Application No. 2453-2 does not authorize an increase in the developed diversion rate for Water Right No. 2122A-2.
3. The Keya Paha River shut off qualification should be included on this application to assure that water is available for downstream domestic use and prior Water Rights.
4. Water Permit No. 2453-2 and Water Right No. 2122A-2 will have the Junior priority dates on the Keya Paha River and contributing tributaries and will be the first permits shut off under the Keya Paha River shut off qualification.



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

Approved by:



Gale N. Selken, P.E.  
Natural Resources Engineer Director

References:

1. U.S. Geologic Survey, Water Resources Data South Dakota Water Year 1999, U.S. Geological Survey Water Resources Division, Huron, SD
2. Water Rights Program, 2001, Water Permits/Rights Files, DENR, Joe Foss Building, Pierre, SD



**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)

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2453-2, Rodney Hofeldt**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 2453-2, Rodney Hofeldt, 29859 310<sup>th</sup> Avenue, Winner SD 57580.

The Chief Engineer is recommending APPROVAL of Application No. 2453-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) it is in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering 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. Diversions 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.

See report on application for additional information.

Garland Erbele, Chief Engineer  
2/2/01

# AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, County of Tripp-ss.

Mylan Schroeder

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

## 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

58 lines @ 200 x 80

Rodney 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:

2-7-01

2-14-01

That the full amount of the fees for the publication of the annexed notice is \$ 65.16

Mylan Schroeder

Subscribed and sworn to before me this 14th

day of February, 2001

Patricia Devlin

Notary Public

County of Tripp, South Dakota

My Commission Expires 11-05-03

## NOTICE OF HEARING on Application No. 2453-2 to Appropriate Water

Notice is given that Rodney Hofeldt, 29859 310th Ave, Winner SD 57580 has filed an application for a water permit to irrigate 80 additional acres. Water Right No. 2122A-2 currently appropriates 4.0 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 dugout is located in the SW1/4NW1/4 Section 21 with the Lost Creek diversion point located in the NW1/4NW1/4 Section 21, T95N, R77W. The irrigated acres are located in the W1/2 Section 21 and NW1/4 Section 15; all in T95N-R77W. This application is to irrigate 80 additional acres located in portions of the NE1/4 Section 21-T95N-R77W. The applicant intends to move the pivot currently making a one-half rotation in the E1/2NW1/4 Section 21 approximately 1,320 feet to the east and allow the pivot to make full rotation in the E1/2NW1/4 and portions of the NE1/4 Section 21. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2453-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 26, 2001. 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, of legal counsel is obtained.

The Water Management Board will consider this application at 10:00 A.M., March 7, 2001 in the Mathews Training Center, Foss Building, 523 E. Capitol, Pierre, SD 57501. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 7, 2001 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 26, 2001.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 26, 2001, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15

Steven M. Pirner, Secretary,

Department of Environment and Natural Resources.

(6-7 2323)





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)

February 2, 2001

Winner Advocate  
Box 71  
Winner, SD 57580-0071

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 2453-2 to Appropriate Water to be published twice. Please publish the first notice on February 7, 2001 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, 29859 310<sup>th</sup> Ave, Winner SD 57580 (Ph # 605-557-3400).

**Please send the Water Rights Program the first publication immediately.** The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

No. 2453-2

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

Date \_\_\_\_\_

We are in receipt of your letter of February 2, 2001 enclosing Notice of Hearing to Appropriate Water by Application No. 2453-2 which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Newspaper



**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)

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

February 2, 2001

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

Dear Mr.Hofeldt:

Water Permit Application No. 2453-2 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.

Instruction to Newspaper - Publish first Notice on February 7, 2001 with the second publication 7 days later. The applicant is responsible for payment.

