

WATER PERMIT NO. 2653-2

Name of Applicant: **Dean Clodfelter**

Address: **615 N Van Buren, Pierre SD 57501**

Phone: **605 280-8901**

Amount of Water Claimed: **2.67 cfs**

Total Acres: **394 acres**

Source of Water Supply: **Missouri River**

Water to be used for: **irrigation**

County: **Stanley**

Type of Waste Disposal System: **NA**

Location: **approximately 12 miles southeast of Ft. Pierre**

PRIORITY

Date Received: **5-4-10**

Application/License Fee: **\$1,450**

Corrected Application Received:

Period of Annual Use: **April 1 – October 31**

Remarks: **Will pump from the river to pond and divert directly from the river or pond to apply water to the land.**

Diversion Point: **between points in the W ½ NW ¼ and NE ¼ SE ¼ Sec 13-T4N-R33E**

Land to be Irrigated: **portions of Sec 13, 23, 24; all in T4N-R33E**

Depth of Well: **NA**

Well Driller:

Remarks:

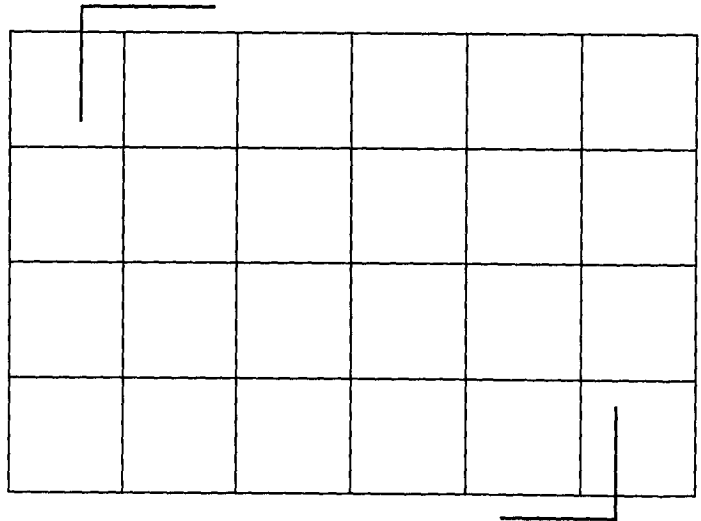
Type of Map: **aerial**

Prepared by: **Eric Gronlund**

Reviewed and the Number Assigned on: **5-11-2010**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



FORM 2: Application for irrigation in South Dakota

(type or print)

RECEIVED

MAY 04 2010

WATER RIGHTS PROGRAM

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>2653-2</u> (office use only) Hydrologic Unit <u>10140101</u> Basin <u>Missouri River</u> Newspaper <u>Capitol Journal</u> <u>PO Box 878</u> <u>605-224-7301</u> <u>Pierre 57501</u>
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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.) _____

- Name of Applicant Dean Clodfelter Phone 280-8901
 (check one) ☒ Owner ☐ Tenant/lessee
 Mailing Address 615 N. Van Buren Ave Pierre State SD 57501
 (Street, RR, or Box) (Zip Code)
- Amount of water claimed 2.67 CFS or 1,200 **GPM ***AF Total Acreage 394
 (*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable
- Source of water supply Missouri River
- Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
T4N (East Antelope) R-33+34 E (see attachment)
Section 13, NW 1/4. County Stanley
- County or counties where water will be used Stanley
- Annual period during which water is to be used April 1 - October 31
- 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
see attachment		will pump from the river to the	
		pond. Divert directly from the river	
		or pond to apply water to land.	
		Diversion from pond will not exceed 1200 gpm	

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

We will construct a river pump site to include a rip-rapped area and a diesel pumping unit with a steel suction and screen. From this unit, we will bury an 8" pipeline, approx. 5' deep. This line will travel up over the hills to an excavated pond on top.

STATE OF SOUTH DAKOTA) SS
 County of Lughees

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, Dean Clodfelter, 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.

