

1. Considered: _____, 19____ Water Right No. 4966-3
2. Name of Applicant DELANO HOFER
3. Post Office Address RR #1, Yale, S.D. 57386
4. Amount of Water Claimed No additional cfs ^(1.54) maximum acre feet _____
5. Source of Water Supply 98' well (existing on Permit 3516-3)
6. Water to be used for IRR acres to be irrigated no additional
7. County Beadle about 5 miles N of Yale ⁽¹⁰⁸⁾
8. PROOF OF PUBLICATION: Received 1st Sept. 12, 1983 Not Received _____
- APPLICATION: Approved 10-5-83 Subject to Well inter, irrig quest.
- Not Approved _____ Action Deferred _____

PRIORITY

Dated Received 7/6/83 Application complete-yes x no _____ FEE 50.00

Remarks Change in Additional diversion on Permit 3517-3 from existing well under 3516-3

Ready to become upon approval of D.C. 3517-3 - 3516-3

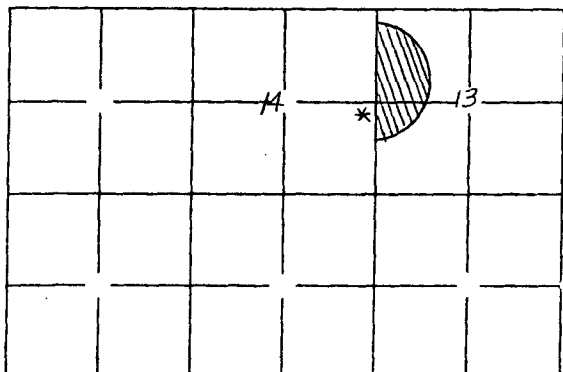
Corrected Application received _____ Period of Annual Use 4/1 - 11/1

WATER
QUALITY

Received 3/10/83 yes x no _____ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as application-yes xx no _____ Remarks _____

Disapproved _____ Returned _____



Diversion Point _____

NE 1/4 SE 1/4 Sec 14-112N-60W

Land to be irrigated _____

NW 1/4: NW 1/4 SW 1/4 AND NE 1/4 SW 1/4 13-112N-60W

WELL LOG

Driller Riverside Drilling Co. Licensed - yes xx no _____

Depth 98' deep well drilled in 1976

Remarks No change in Priority date - JH

MAP Map No. 4966-3 Map located in Water Right xx Map file _____
 Type of Map aerial Prepared by Kevin Larson, WRE, W/R's

+++++

REVIEWED This Application was received within 30 days of the date received, accepted as complete, Number assigned and written up for advertisement before the Board on:

7/6/83

 (Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date _____
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date _____
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____



No. 4966-3
 Map No. 4966-3 Water Division No. 3 JAMES RIVER District
 Above for Office Use 10160006

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐
 Change in Diversion * 3517-3 Additional Diversion ☐
 Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant Delano Hofer Phone No. X 352 7476
 Post Office Address RR#1 Yale State South Dakota 57386
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Hofer #14. Amount of water claimed (cubic feet per second) No Additional5. Source of water supply groundwater (one well)

6. Location of point of diversion 240 feet west and 80 feet south of the E $\frac{1}{4}$ Corner, Section 14 -
T112N - R60W (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

County Beadle7. Annual period or periods during which water is to be used April - November 1st8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated No Add'l

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13-T112N-R60W	16
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13-T112N-R60W	3
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13-T112N-R60W	40
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 13-T112N-R60W	9

Land Description	No. Acres Irr.
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13-T112N-R60W	33
NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13-T112N-R60W	7

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Completed years. Additional time required to complete application of water to the proposed beneficial use Completed years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water _____

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

• Pump

B. Works proposed to transport water to place of use.

Mainline

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ _____

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (see instructions concerning preparation.)

X STATE OF SOUTH DAKOTA)
 County of Beadle) ss.

I, Delano Hofer the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Delano HoferSubscribed and sworn to before me this 30th day of June, 1983

Bettina A. Sinclair
 Notary Public (or other qualified officer)
 Comm Expires: 10/29/88

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4966-3

Delano Hafer

RT. 1

Yale

(Applicant)

(Post Office Address)

South Dakota

(State)

With the following qualifications.

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate irrigation wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application July 6, 1983

Date of return to applicant for correction, amendments or changes required , 19

Date of receipt of corrected application , 19

Approved October 5, 1983, Recorded in Book Page

WATER RIGHT PERMIT NO. 4966-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4966-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 23, 1977
2. The equivalent of at least one-fifth of the work above specified is ~~to be completed on or before~~ , 19
3. The whole of said work is ~~to be completed on or before~~ , 19
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is , 19
5. The water appropriated shall be used for the purpose of irrigation

6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

7. The amount of the appropriation herein granted shall not exceed NO add'l cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before October 5, 1983; said water to be used during the following described

annual period: April 1 thru November 1

Witness my hand this 25th day of October, 1983

THE WATER MANAGEMENT BOARD

By:

John Hafer
Chief Engineer, Water Rights

Certificate of Construction Issued , 19

Water License Issued , 19

RIVERSIDE

IRRIGATION DRILLING CO.

ROUTE 1

HURON, SOUTH DAKOTA

PH. 377-4237

DRILLING REPORT

Location of Well: N 1/4 S 1/4 Section 1 Township 42 N Range 10 E

Well to be drilled for: _____
(Name) (Address)

(County) _____ (State) _____

Date well drilling started Dec 10 finished 12-16-76

Purpose of well Domestic
(domestic, irrigation, industrial, other)

Depth 70 ft. Casing Diameter 6 1/2 inches

Slot Size _____ Screen Size _____

Screen Depth: From 50 ft. to 70 ft.

Remarks: _____

NORTH



1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping	Water Level	Discharge
---------------------------------------	-------------	-----------

0 hr.	0 min.	ft.	in.	(Static)
-------	--------	-----	-----	----------

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	GPM
-----	------	-----	-----	-----

hr.	min.	ft.	in.	RECOVERY
-----	------	-----	-----	----------

Formation: Clay, Silt, Sand,
Gravel, Color, Hard or Soft, etc.