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### NOTICE OF HEARING on Application No. 2453-2 to Appropriate Water

Notice is given that Rodney Hofeldt, 29859 310<sup>th</sup> Ave, Winner SD 57580 has filed an application for a water permit to irrigate 80 additional acres. Water Right No. 2122A-2 currently appropriates 4.0 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 dugout is located in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 21 with the Lost Creek diversion point located in the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  Section 21, T95N, R77W. The irrigated acres are located in the W  $\frac{1}{2}$  Section 21 and NW  $\frac{1}{4}$  Section 15; all in T95N-R77W. This application is to irrigate 80 additional acres located in portions of the NE  $\frac{1}{4}$  Section 21-T95N-R77W. The applicant intends to move the pivot currently making a one-half rotation in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  Section 21 approximately 1,320 feet to the east and allow the pivot to make full rotation in the E  $\frac{1}{2}$  NW  $\frac{1}{4}$  and portions of the NE  $\frac{1}{4}$  Section 21. This application, if approved, does not authorize any increase in the developed diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2453-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by February 26, 2001. 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.

The Water Management Board will consider this application at 10:00 A.M., March 7, 2001 in the Mathews Training Center, Foss Building, 523 E. Capitol, Pierre, SD 57501. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. The March 7, 2001 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 26, 2001.

Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact Eric Gronlund by February 26, 2001, at the above Water Rights Program address to request copies of information pertaining to this application, to assure access to the hearing by the handicapped or to obtain an interpreter for the hearing impaired.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15, 46-2A-20, 46-2A-21; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



**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)

February 5, 2001

Syed Huq  
Rosebud Sioux Tribe  
Winner, SD 57580

Dear Mr. Huq:

Please find enclosed a copy of the notice of hearing on Water Right Permit Application No. 2453-2 filed by Rodney Hofeldt. This notice is scheduled to be published in the Winner Advocate on February 7 and 14, 2001.

This notice is being sent to you because the Rosebud Sioux Tribe was a petitioner in a past application filed in 1990 by Mr. Hofeldt.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 5, 2001

Marie Condon  
Rosebud Sioux Tribe  
Winner, SD 57580

Dear Ms. Condon:

Please find enclosed a copy of the notice of hearing on Water Right Permit Application No. 2453-2 filed by Rodney Hofeldt. This notice is scheduled to be published in the Winner Advocate on February 7 and 14, 2001.

This notice is being sent to you because you were a petitioner in a past application filed in 1990 by Mr. Hofeldt.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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523 EAST CAPITOL  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 5, 2001

*Letter  
Returned  
by P.O.*  
Syed Huq  
Rosebud Sioux Tribe  
Winner, SD 57580

Dear Mr. Huq:

Please find enclosed a copy of the notice of hearing on Water Right Permit Application No. 2453-2 filed by Rodney Hofeldt. This notice is scheduled to be published in the Winner Advocate on February 7 and 14, 2001.

This notice is being sent to you because the Rosebud Sioux Tribe was a petitioner in a past application filed in 1990 by Mr. Hofeldt.

Please feel free to contact me if you have any questions.

Sincerely,

Eric Gronlund  
Water Rights Program  
(605) 773-3352

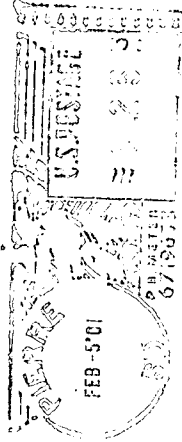
enclosure



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182

RETURN SERVICE REQUESTED

OFFICE OF THE  
NATIONAL GUARDIAN  
PO BOX 1000  
PIERRE SOUTH DAKOTA 57501-3182



NOT RECOVERABLE  
RECEIVED  
TO FOLLOW

IA 25

Syed Hug  
Rosebud Sioux Tribe  
Winner, SD 57580

REASON CHECKED  
Unclaimed ☒  
Refused ☐  
Attempted Not Known ☐  
Insufficient Address ☐  
No Such Street ☐  
No Such Number ☐  
No Such Office In State ☐  
Do not remove from this envelope



**DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

APR 04 2001

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

Dear Mr. Hofeldt:

Enclosed is Water Permit No. 2453-2 authorizing construction of your 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,