[Signature] Applicant's signature
 Subscribed and sworn to before me this 4th day of May 20 10

Patty R. Bruckner
 Notary Public signature

4-2000

My Commission Expires Sept. 6, 2010

**SOUTH DAKOTA
WATER PERMIT NO. 2653-2**

Date of first receipt of application May 4, 2010.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 2653-2 to Dean Clodfelter, 615 N Van Buren Ave, Pierre SD 57501 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. 2653-2 appropriates 2.67 cubic feet of water per second (cfs) from the Missouri River between points located in the W 1/2 NW 1/4 and NE 1/4 SE 1/4 Section 13 to irrigate 394 acres located in the S 1/2 NW 1/4, S 1/2 NE 1/4, S 1/2 SW 1/4, NE 1/4 SW 1/4, SE 1/4 Section 13; E 1/2 NE 1/4, NE 1/4 SE 1/4 Section 23; N 1/2, SE 1/4, N 1/2 SW 1/4, SW 1/4 SW 1/4 Section 24; all in T4N-R33E. Water will be diverted from the Missouri River directly for irrigation or to a storage pond prior to application to the land. Water may be diverted from the storage pond at a rate of 2.67 cfs to the land. The storage pond has a capacity of approximately 96 acre-feet of water and is located in the N 1/2 Sec 24-T4N-R33E.
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 May 4, 2010.
4. The date of approval of Permit No. 2653-2 is July 12, 2010.
5. One-fifth of the construction is to be completed on or before January 12, 2015.
6. All construction is to be completed on or before July 12, 2015.
7. Water is to be put to beneficial use on or before July 12, 2019.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 2653-2 authorize a dugout/pond with a storage capacity of 96 acre feet of water.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

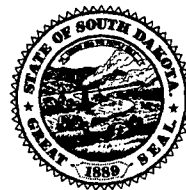
WATER MANAGEMENT BOARD

By: Garland Erbele

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

JUL 28 2010

date



Supplemental Information

(type or print in ink)

1. Well Information - Proposed Construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well:
- On applicants property _____ On property owned by others _____

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System _____

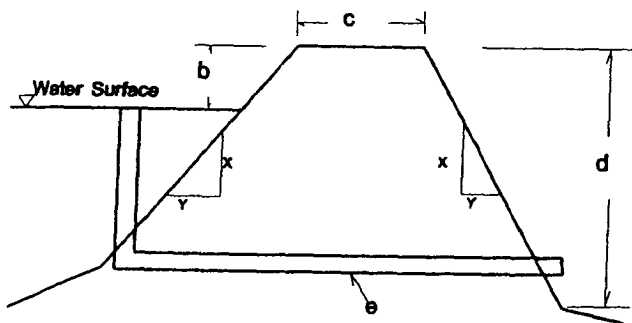
3. Dugout Information

- a) Surface Dimensions reclaimed gravel pit
8 acres Depth 30 feet
- b) Depth to water (ground surface to water level) _____