Depth (ft.)

From	To
------	----

Formation (Continued)

Depth (ft.)

From	To
------	----

Blue 1/2

1	18
---	----

yellow & blue

15	3
----	---

Cracks of

25	60
----	----

General

20	20
10	10

Chadwick

0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9	1.0
0.0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8

RIVERSIDE

IRRIGATION DRILLING CO.

HURON, SOUTH DAKOTA

PH. 377-4287

DRILLING REPORT

Purpose of well irrigation
(domestic, irrigation, industrial, other)

1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Date _____

Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

[illegible]

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 9286

PIERRE, July 6, 1983

RECEIVED OF Delano Hofer, RR#1, Yale, SD 57386

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

Fee for Application for Permit to Appropriate Water No. 4966-3 (examination, processing, recording and filing)	50	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	50	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer

JOHN HATCH/ms

Before licensing the
report on exam of works
needs to be corrected
& actual gpm produced
by the well provided -
may have to call Hofer

JH

change diversion of 3.92
not correct

Permit No. 3516-3Water Division 3 JAMES RIVER Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLDG., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by DELANO
HOPER of Rt #1, YALE holder
 of Permit No. 3516-3*, bearing date of priority of JANUARY 6, 1977
 authorizing the diversion of 3.92* cu. ft. per second of the waters of GROUNDWATER
 for IRRIGATION purposes, in BEADLE County.

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

The Water Use System consists of,

A. Works used to divert the water:

98' DEEP WELL WITH 16" FIBREGLAS CASING WITH 20" SS SCREEN
 NATIONAL PUMP CO 8" PUMP (NO TAG), POWERED BY 75 HP
 GE ELECTRIC MOTOR @ 1765 RPM

B. Works used to transport water to place of use,

1650' OF 8" PVC FROM WELL TO PIVOT PAD IN SE⁴, SECTION 14
 580' OF 8" PVC FROM WELL TO PIVOT PAD IN SW⁴NW⁴, SECTION 13

C. Works used to apply water to beneficial use.

PIVOT IN SE⁴, SECTION 14 - 7 TOWER ZIMMATIC CENTER PIVOT
 SYSTEM - MODEL #307, WITH NELSON #200 ENDGUN.
 PIVOT IN W², SECTION 13 - 9 TOWER ZIMMATIC CENTER PIVOT
 SYSTEM - MODEL #307 - 1650' LONG WITH NELSON #100 ENDGUN

The system is in the following condition: GOODThe point of diversion is located 240' W & 80' S OF THE E¹/₄ CORNER,SECTION 14, T112N, R60W

The works are capable of diverting and conveying to the place of use _____

cu. ft. per second of water which is to be used for IRRIGATIONWater has been put to beneficial use to the maximum extent as follows: ALL IN T112N, R60W

SECTION 13		SECTION 14	
NW ⁴ NW ⁴	16 ACRES	SE ⁴ NW ⁴	9 ACRES
NE ⁴ NW ⁴	3 "	NW ⁴ SW ⁴	33 "
SW ⁴ NW ⁴	40	NE ⁴ SW ⁴	7 "

comprising a total of 240 acres of land.

3.42

Date MAY 6, 1982

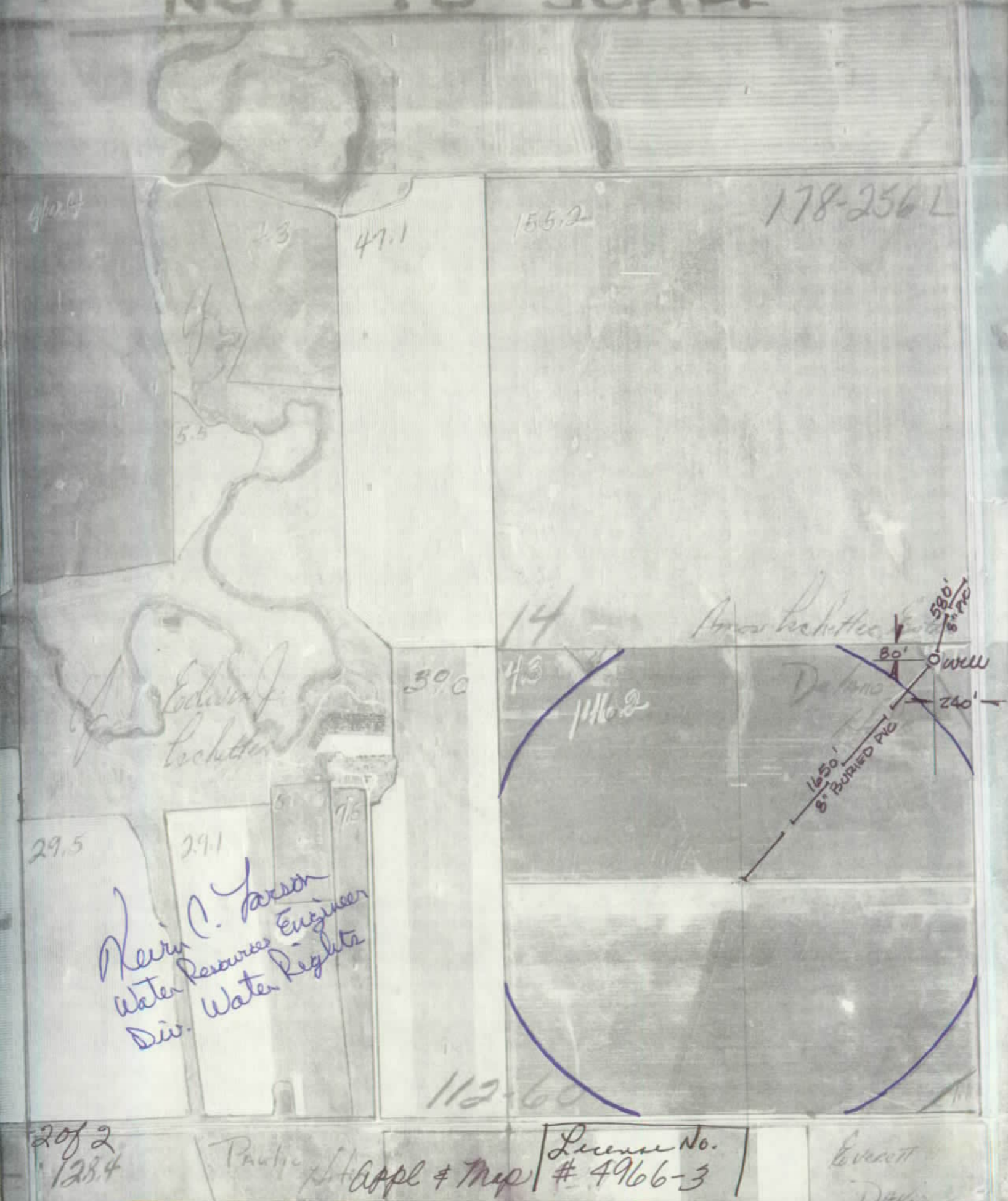
[Signature]
 (Signature)