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

enclosures

**Permit No. 2453-2**  
**Niobrara Tributary - 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, **October 17, 2001**, made a thorough examination of the water use system constructed by **Rodney Hofeldt** of **29859 310<sup>th</sup> Ave., Winner, SD 57580** holder of Permit No. **2122A-2**, bearing the priority of **February 23, 1990** authorizing the diversion of **4.0 (1800 gpm)** cu. ft. per second and the storage of **8.0** acre-feet and Permit No. **2453-2**, bearing the priority of **January 17, 2001** authorizing the diversion of **no additional** cu. ft. per second 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 12,300 feet of buried 8 inch PVC pipe**

C. Works used to apply water to beneficial use:

**3 Lindsey Zimmatic 7 tower Center Pivots**

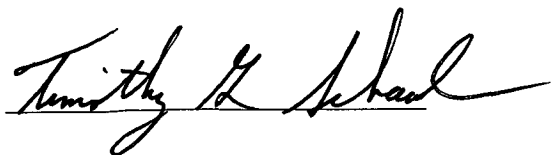
The system is in the following condition **good**. The point of diversion is located **Lost Creek--1250 ft. south & 800 ft. east of the NW corner of Sec. 21-T95N-R77W (NW 1/4 NW 1/4) and Dugout-- 1550 ft. south & 925 ft. east of the NW corner of Sec. 21-T95N-R77W (SW 1/4 NW 1/4)**. The works are capable of diverting and conveying to the place of use **4.0 (1800 gpm)**cu. ft. per second of water and the storage of **8.0** acre-feet which is to be used for **irrigation**. Water has been put to beneficial use to the maximum extent as follows:

| <u>Sec. 21-T95N-R77W</u> |                           | <u>Sec. 15-T95N-R77W</u>  |
|--------------------------|---------------------------|---------------------------|
| NE 1/4 NE 1/4 -- 2 acres | NW 1/4 SW 1/4--32.5 acres | NW 1/4 NW 1/4--32.5 acres |
| NW 1/4 NE 1/4-- 33       | NE 1/4 SW 1/4 --32.5      | NE 1/4 NW 1/4 --32.5      |
| SW 1/4 NE 1/4-- 33       | SW 1/4 SW 1/4 --32.5      | SW 1/4 NW 1/4 --32.5      |
| SE 1/4 NE 1/4-- 2        | SE 1/4 SW 1/4 -- 32.5     | SE 1/4 NW 1/4 --32.5      |
| NE 1/4 NW 1/4-- 30       |                           |                           |
| SE 1/4 NW 1/4-- 30       |                           |                           |

comprising a total of **390** acres of land and the license should be issued for **4.0 (1800 gpm)** cfs and/or **8.0** acre-feet of storage.

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

Exceptions to compliance are: **none** Date Report Completed: **March 8, 2002**



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

## REPORT ON INSPECTION OF PERMIT NO. 2453-2

Other permit(s) associated with the project: 2122-2 & 2122A-2

DATE OF INSPECTION: October 17, 2001

NAME & ADDRESS OF INSPECTION CONTACT/ Rodney Hofeldt  
RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Rodney Hofeldt, 29859 310<sup>th</sup> Ave., Winner, SD 57580

DIVERSION POINT LEGAL LOCATION: Lost Creek--1250 ft. south & 800 ft. east of the NW corner of Sec. 21-T95N-R77W (NW 1/4 NW 1/4) and Dugout-- 1550 ft. south & 925 ft. east of the NW corner of Sec. 21-T95N-R77W (SW 1/4 NW 1/4).