4. Water Storage Dams

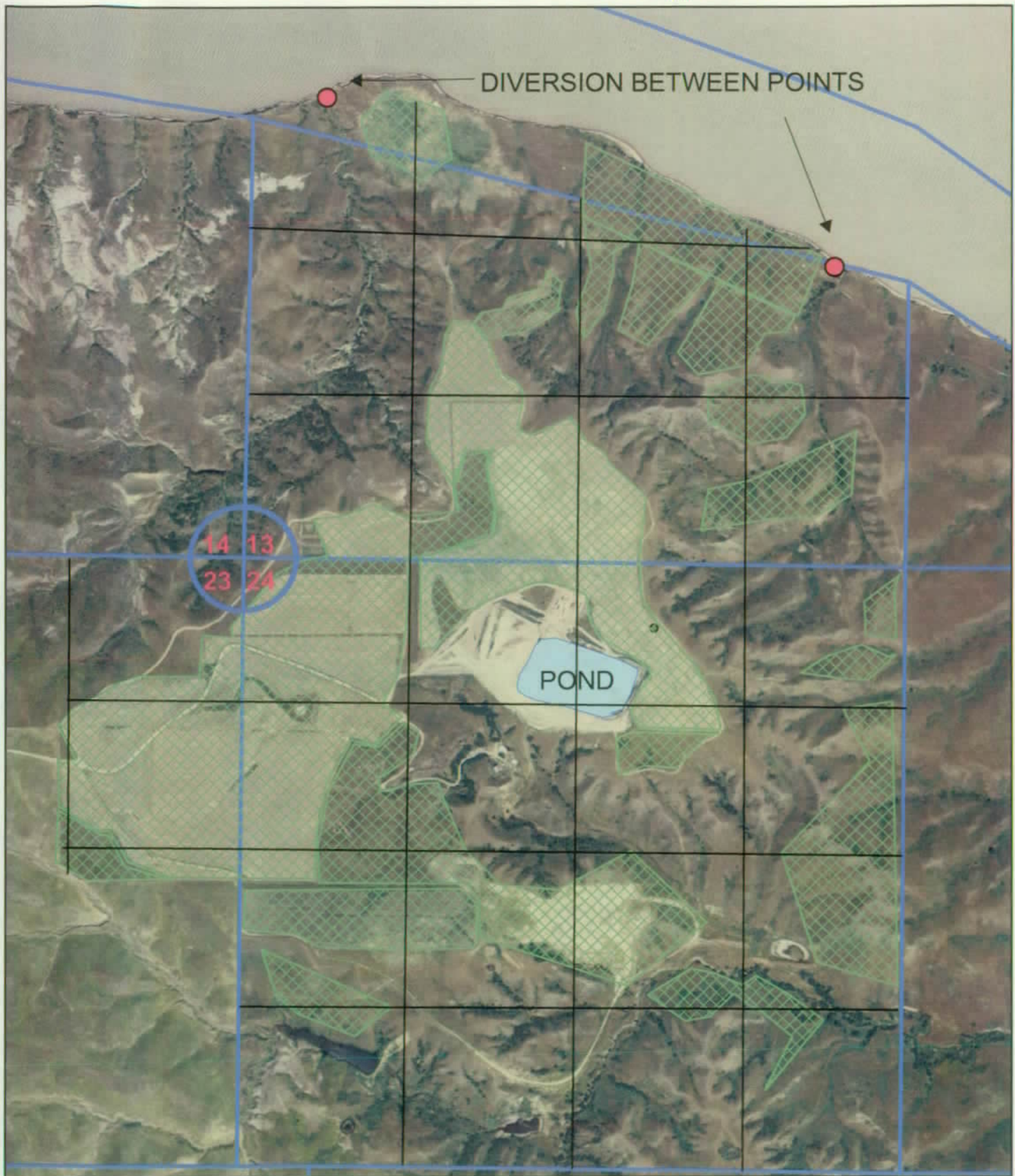
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

Dr. Dean Clodfelter Water Permit Application



0 650 1,300 2,600 3,900 5,200 Feet



all in Township 4 North & Range 33 East
See attachment for acreage breakdown

Eric S. Gronlund

Eric S Gronlund
Water Rights Program, DENR

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/6, 20 10

RECEIVED OF Dean Clodfelter 615 N Van Buren Pierre SD 57501

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

Fee for Application for Permit No. <u>2653-2</u> to Appropriate Water, to construct and to put water to beneficial use	1250	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2653-2</u>	200	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	1450 00

No. 04545

By Richard C. Gabel
Chief Engineer

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)

OMB APPROVAL NO. 0710-0003
Expires December 31, 2004

The public reporting burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
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(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME <u>Dwane D. Clodfelter</u>	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) <u>Steve Ludemann Ag Supervisor at Morris</u>
6. APPLICANT'S ADDRESS <u>615 N. Van Buren Ave Pierre, S.D. 57501</u>	9. AGENT'S ADDRESS <u>Box 1162 Pierre, S.D. 57501</u>
7. APPLICANT'S PHONE NUMBERS WITH AREA CODE a. Residence <u>605-224-9644</u> b. Business <u>605-280-8901</u>	10. AGENT'S PHONE NUMBERS WITH AREA CODE a. Residence <u>605-280-1169</u> b. Business <u>605-280-1169</u>