Chapman

NOT TO SCALE



NOT TO SCALE



NAME OF PERSON OR FILE: DELANO HOFER
ADDRESS: R.R.#1, VALE, SD COUNTY BEADLE
DATE: 1-25-83 TELEPHONE 352-7476
RE: DISPOSITION OF 3516-3 & 3517-3

COMMENTS:

IN MAKING THE INSPECTION ON PERMIT N° 3516-3, ISSUED TO DELANO
HOFER, AND PERMIT N° 3517-3, ISSUED TO PAULIE HOFER, IT WAS FOUND
THAT DELANO HOFER NOW OWNS BOTH PERMITS. IT WAS ALSO FOUND
THAT THE WELL UNDER PERMIT N° 3517-3 WAS NOT DRILLED, AND
THAT BOTH TRACTS OF LAND ARE IRRIGATED FROM THE WELL CONSTRUCTED
UNDER PERMIT N° 3516-3. WATER QUALITY FROM THE CONSTRUCTED
WELL IS MARKEDLY BETTER THAN THE OTHER WELL, AND IS ALSO
CLOSER TO THE PIVOT PAD. WE HAVE CONTACTED CONSCOMM, AND
AN AMENDED WI-1 WAS SENT TO MR. HOFER, AS WELL AS A TRANSFER
FORM FOR OUR RECORDS. THE TWO PERMITS HAVE A COMMON
PRIORITY OF 1-6-77

INASMUCH AS THE LANDS ARE ALL IRRIGATED FROM THE
SAME WELL (WITH MUCH BETTER QUALITY WATER) I AM
WONDERING IF THE TWO PERMITS CAN BE LICENSED, WITH
THE LANDS FROM 3517-3 INCORPORATED INTO THE
LICENSE.

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

NAME: Burton Jones

Water Rights Division
605 773-3552

February 11, 1983

3517-3

Delano Hofer
Rt #1
Yale SD 57386

Dear Mr. Hofer:

We have received the Notice of Transfer form and the Soil/Water Compability Application form from you.

As stated in the letter dated January 26, 1983, a filing fee of \$2.50 is also required.

Please submit the \$2.50 fee and Permit No. 3517-3 will then be transferred to your name. The Soil/Water Compability Application has been submitted to the State Conservation Commission.

Sincerely,

KAREN SCHLAACK
Administrative Secretary



Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322

Pierre, South Dakota 57501

Phone 605/773-3258

February 14, 1983

Delano Hofer
RR 1
Yale, SD 57386

Dear Mr. Hofer:

In reviewing your soil and water compatibility application for the NW $\frac{1}{4}$ Sec 13 & N $\frac{1}{2}$ SW $\frac{1}{4}$ 13-112-60 = 126 acres, the Irrigation Staff is recommending a Conditional Approval of your application to the State Conservation Commission at their March 10, 1983 meeting.

The Conditional Recommendation is based on your soils which contain clay in the subsoils. The Management Recommendations are as follows:

MANAGEMENT RECOMMENDATIONS:

Due to the slow permeability and soil blowing of these Beadle series (Ba A & BaB) we recommend the use of crop residue management and chiseling or subsoiling. The use of strip cropping and minimum tillage would also be beneficial.

The area of Dudley-Tetonka silt loams are likely to be very wet and may have periods with standing water. The crops in this area may drown out and trafficability may also be a problem. It is suggested that you leave this area in grass and/or alfalfa.

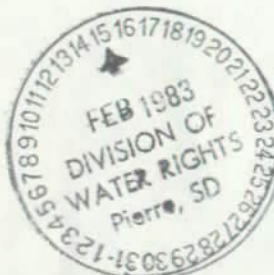
The application of additional water when irrigating will help in the leaching of salts.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,

Jim Stukel
Irrigation Program Director

cf



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
Division of Conservation

Office Use Only

4015

WR#

4015

OWNERS NAME: DELANO HOEFER OWNERS ADDRESS: RR#1
YALE, SD 57386
COUNTY LAND LOCATED IN: BEADLE PHONE: 352-7476
TENANT'S NAME AND ADDRESS: _____

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION 240' W & 80' S OF THE E 1/4 CORNER, SECTION 14, T112N, R60W
Depth 98'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____
Diversion Location: _____

Legal Description	Acres	Legal Description	Acres
SEC 13, T112N, R60W NW ¹ NW ⁴	16	NW ¹ SW ⁴	33
NE ¹ NW ⁴	3	NE ¹ SW ⁴	7
SW ¹ NW ⁴	40		
SE ¹ NW ⁴	9	Total	108

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 1977

LEGAL DESCRIPTION: THIS LAND IS COVERED UNDER WI-1 ISSUED TO PAULIE HOEFER - WATER SAMPLE #76-2128 - WELL NOT CONSTRUCTED