### Pump:

- 1) Make 2 Berkley Centrifugal pumps
- 2) Model B4JRMBH (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 12, 300 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**

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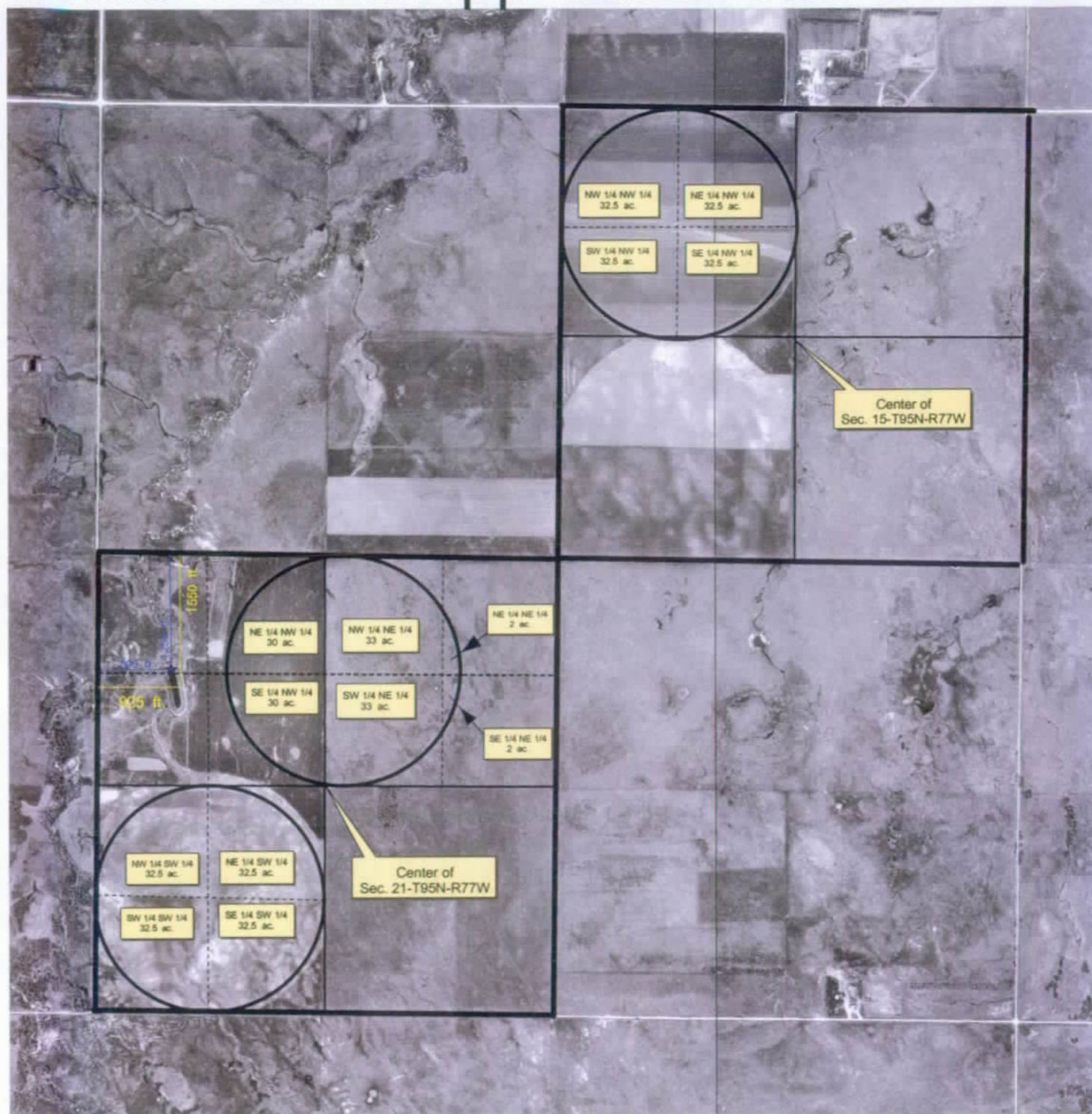
**CHEMIGATION EQUIPMENT:**

- 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

# Water Permit Application No. 2453-2



0.5 0 0.5 1 Miles



*Timothy G. Schaal*  
Timothy G. Schaal, P.E. 3/8/02  
Natural Resources Engineer Specialist  
Water Rights Program

# STATE OF SOUTH DAKOTA

## WATER LICENSE NO. 2453-2

(1) Rodney Hofeldt, 29859 310<sup>th</sup> Ave, Winner SD 57580 made Application No. 2453-2, January 17, 2001 for a water permit to appropriate no additional water from Lost Creek and a dugout, Tripp County, South Dakota for irrigation purposes. Permit No. 2453-2, with a priority date of January 17, 2001 was approved March 7, 2001 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 7, 2006 and for the application to beneficial use of said water on or before March 7, 2010.