11. STATEMENT OF AUTHORIZATION

I hereby authorize Steve Ludemann (Morris Inc) to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE	DATE
NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY	
12. PROJECT NAME OR TITLE (see instructions) <u>Clodfelter Irrigation project</u>	
13. NAME OF WATERBODY, IF KNOWN (if applicable) <u>Lake Sharpe</u>	14. PROJECT STREET ADDRESS (if applicable)
15. LOCATION OF PROJECT <u>Stanley</u> COUNTY <u>South Dakota</u> STATE	RECEIVED MAY 04 2010 WATER RIGHTS PROGRAM
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) <u>River Site located at T4N, (East Antelope) R-33+34, Section 13, N.W. 1/4.</u>	

17. DIRECTIONS TO THE SITE

Go south from Ft. Pierre to Highway 1806. Then, go E, S.E., past Antelope creek to arrow head road. From there, follow the gravel road to the gravel stock piles. Follow the trail North, down to the river.

18. Nature of Activity (Description of project, include all features)

We will construct a river pump site to include a rip-rapped area, and a diesel pumping unit with a steel suction and screen. The diesel unit will be a 6 cylinder Deutz capable of pumping 600 gallons per minute. see attached sheet

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

To irrigate several different areas on the Clodfelter Ranch.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes _____ No _____ IF YES, DESCRIBE THE COMPLETED WORK

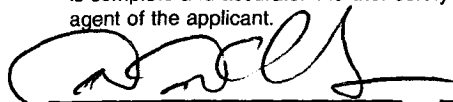
24. Addresses of Adjoining Property Owners, Lessees, etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.



SIGNATURE OF APPLICANT

DATE



SIGNATURE OF AGENT

4-27-2010

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up any trick scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

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MAY 04 2010

WATER RIGHTS
PROGRAM

Sheet #1.

From the pump site, we will bury an 8" pvc pipeline, approximately 5' deep and a ditch 2' wide. This line will travel up over the hills to an excavated pond on top.

Great care will be given to keep this area clean and to put the area back into it's original condition. We will travel only in areas we are approved to be in.

The diesel unit will be installed meeting all necessary standards. Tank birms and a liner will be provided.

We look forward to working with you and will answer any questions you may have.

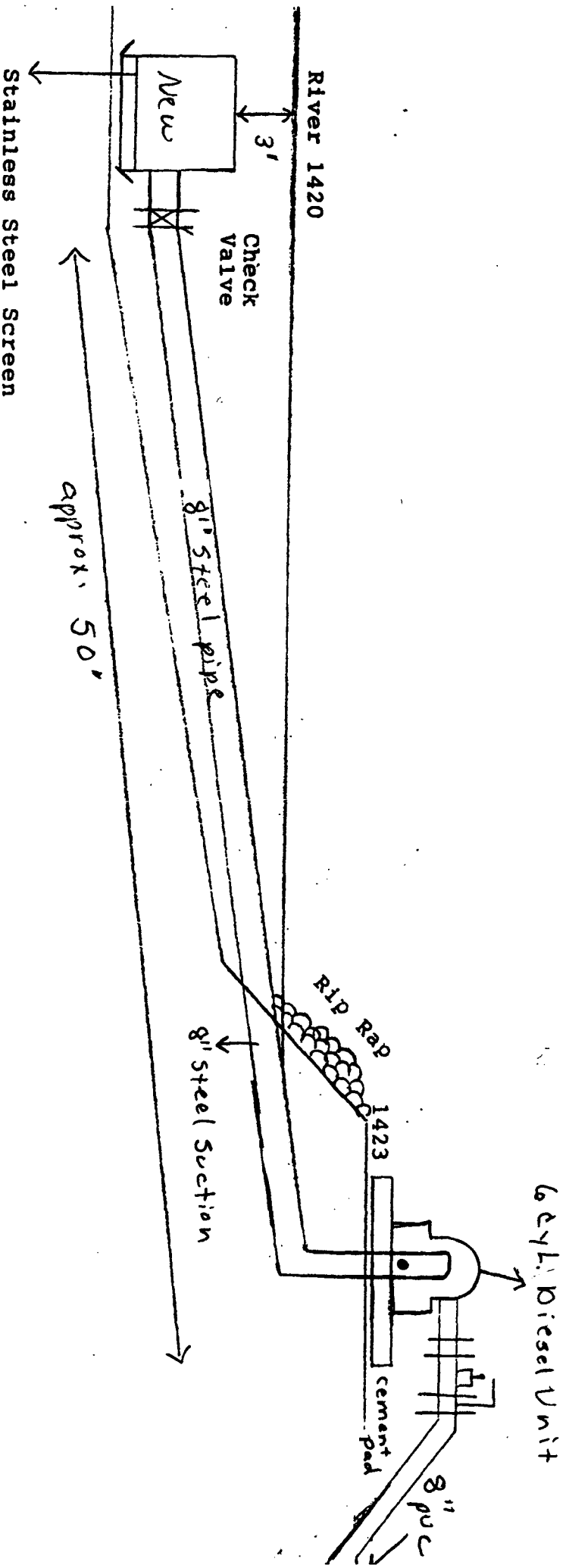
Thank you!