IN WHAT NAME: ISSUED TO PAULIE HOEFER - NOW OWNED BY DELANO HOEFER

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: ☒ GUN: _____ OTHER: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: _____

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 76-2127 10. ADJUSTED (SAR): 4.52 (3.17)
8. SALINITY (EC X 10⁶): 959 11. PERCENT SODIUM: 6.025
9. SODIUM (SAR): 1.75

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at _____ a.m./p.m., on _____, 19_____, at the following location: _____ by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

8 DAY OF FEB, 1993

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

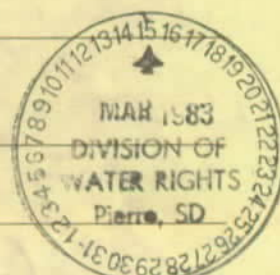
APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER RIGHT must be obtained from the Board of Water Management, Foss Building, Pierre.

Conditional soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



CONDITIONAL

H4015

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT: Delano Hofer

LEGAL DESCRIPTION: NW 1/4 & N 1/2 SW 1/4 13-112-60 = 126 acres

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:



RECOMMENDED MANAGEMENT:

Due to the slow permeability and soil blowing of these Beadle series (Ba A & BaB) we recommend the use of crop residue management and chiseling or subsoiling. The use of strip cropping and minimum tillage would also be beneficial.

The area of Tetonka-Dudley silt loams are likely to be very wet and may have periods of standing water. The crops in this area may drown out and trafficability may also be a problem. It is suggested that you leave this area in grass and/or alfalfa.

John M. Fied
SIGNATURE

3-10-83
DATE

WATER RIGHTS DIVISION
Phone (605) 773-3352

March 16, 1983

Delano Hofer
RR#1
Yale, South Dakota 57386

Dear Mr. Hofer:

Upon inspection it was discovered that the well under Permit No. 3516-3 is being used to irrigate lands under 3517-3. It will be necessary to make application for a change of diversion to irrigate the lands located in Section 13-T112N-R60W.

The filing fee for change of diversion will be \$50.00.

We are enclosing a partially completed application for you to check over, complete where indicated, sign, notarize and return to this office with the \$50.00 fee. Also enclosed is our transfer form to transfer Permit No. 3517-3 to your name. An additional fee of \$2.50 will be required for the transfer.

To bring your permits into compliance with the State laws please submit the above to this office prior to May 30 so it can be brought before the Water Management Board on July 21, 1983.

Sincerely,

Betty Westlund
Water Rights Specialist

BW:ms
Enc.

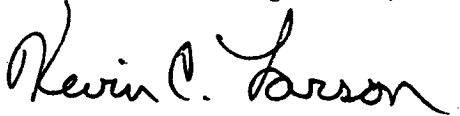
REPORT ON WATER PERMIT APPLICATION

NO. 4966-3, Delano Hofer

August 8, 1983

Water Permit Application No. 4966-3 is to change the diversion point authorized under Water Permit No. 3517-3. Water Permit No. 3516-3 was issued to Delano Hofer February 23, 1977 to irrigate 136 acres from one well located in the SE $\frac{1}{4}$ Section 14, T112N, R60W. Water Permit No. 3517-3 was issued to Paulie Hofer February 23, 1977 to irrigate 111 acres from one well in W $\frac{1}{2}$ Section 13, T112N, R60W. Delano Hofer has since acquired the land authorized under Water Permit No. 3517-3 and wishes to irrigate the land with his well. Soil/water compatibility approval has been received from the Dept. of Agriculture. The priority date of Permit No. 3517-3 will be retained.

Staff recommends approval of Water Permit Application No. 4966-3 because there will be no new appropriation of water under this application. Recommendation includes adding the well interference and mandatory return of the irrigation questionnaire qualification.

A handwritten signature in cursive script that reads "Kevin C. Larson".

KEVIN C LARSON
Water Resources Engineer

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT APPLICATION
NO. 4966-3, Delano Hofer

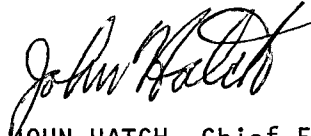
Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 4966-3, Delano Hofer, RR #1, Yale SD.

The Chief Engineer is recommending APPROVAL of Application No. 4966-3 because 1) the proposed diversion can be developed without unlawful impairment of existing rights, 2) that the proposed use is a beneficial use and 3) in the public interest with the following qualifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this permit shall control his irrigation withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate irrigation wells having prior water rights.

This permit is approved subject to the irrigation water use questionnaire being submitted each year.

The attached report is a part of this recommendation.



JOHN HATCH, Chief Engineer
August 17, 1983

Instruction to Newspaper - Publish first publication of the following Notice on or before August 25, 1983 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 4966-3 ~~to Appropriate Water~~
~~and/or~~ to Amend Water Permit ~~or Water Rights~~ No. 3517-3

Notice is hereby given that Delano Hofer whose mailing address is RR#1, Yale, South Dakota has made an application for a permit to change the diversion point authorized by Permit No. 3517-3 with no new appropriation of water to a diversion point (one existing well 96 feet deep authorized by Permit No. 3516-3) located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T112N, R60W to irrigate 108 acres under Permit No. 3517-3 located in the W $\frac{1}{2}$ Section 13, T112N, R60W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends Approval of Application No. 4966-3 because 1) ~~unappropriated water is available~~, 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room, State Capitol Building, Pierre, SD, October 5 19 83 at 10:00 am.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 23, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-5-1 thru 46-5-16, 46-5-24, 46-5-25, 46-5-30.2, 46-5-31; 46-2A-1 thru 46-2A-10, 46-2A-12; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15:02 thru 74:02:01:15:05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 23, 1983.