Water Right No. 2122A-2 with a priority date of February 23, 1990 authorized 4.0 cubic feet of water per second and 8.0 acre-feet of storage to irrigate 320 acres. Water Permit No. 2453-2 authorized the irrigation of 80 additional acres located in the NE ¼ Section 21-T95N-R77W. The applicable portions of No. 2122A-2 are incorporated into No. 2453-2.

(2) It is certified that the permit holder 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 – 1,250 feet south and 800 feet east of the northwest corner of Section 21 (NW ¼ NW ¼) and Dugout – 1,550 feet south and 925 feet east of the northwest corner of Section 21 (SW ¼ NW ¼); all in T95N-R77W.

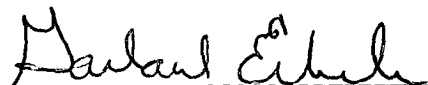
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

| Section 21-T95N-R77W |            | Section 15-T95N-R77W |            |
|----------------------|------------|----------------------|------------|
| NW ¼ SW ¼            | 32.5 acres | NW ¼ NW ¼            | 32.5 acres |
| NE ¼ SW ¼            | 32.5 acres | NE ¼ NW ¼            | 32.5 acres |
| SW ¼ SW ¼            | 32.5 acres | SW ¼ NW ¼            | 32.5 acres |
| SE ¼ SW ¼            | 32.5 acres | SE ¼ NW ¼            | 32.5 acres |
| NE ¼ NE ¼            | 2 acres    |                      |            |
| NW ¼ NE ¼            | 33 acres   |                      |            |
| SW ¼ NE ¼            | 33 acres   |                      |            |
| SE ¼ NE ¼            | 2 acres    |                      |            |
| NE ¼ NW ¼            | 30 acres   |                      |            |
| SE ¼ NW ¼            | 30 acres   | Total 390 acres      |            |

70 acres in NE ¼ Section 21 - January 17, 2001 priority date.

Remaining 320 acres - February 23, 1990 priority date.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Rodney Hofeldt, 29859 310<sup>th</sup> Ave, Winner SD 57580 the holder and/or owner of Incorporated Water Right No. 2453-2 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 priority dates of February 23, 1990 and January 17, 2001 from the locations 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 Right No. 2453-2 and subject to South Dakota State Law.

  
GARLAND ERBELE, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

APR 16 2002

date





**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



August 14, 2006

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

**KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER  
WATER RIGHT NO(s). 2453-2**

To: RODNEY HOFELDT  
29859 310TH AVE  
WINNER, SD 57580

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

Subject: Keya Paha River Qualification Reminder for Permit No(s). 2453-2

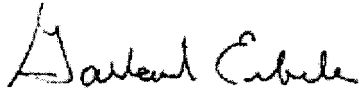
Qualifications on your water right indicate that you are not authorized to divert Lost Creek water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 17, 2006, the stream flow at the Wewela gage dropped to 14-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.

July 16, 2007

**KEYA PAHA RIVER WATER RIGHT QUALIFICATION REMINDER**  
**WATER RIGHT NO(s) 2453-2**

To: RODNEY HOFELDT  
29860 310TH AVENUE  
WINNER, SD 57580



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

Subject: Keya Paha River Qualification Reminder for Permit No(s). 2453-2

Qualifications on your water right indicate that you are not authorized to divert Keya Paha River water when the stream flow is 15-cfs or less at the USGS Wewela, SD gage, unless written authorization is received by the Chief Engineer. Please, consider this a reminder as flow in the Keya Paha River has dropped to the point where domestic use of water, which includes livestock watering from the river, has become a concern. On July 16, 2006, the stream flow at the Wewela gage dropped to 13-cfs.