Steve Sudema

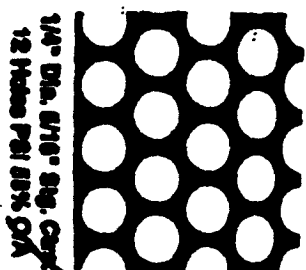
Clodfelter

PUMP STATION

4-27-2010



Dean Clodfelter 4-27-2010



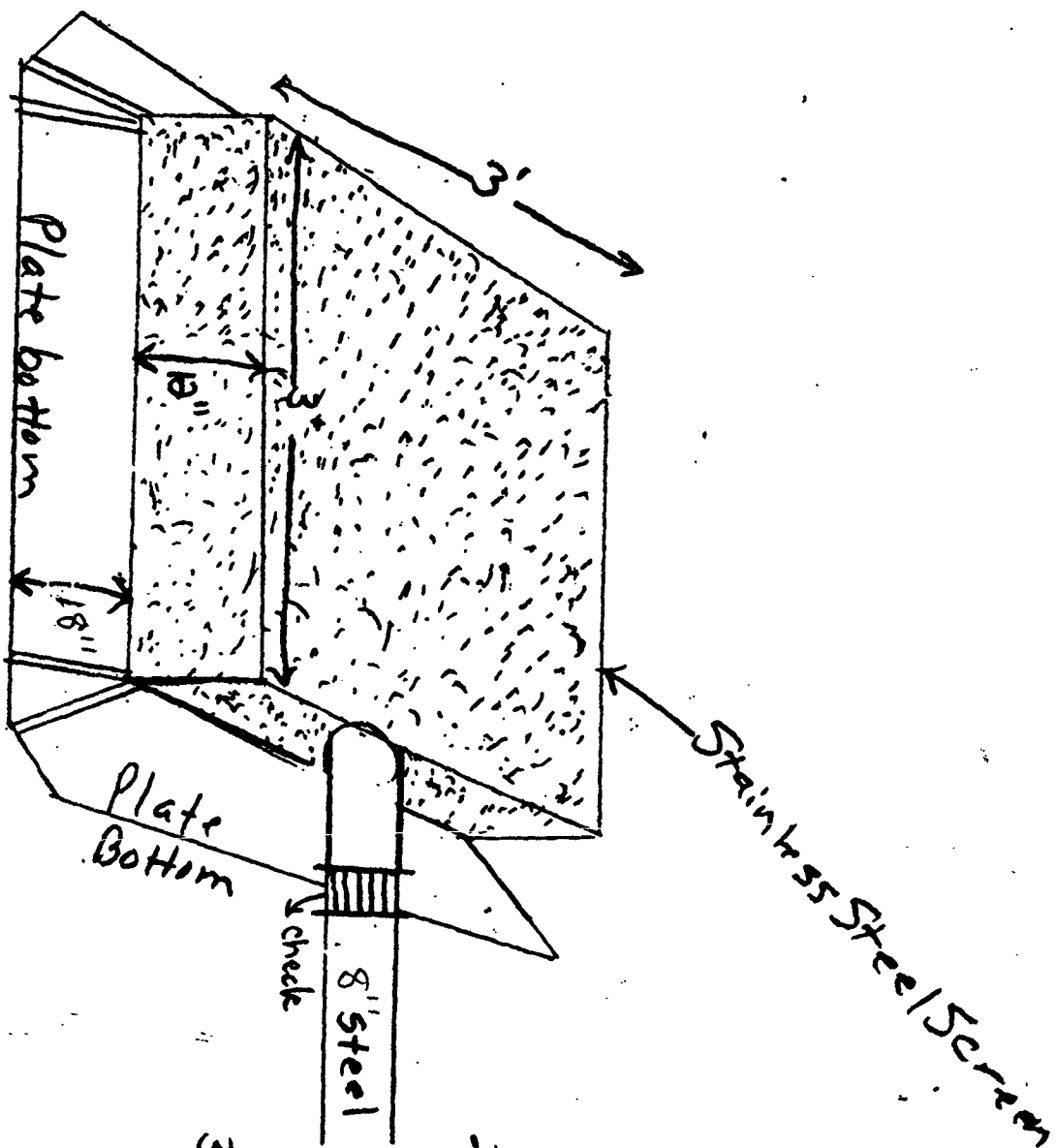
- 1- Top - $3' \times 3' = 9'$
- 1- Bottom - $3' \times 3' = 9'$
- 4- Sides - $1' \times 3' = 12'$