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

F.P. 8-25-83 L.P. 9-1-83

**NOTICE OF HEARING
ON APPLICATION NO. 4966-3
TO AMEND WATER PERMIT
NO. 3517-3**

Notice is hereby given that Delano Hofer, whose mailing address is RR No. 1, Yale, South Dakota, has made an application for a permit to change the diversion point authorized by Permit No. 3517-3 with no new appropriation of water to a diversion point (one existing well 98 feet deep authorized by Permit No. 3516-3) located in the NE 1/4 SE 1/4 of Section 14, T112N, R60W to irrigate 108 acres under Permit No. 3517-3 located in the W 1/2 Section 13, T112N, R60W. Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends approval of Application No. 4966-3 because 1) will be no unlawful impairment of existing rights, 2) is beneficial use of water and 3) is in the public interest.

This application will be considered by the Water Management Board at Civil Defense Room, State Capitol Building, Pierre, SD, October 5, 1983, at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to make a determination on this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the Applicant and the Chief Engineer by September 23, 1983. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reason for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

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

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, 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.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg., Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by September 23, 1983.

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Beadle) ss.

I, June La Fee hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Huron Daily Plainsman

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City _____ of Huron

County of Beadle and State of South Dakota;
that the said notice was published in said newspaper on the following two dates:

August 25, 1983

September 1 1983

June La Fee
(Signature)

Book Keeper
(Title)

9-1-83
(Date Signed)

Cost of Printing: \$61.95





Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 10, 1983

Delano Hofer
Rt #1
Yale SD 57386

Dear Sir:

Enclosed herewith is your Water Permit No. 4966-3 as approved by the Water Management Board authorizing your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said water Right Permit No. 4966-3.

The final inspection has been completed on this Permit, and we are ready to issue the Water License. Statutes require we charge \$50 for the inspection and issuance of the final papers. Upon receipt of this amount, the final papers will be sent to you.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:
ks

enclosure

Permit No. 3516-3 & 4966-3 & 3517-3James River Water District
10160006**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Delano Hofer
RR #1 of Yale, SD 57386 holder of
 Permit No. 3516-3 & 3517-3 Jan. 6 77
4966-3, bearing the priority of _____ 19____ authorizing
 the diversion of 3.52 cu. ft. per second of the waters of well
 for irrigation purposes, in Beadle County.

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

A. Works used to divert the water:

Well: 98' deep, 16" Fiberglass casing, 20' st. Steel Screen

Pump: National, Model N240-8, 8" pump

Motor: General Electric, Model 5K6255XM502A, 75 H.P.

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

1650' of 8" PVC pipe underground to pivot in Sec. 14

580' of 8" PVC pipe underground to pivot in Sec. 13

C. Works used to apply water to beneficial use:

Sec. 14: Zimmatic C.P., Model 307, 7 towers, Nelson #200 End gun

Sec. 13: Zimmatic C.P., Model 307, 9 towers, Nelson #100 End gun

The system is in the following condition goodThe point of diversion is located Sec. 14 - T112N-R60W240' W & 80' S of the E¹/₄ corner, NE¹/₄ SE¹/₄The works are capable of diverting and conveying to the place of use 200cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in T112N-R60WSection 13NW¹/₄NW¹/₄ - 16 acresSE¹/₄NW¹/₄ - 9 acresNE¹/₄NW¹/₄ - 1 "NW¹/₄SW¹/₄ - 33 "SW¹/₄NW¹/₄ - 40 "NE¹/₄SW¹/₄ - 3 "Section 14NW¹/₄SE¹/₄ - 34 acresNE¹/₄SE¹/₄ - 34 "SE¹/₄SE¹/₄ - 34 "SW¹/₄SE¹/₄ - 34 Acrescomprising a total of 238 acres of land and the license should be issued for 2.0 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Mar. 11, 1987James L. Wendt
(signature)

Hofer
3-11-87

LICENSE FOR PERMIT NUMBER 3516-3 & 4966-3

1. Legal location of wells: NE 1/4 SE 1/4 Sec. 14, - 112-60

dams & structures: _____

2. Well Information: Well Drilling Firm Riverside

No. of wells 1 Depth 98'

Casing a) diameter 16" Screen a) type St. Steel
b) length _____ b) length 20'
c) type Fiberglass Static Water Level _____

Pump a) make National Motor a) make G.E. Elec.
b) model N260-B b) model no. 5K6255XM502A
c) size 8" c) horsepower rating 75
d) capacity 900 GPM d) motor efficiency rating _____
e) turbine pump 50v.
no. of stages 377-158

3. Distribution lines:

a) size of lines ~~10"~~ 8"
b) type ~~5444~~ PVC
c) length 1650' + 580'

4. Dam information:

a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____

i) Outlet tubes:

1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

h) Distribution lines or canals:

1) size _____
2) type _____
3) length _____

5. System Type: a) sideroll:

1) length _____ feet
2) diameter of pipe _____
3) make, model & number of sprinklers _____
4) spacing of sprinklers _____
5) nozzle size _____

b) towline:

1) length _____ feet
2) make, model & number of sprinklers _____
3) spacing of sprinklers _____
4) nozzle size _____

5. System Type: c) center pivot

- SE 1/4
14-12-60
Model
307
- 1) make Zimmatic
 - 2) number of towers 7
 - 3) distance between towers _____
 - 4) overall length _____
 - 5) End gun (Y/N)
 - 6) high or low pressure _____
 - 7) make & size of nozzles
Nelson #200 Eng gun
 - 8) PSI reading while system is
running ?
 - 9) GPM 900

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

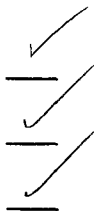
h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

Check Items



1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

W^{1/2} 13-112-60

Zimmatic, 9 Towers, Model 307, Nelson #100
End Gun, 900 gpm



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4966-3

March 18, 1987

Delano Hofer
RR #1
Yale SD 57386

Dear Mr. Hofer:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4966-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

KAREN SCHLAAK
Senior Secretary

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410845

Pierre, Apr 11 22, 19 87

RECEIVED OF Delano Hofer, RR 1, Yale, SD 57386

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>4966 3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH ms



No. 4966-3

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

NOV 3 1987

Delano Hofer
Route 1
Yale, South Dakota 57386

Dear Mr. Hofer:

Enclosed herewith is, Water License No. 4966-3. 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, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit Nos. 3516-3 and 3517-3 have been incorporated into Water License No. 4966-3.