For your information, the real-time stream flow data can be found on the USGS web-site at <http://waterdata.usgs.gov/sd/nwis/current/?type=flow>. If you have any questions, please feel free to contact Mike DeFea or Mark Rath at 773-3352.



February 22, 2008

RODNEY HOFELDT  
29860 310TH AVENUE  
WINNER, SD 57580

Dear Water Right Holder:

Due to the ongoing drought, I would like to remind you of the qualification that exists on your water right. All water right holders who divert water from the Keya Paha River and its tributaries have water rights with a 15 cubic feet of water per second (cfs) bypass qualification. The qualification states that diversion of water is not authorized when the stream flow at the USGS Wewela, SD gaging station is 15 cfs or less, unless written authorization is received by the Chief Engineer.

In the past, we have sent a letter to water right holders reminding them of the 15 cfs bypass qualification. However, some water right holders misinterpreted the "reminder letter" as a "shut-off order" and discontinued irrigation for the rest of the season, which is the reason for this letter.

As stated above, water may not be diverted when flow at the USGS Wewela, SD gaging station is 15 cfs or less. However, when flow at the gage is greater than 15 cfs, you are authorized to divert water from the river or its tributaries.

I hope this removes any confusion some may have regarding the "reminder" letter. If you have any questions, please contact Mike DeFea or Mark Rath at (605) 773-3352.

Sincerely,

Garland Erbele  
Chief Engineer  
DENR, Water Rights Program

2453-2  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

PMB 2020  
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denr.sd.gov

**NOTICE OF SHUTOFF ORDER**

**July 20, 2012**

**TO:** RODNEY HOFELDT  
29880 310<sup>TH</sup> AVE  
WINNER SD 57580

**FROM:** GARLAND ERBELE, Chief Engineer  
SD DENR Water Rights Program

**SUBJECT:** Shutoff Order for Junior Priority Date Water Rights

**Shutoff Order for Water Right Nos. 2453-2**

Effective immediately, diversions authorized by your water right are not allowed. This past week flows in the Keya Paha River dropped below 15 cubic feet per second (cfs) at the USGS gaging station at Wewela, SD. Therefore to protect domestic use which includes livestock watering, the department issued shutoff orders for all water rights diverting from the Keya Paha River. Your Water Right No. 2453-2 contains the following qualification:

Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be bypassed. 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. Diversions under this Permit shall be in accordance with any written orders issued by the Chief Engineer.

If conditions improve such that the Keya Paha River flows recover sufficiently allowing for sustained pumping, this order will be rescinded.

If conditions do not improve, this order will remain in effect until **December 31, 2012**.

The USGS maintains a website where you can view real-time stream flow measurements at several sites along the river, the web address is:

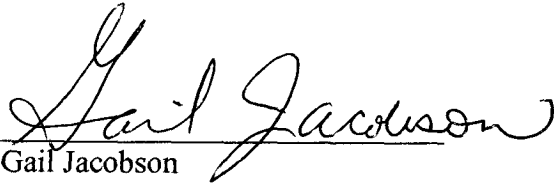
**<http://waterdata.usgs.gov/sd/nwis/rt>**

I am asking for your cooperation in complying with this shutoff order. The ongoing drought is creating hardship for all the water right holders along the river. If you have any questions, please contact Mark Rath or Lynn Beck (605- 773-3352) with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on July 20, 2012, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated July 20, 2012 regarding shutoff orders on Keya Paha River addressed as stated below:

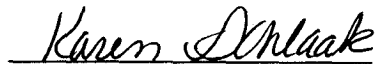
Rodney Hofeldt, 29880 3010<sup>th</sup> Ave., Winner SD 57580 Permit # 2453-2



Gail Jacobson  
Secretary/Water Rights

STATE OF SOUTH DAKOTA     )  
                                          ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 20<sup>th</sup> day of July, 2012.



Karen Schlaak  
Notary Public  
My Commission expires April 1, 2013