30 Sq. ft.

- 1) $600 \text{ GPM} \div 450 = 1.333$
- 2) $30 \text{ Sq. ft. of screen} \times .58 \text{ hole opening} = 17.4000$

Velocity

$$3) \frac{1.333}{17.4000} = .0766 \text{ ft. Per Sec.}$$





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

May 11, 2010

Dr. Dean Clodfelter
615 N Van Buren Avenue
Pierre SD 57501

Dear Dr. Clodfelter:

As per your request when you were in the Water Rights Program's office on May 4th, enclosed is a map that represents the acreage you outlined for irrigation. In addition, included is a listing of the acreage broken out by approximate quarter-quarter section.

Sincerely,

Eric Gronlund
Water Rights Program, DENR
605 773-3352

enclosure

Dr. Dean Clodfelter's Water Permit Application - Acreage Breakout

Based on the representation by Dr. Clodfelter at the time of application on May 4, 2010

Diversion point location

Between points in the W 1/2 NW 1/4 & NE 1/4 SE 1/4 Section 13, T4N, R33E

all in Township 4 North, Range 33 East

Section	Legal (quarter-quarter)	Acres
13	SW NW	4.6
13	SE NW	3.0
13	SW NE	14.7
13	SE NE	0.7
13	NE SW	10.3
13	SW SW	5.7
13	SE SW	33.7
13	NW SE	21.5
13	NE SE	9.6
13	SW SE	14.2
13	SE SE	12.7
23	NE NE	7.2
23	SE NE	38.3
23	NE SE	7.7
24	NW NW	31.7
24	NE NW	9.9
24	SW NW	35.5
24	SE NW	4.7
24	NW NE	13.6
24	NE NE	4.9
24	SW NE	7.4
24	SE NE	12.4
24	NW SW	25.5
24	NE SW	20.4
24	SW SW	2.1
24	NW SE	20.9
24	NE SE	18.6
24	SW SE	0.3
24	SE SE	2.2
TOTAL		394



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2653-2, Dr. Dean Clodfelter**

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. 2653-2, Dr. Dean Clodfelter, 615 North Van Buren Avenue, Pierre SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 2653-2 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. Water Permit No. 2653-2 authorize a dugout/pond with a storage capacity of 96 acre feet of water.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

A handwritten signature in black ink, which appears to read "Garland Erbele". The signature is written in a cursive, flowing style.