State of South Dakota
Water License No. 4966-3

(1) Delano Hofer
of RR 1, Yale, South Dakota 57386
made Application No. 4966-3, July 6, 1983 for a water permit to appropriate
No Add'l cubic feet per second of water from groundwater (one existing well),
Beadle County, South Dakota for irrigation purposes.
Permit No. 4966-3, with a priority date of January 6, 1977
was approved October 5, 1983 and issued to applicant(s) for diversion of water with construction of the described
water supply system ~~to be~~ completed ~~on or before~~ _____ and ~~for~~ the application to beneficial use of said
water ~~on or before~~ completed _____.

Water Permit No. 4966-3 was obtained as a change in diversion point for the well
authorized by Water Permit No. 3517-3. Water Permit No. 4966-3 authorizes irrigation
of lands under Permit No. 3517-3 from the well constructed under Permit No. 3516-3.

The applicable portions of Water Permit Nos. 3516-3 and 3517-3 have been incorporated
into Water License No. 4966-3. A priority date of January 6, 1977 is retained.

and

(2) It is certified that the application 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 divert 2.0 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 240'W and 80'S of the E $\frac{1}{4}$ Corner, Section
14, T112N, R60W (NE $\frac{1}{4}$ SE $\frac{1}{4}$)

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land in T112N-R60W

Section 13 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 16 Acres

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 1 Acre

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 40 Acres

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9 Acres

NW $\frac{1}{4}$ SW $\frac{1}{4}$ 33 Acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 3 Acres

Section 14 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 Acres

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 Acres

SE $\frac{1}{4}$ SE $\frac{1}{4}$ 34 Acres

SW $\frac{1}{4}$ SE $\frac{1}{4}$ 34 Acres

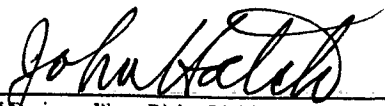
TOTAL 238 ACRES

(4) Pursuant to §46-5-30.1 Delano Hofer

of RR 1, Yale, South Dakota 57386

the holder(s) and/or owner(s) of ^{incorporated} ~~Water Permit~~ No. 4966-3 is issued a license to appropriate water, the right to use 2.0 cubic feet per second of water from groundwater (one well) with a priority date of January 6, 1977 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation

This license is subject to any limitations or qualifications listed in ^{incorporated} ~~Water Permit~~ No. 4966-3 and subject to South Dakota State Law.


Chief Engineer, Water Rights Division
Department of Water and Natural Resources

JOHN HATCH

NOV 3 1987



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 29, 1988

DELANO HOFER
RR 1
YALE, SD 57386

NOTICE

Re: Violation of Water Permit No(s) 4966-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 4966-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearings(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 4966-3 qualification:

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

The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

Following the hearing(s) the Water Management Board can:

1. Suspend Permit No(s). 4966-3 until either the 1987 Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 14, 1988

NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: DELANO HOFER
RR 1
YALE, SD 57386

FROM: John Hatch, Chief Engineer
Water Rights Division
605-773-3352

SUBJECT: One Year Suspension Of Water Permit No(s). 4966-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 4966-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
↑(Extra charge)↑

DELANO HOFER
RR 1
YALE, SD 57386

4. Article Number

P 501 738 979

Type of Service:

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Always obtain signature of addressee
or agent and DATE DELIVERED.

8. Addressee's Address (*ONLY if
requested and fee paid*)

X

Delano Hofer

6. Signature - Agent

X

7. Date of Delivery

3-15-88



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 31, 1988

4966-3

Delano Hofer
RR 1
Yale SD 57386

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 1987 irrigation questionnaire. The Water Management Board took action to suspend your water permit at their March 2, 1988 meeting. This action was taken since the questionnaire data was not in our office prior to the hearing.

The questionnaire has been received, however, it does not change the Board's action to suspend your permit. If you want to petition the Water Management Board to rescind the suspension, you will need to submit a letter to our office requesting time on the agenda for the Water Management Board Meeting to be held May 11, 1988 in Pierre. The letter should include your reasons for not returning your irrigation questionnaire prior to the March Board Meeting.

If you have any questions, please contact us.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

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

April 7, 1988



Mr. John Hatch, Chief Engineer
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

RE: Suspension of Water Permit No. 4966-3

Dear Mr. Hatch:

I am in receipt of your letter of March 31, 1988. Pursuant thereto, I hereby petition the Water Management Board to rescind the suspension levied on Water Permit No. 4966-3 at the March 2, 1988 meeting. As a result, counsel has advised me to request time to be heard by the Board at the May 11, 1988 meeting in order to exhaust all available remedies prior to litigation.

In regard to the 1987 Irrigation Questionnaire, it is my understanding that your office is in receipt thereof. I wish to apologize to the Board for the untimely filing of this report, however, I do not feel my actions warranted the harsh penalty levied by the Board; to wit, a one year suspension from irrigation. I would direct the Board's attention to my compliance with the timely filing of the Questionnaire in past years. While such compliance does not serve to change the untimely filing of the 1987 Irrigation Questionnaire, it should have proven to represent my substantial compliance with the Water Permit qualifications. Moreover, I would direct your attention to your letter of January 29, 1988 and point out that Water Permit No. 4966-3 does not specify when such questionnaires must be submitted, only that they be submitted to the Board each year. Furthermore, I have been advised by counsel that such an extreme penalty may prove to be unconstitutional because it effectively denies me access to federal governmental assistance funds based upon compliance with South Dakota Law.

It is my hope that we can arrive at a mutually beneficial resolution to this problem without resorting to litigation. I look forward to being in contact with you in the future and I thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, reading 'Delano W. Hofer'.