Garland Erbele, Chief Engineer
June 17, 2010

REPORT ON WATER PERMIT APPLICATION NO. 2653-2

Dean Clodfelter

June 3, 2010

Application No. 2653-2, Dean Clodfelter of Pierre SD, proposes to apply for a water permit to appropriate 2.67 cubic feet of water per second (cfs) from the Missouri River between points located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 to irrigate 394 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 13; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; all in T4N-R33E. Water will be diverted from the Missouri River directly for irrigation or to a storage pond prior to application to the land. Water may be diverted from the storage pond at a rate of 2.67 cfs to the land. The storage pond has surface area of about 8 acres with a capacity of approximately 96 acre-feet and located in the N $\frac{1}{2}$ Sec 24-T4N-R33E. The proposed project is located approximately 12 miles SE of Ft Pierre in Stanley County.

Review of the Water Source

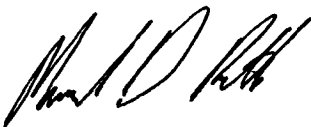
The water source for this application is the Missouri River impounded in Lake Sharp Reservoir behind Big Bend Dam. The U.S. Army Corps of Engineers (USACE) constructed Big Bend Dam in the 1950's and 1960's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams; Ft Peck, Garrison, Oahe, Big Bend, Ft Randall and Gavins Point; are operated as a system providing storage and water releases for the Congressionally authorized purposes of which irrigation is included. Specifically Lake Sharp Reservoir can impound about 1.7 million acre-feet of water (MAF) at normal full operating levels. Water availability is not a concern when using the Missouri River as a source.

Review of the Existing Water Rights and Proposed Request

There are 263 existing water rights/permits appropriating water from the Missouri River in South Dakota. Since water availability is not an issue, approval of this permit would not adversely affect these existing water rights.

Conclusions

1. This application proposes to appropriate 2.67 cubic feet of water per second (cfs) from the Missouri River for irrigation purposes.
2. The applicant proposes to pump from the Missouri River to a storage pond and then pump from the storage pond to 394 irrigated acres.
3. Water availability from the Missouri River is not a concern. If approved this permit would not adversely affect these existing water rights.



Mark D. Rath

Natural Resources Engineering Specialist

Form 8

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JUL 13 2010

WATER RIGHTS
PROGRAM

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hughes) SS

I, Marylinn Baker

certify that the attached printed Notice was
taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was
published

in the newspaper on the following two dates:

06-25-10

07-02-10

Cost of Printing \$61.99
(paid ck #9915)

Marylinn Baker
(Signature)

Accounts Receivable
(Title)

7-12-10
(Date Signed)

SSIFIED

800 Public Notice 800 Public Notice 800 Public Notice

2010 JUL 13 10:22
2010 JUL 13 10:22
NOTICE OF
APPLICATION
NO. 2653-2
to Appropriate
Water
Notice is given
that Dean Clodfel-
der, 615 N Van Bu-
ren Ave, Pierre
SD 57501 has
filed an applica-
tion for a water
permit to appropri-
ate 2.67 cubic feet
of water per second
(cfs) from the Mis-
souri River be-
tween points lo-
cated in the W 1/2
NW 1/4 and NE
1/4 SE 1/4 Section
13 to irrigate 364
acres located in
the S 1/2 NW 1/4,
S 1/2 NE 1/4, S
1/2 SW 1/4, NE
1/4 SW 1/4, SE
1/4 Section 13, E
1/2 NE 1/4, NE
1/4 SE 1/4 Section
23; N 1/2, SE 1/4,
N 1/2 SW 1/4, SW
1/4 SW 1/4 Sec-
tion 24; all in
T4N-R33E. Water
will be diverted
from the Missouri
River directly for
irrigation or to a
storage pond prior
to application to
the land. Water
may be diverted
from the storage
pond at a rate of
2.67 cfs to the
land. The storage
pond has a capaci-
ty of approxi-
mately 96 acre-
feet of water and
is located in E
Capitol, Pierre
the N 1/2 Sec SD
24-T4N-R33E, 779-3352)
Pursuant to the
SDCL 45-2A-2, the
Chief Engineer
recommends AP-
PROVAL of Appli-
cation No. 2653-2
because 1) unap-
propriated water is
available, 2) exist-
ing rights will not
be unlawfully in-
terfered with, 3) it
is a beneficial use
of water, and 4) it
is in the public in-
terest. In accordance
with SDCL 45-2A-23,
the Chief Engineer
will not oppose or
act on this applica-
tion, as recom-
mended, unless a
petition is filed op-
posing the applica-
tion or the appli-
cant files a petition
contesting the ap-
plication. The peti-
tioner's reasons for
opposing or con-
testing the applica-
tion must include a
statement describ-
ing the petitioner's
interest in the ap-
plication, the peti-
tioner's mailing ad-
dress, the petitioner
or the petitioner's
attorney's mailing ad-
dress, the petitioner's
attorney's name, and
a statement of the
petitioner's reasons
for opposing or con-
testing the applica-
tion. The petitioner
must file the peti-
tion with the Chief
Engineer's Office
within 30 days of the
date of the applica-
tion. The petitioner
must also file a copy
of the petition with
the Department of
Natural Resources.
Steven M. Pimer,
Secretary,
Department of
Natural Resources
Published twice
at the total ap-
proximate cost of
\$61.99.

Instruction to Newspaper - Publish first Notice on June 25, 2010 with the second publication 7 days later. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 2653-2 to Appropriate Water

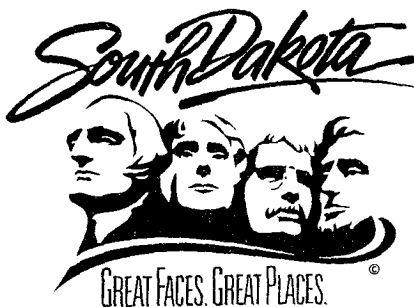
Notice is given that Dean Clodfelter, 615 N Van Buren Ave, Pierre SD 57501 has filed an application for a water permit to appropriate 2.67 cubic feet of water per second (cfs) from the Missouri River between points located in the W $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 13 to irrigate 394 acres located in the S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ Section 13; E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23; N $\frac{1}{2}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; all in T4N-R33E. Water will be diverted from the Missouri River directly for irrigation or to a storage pond prior to application to the land. Water may be diverted from the storage pond at a rate of 2.67 cfs to the land. The storage pond has a capacity of approximately 96 acre-feet of water and is located in the N $\frac{1}{2}$ Sec 24-T4N-R33E.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 2653-2 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. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this 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 this 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 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 July 12, 2010.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published twice at the total approximate cost of _____.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

June 18, 2010

Capital Journal
PO Box 878
Pierre SD 57501

ATTENTION: Legal Public Notice

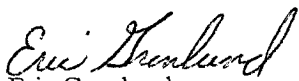
Enclosed is a Notice on Application No. 2653-2 to Appropriate Water to be published twice. Please publish the first notice on June 25, 2010 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Dean Clodfelter, 615 N Van Buren Ave., Pierre SD 57501 (Ph # 605-280-8901).

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. 2653-2

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

Date _____

We are in receipt of your letter of June 18, 2010 enclosing Notice to Appropriate Water by Application No. 2653-2 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

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

June 18, 2010

Dean Clodfelter
615 N Van Buren Ave
Pierre SD 57501

Dear Dr. Clodfelter:

Water Permit Application No. 2653-2 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Capital Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352
eric.gronlund@state.sd.us

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**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

JUL 28 2010

Dean Clodfelter
615 N Van Buren Ave
Pierre SD 57501

Dear Mr. Clodfelter:

Enclosed is Water Permit No. 2653-2 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



2653-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 24, 2013

NOTICE

TO: DEAN CLODFELTER, 615 N VAN BUREN, PIERRE, SD 57501
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 2653-2. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 2653-2 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **8:30 am, March 7, 2013** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2653-2 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

January, 2013: Mr. Clodfelter called and spoke with Garland -
land has been sold to Tribe.

Genny