Delano W. Hofer
R.R. 1 Box 14
Yale, SD 57386

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

April 14, 1988

NOTICE

TO: Delano W Hofer, RR #1 Box 14, Yale, SD 57386

FROM: JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352 *John Hatch*

SUBJECT: Notice of Hearing to Consider Request for
Reconsideration of Suspended Water Right No. 4966-3

The hearing on your April 7, 1988 request to the Water Management Board to reconsider suspension of Water Right No. 4966-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, the hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11, and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26.

After all evidence is taken at the hearing, the Board may issue a decision to rescind the suspension of your permits, defer action or taken no action. The hearing is an adversary proceeding and any party 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 at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

cc: Harold Deering, Assistant Attorney General

CERTIFICATION

I hereby certify that on April 14, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Hearing to Consider Request for Reconsideration of Suspended Permit addressed as follows:

Delano W Hofer
RR 1, Box 14
Yale SD 57386

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of April, 1988.



John Hatch
Notary Public

Delano Hofer
Water Right No. 4966-3

GENERAL

Application submitted by: Delano Hofer
RR #1
Yale, SD 57386

Permit Approved: October 5, 1983

Permit was approved with the "irrigation questionnaire" qualification.

Permit Licensed: November 3, 1987

FOUR YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

<u>Year</u>	<u>Date Request Mailed</u>	<u>Date Irrigation Questionnaire Returned</u>	<u>Date of Any Board Action</u>
1984	October, 1984	December 4, 1984	none
1985	November, 1985	May 12, 1986	none
1986	November, 1986	January 5, 1987	none
1987	October, 1987	March 29, 1988	March 2, 1988

PAST VIOLATIONS

Mr. Hofer has had no prior irrigation questionnaire violations.

1. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Hofer was given notice of permit violation for non-return of his 1987 irrigation questionnaire and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Permit No. 4966-3 until December 31, 1988.

March 14, 1988, Mr. Hofer was notified of the Board action to suspend his permit.

March 29, 1988, the 1987 irrigation questionnaire was received from Mr. Hofer.

March 31, 1988, Mr. Hofer was notified that his questionnaire had been received and was informed that receipt of this form did not change the Board's action to

suspend his permit. He was also informed that if he wanted to petition the Board to rescind the suspension, he would need to submit a letter requesting time on the agenda for the Board Meeting to be held May 11.

April 12, 1988, a letter was received from Mr. Hofer petitioning the Board to rescind the suspension of Water Right No. 4966-3. The return address on the letter indicated "Box 14" should be added to his "RR #1, Yale, SD" address.

April 14, 1988, Mr. Hofer was sent a Notice of Hearing to Consider Request for Reconsideration of Suspended Water Right No. 4966-3.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

May 13, 1988

NOTICE

TO: Delano Hofer
RR 1, Box 14
Yale SD 57386

FROM: John Hatch, Chief Engineer
Water Rights Division
(605) 773-3352

SUBJECT: Reinstatement of Suspended Water Permits and Notice of
One Year Suspension Without Reinstatement for Future
Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing
passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Buckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also **NOTIFIED** that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



CERTIFICATION

I hereby certify that on May 13, 1988 I have personally deposited with the U.S. Mail, a postage prepaid envelope containing Notice of Reinstatement of Suspended Water Permits addressed as follows:

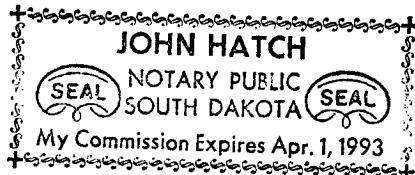
Delano Hofer
RR 1, Box 14
Yale SD 57386

Karen Schlaak
KAREN SCHLAACK
Senior Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of May, 1988.

John Galt
Notary Public





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: DELANO HOFER, 41123 198th ST, YALE, SD 57386 6311

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4966-3. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 4966-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 E Capitol, 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) 4966-3 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 8, 2002, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DELANO HOFER
41123 198th ST
YALE SD 57386 6311

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

DeLano Hofer 1/17/02

C. Signature

x Delano Hofer

☐ Agent
☐ Addressee

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. A#

7001 2510 0004 4797 4234

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 2002

4966-3

Delano Hofer
41123 198th St
Yale, SD 57386-6311

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 2001 irrigation questionnaire. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 4966-3.

The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

E-Z DAILY PLANNER

1 my son & I farm together
2 as Hofer Farms
3 Can this water permit be
4 changed to Hofer Farms
5 so if something happens
6 to me our son can
7 still water or won't
8 that matter.
9 Delano Hofer
10



1011 S. EDGERTON • MITCHELL, SD 57301 • 605-996-5151
SD TOLL FREE 1-800-952-2201

Above note sent in with 2002
irrigation questionnaire



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 18, 2002

4966-3

Delano Hofer
41123 198th St
Yale SD 57386-6311

Dear Mr. Hofer:

Thank you for the prompt return of your 2002 irrigation questionnaire. In answer to your inquiry, if you wish to have the water right transferred to Hofer Farms, you can certainly do that.

Under South Dakota Water Law, a water right for irrigation goes with the land. In other words, whoever owns the land controls the water right that goes with it. In order to have the name changed on the water right, you will need to file a "Notice of Transfer of Ownership" form with us.

Enclosed is a partially completed form. Please review the form and complete as needed. Upon completion, please return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

If you would rather leave the water right in your name for now, you can toss the enclosed form. Thank you and if you have any questions, please get in touch with me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

4966-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: DELANO HOFER, 41123 198th ST, YALE, SD 57386 6311
FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4966-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 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) 4966-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** 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) 4966-3 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 before the **March 2, 2022** hearing 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: <https://danr.sd.gov/iq> using this password: FVOWFI**

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.

4966-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

February 8, 2022

4966-3

Delano Hofer
Hofer Land & Cattle LLC
41123 198th St
Yale SD 57386-6311

Dear Mr. Hofer:

I am writing to acknowledge receipt of your 2021 irrigation questionnaire.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right No. 4966-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

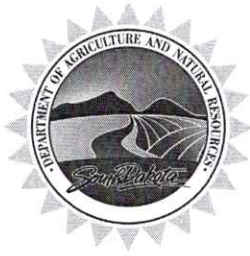
On the questionnaire, a notation was made indicating the water right should be transferred to Hofer Land & Cattle LLC. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

March 17, 2023

4966-3

D J Hofer
Hofer Land & Cattle
19831 412th Ave
Yale SD 57386

Dear Mr. Hofer:

I am writing to you regarding Water Right No. 4966-3 currently held by Delano Hofer (copy enclosed).

The correspondence forwarded to Delano Hofer in January was returned to us marked "unclaimed" with a reference indicating he had passed away. A google search yielded your name and address and I'm hoping you can assist in updating the file.

Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2022 irrigation questionnaire pertaining to Water Right No. 4966-3. Please complete the form and return it along with the transfer of ownership form and fee.

If you are not the appropriate contact person, please give me a call and let me know where to send the information to for updating the water right. Thank you in advance.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosures

4966-3

RECEIPT**WATER RIGHTS PROGRAM**

South Dakota Department of Agriculture and Natural Resources

Date March 30, 2023RECEIVED OF Hofer Land & Cattle LLC 41123 198th St., Yale SD 57386

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>4966-3</u>	<u>\$50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	<u>\$50.00</u>

By Eric Gronlund
Chief Engineer

PAID

MAR 30 2023

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 5787

Rec't#

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 4966-3

Date: 3-28-23

I/We request that Water Right No. 4966-3

formerly owned by: Delano Hofer

be transferred to: (name & address) Hofer Land & Cattle LLC

41123 198th St Yake, SD 57386

Telephone No. 605-350-1296

Title to the following described land(s)/property has been transferred as described above:

238 acres – NW ¼, N ½ SW ¼ Section 13 and the SE ¼ Section 14, all in T112N, R60W

I/We understand that the validity of Water Right No. 4966-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Hofer Land & Cattle LLC, the new owner, certify that the above information is true and correct.

Hofer Land & Cattle LLC - Chas Hofer Managing Partner
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIVED

MAR 30 2023

OFFICE OF
WATER

4966-3



531376806

B0204-2257 12/31/2021 4:00PM Rec'd by SD SOS

ANNUAL REPORT

Secretary of State
500 E. Capitol Ave
Pierre, SD 57501-5070
(605) 773-4845

Domestic Limited Liability Company
SDCL 47-34A-211; 59-11-24, 24.1

Please Type or Print Clearly in Ink
Please submit one Original
Make payable to the SECRETARY OF STATE

Filing Fee: \$50

Total Fee: \$50

2022
FILING YEAR

1. Business ID and Name:

DL145061
BUSINESS ID

Hofer Land & Cattle, LLC
BUSINESS NAME

2. The jurisdiction under whose law it is formed South Dakota

3. The address of the principal executive office (business address):

Actual Street Address

**41123 - 198TH STREET
411TH AVE.
YALE, SD 57386**

Mailing Address

**19804
411TH AVE.
YALE, SD 57386**

4. The South Dakota Registered Agent's Name:

South Dakota law permits the registered agent to be either (a) a noncommercial registered agent, or (b) a commercial registered agent.

(a) The South Dakota Noncommercial Registered Agent's name

Name **JACOB W TIEDE**

Actual Street Address in this State

**1718 N SANBORN BLVD
MITCHELL, SD 57301**

Mailing Address in this State

**PO BOX 1025
MITCHELL, SD 57301**

5. If the LLC is manager-managed, list the names and addresses of its Managers. SDCL 59-11-24. If the LLC is member-managed, this section may be left blank.

6. Beneficial Owners (optional): A beneficial owner is a person who has or in some manner controls an equity security. Please consult an attorney for legal advice if you have any questions concerning this entry. Any question under this heading is considered a request for legal advice and the secretary of state's office is, by statute, not permitted, to provide legal advice.

No person may execute this report knowing it is false in any material respect. Any violation may be subject to a criminal penalty (SDCL 22-39-36).



12/31/2021

Dated

Email (Optional)

Chisum Jay Hofer

Signature of an Authorized Person

Chisum Jay Hofer

Printed Name

B0204-2258 12/31/2021 4:00PM Rec'd by SD SOS



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

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

April 11, 2023

4966-3

Chisum Hofer
Hofer Land & Cattle LLC
41123 198th St
Yale SD 57386

Dear Mr. Hofer:

Thank you for following up on the ownership change for Water Right No. 4966-3 and also for sending in the 2022 irrigation questionnaire.

The ownership change has been completed. The water right formerly held by Delano Hofer is now listed under Hofer Land & Cattle LLC.

Enclosed for your records is a receipt for the filing fee you paid. If I can answer any questions, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

encl

Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, October 29, 2024 3:45 PM
To: hoferlandcattle@gmail.com
Subject: FW: [EXT] 4966-3 IQ Reported Use in 2024, Yes, 250.00 acres irrigated

Mr. Hofer,

The Water Rights Program has received the 2024 Irrigation Questionnaire you submitted online for [Water Right No. 4966-3](#). On this year's questionnaire, you indicated the irrigation of 250 acres, while the water right only authorizes irrigation of 238 acres. If it was simply an entry error, please let me know so that I may correct the report. However, if 12 new acres have been developed, [additional permitting](#) would be required.

Thank you,

Amanda Dewell

DANR - Water Rights Program
 Permitting Administrator
 Main Phone: 605 773-3352
 Website: danr.sd.gov



From: Caspio <noreply@caspio.app>
Sent: Friday, October 25, 2024 3:52 PM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] 4966-3 IQ Reported Use in 2024, Yes, 250.00 acres irrigated

Permit Holder:
 CHISUM JAY HOFER
 HOFER LAND & CATTLE LLC
 41123 198TH ST
 YALE SD 57386

hoferlandcattle@gmail.com

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	,	,	,	,