

No. 565-2  
Water Division No. 2 Cheyenne River District  
(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMMISSION  
PIERRE SOUTH DAKOTA

### APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

Maurice T. Hoffmann (NOTE—Draw a line through items not applicable.)  
George F. Wilsey, Farmer-Rancher

1. Name of applicant \_\_\_\_\_  
Postoffice address Pedro, S. R. 1, Box 106, County Pennington, State South Dakota

- I. If a corporation None
- (a) Name of same \_\_\_\_\_
  - (b) Date and place of incorporation \_\_\_\_\_
  - (c) Amount of capital stock \_\_\_\_\_
  - (d) Amount paid in \_\_\_\_\_
  - (e) Names and addresses of directors \_\_\_\_\_

(NOTE—A certified copy of articles of incorporation must accompany the application.)

### II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)  
Completed

(b) Cash on hand, \$ Adequate (c) Treasury stock, \$ \_\_\_\_\_  
(d) Bonds to be issued, \$ \_\_\_\_\_ (e) Other resources, \$ \_\_\_\_\_

2. Name of diversion work George F. Wilsey Irrigation and Waterspreader System Number 1

3. Amount of water claimed 4.57 max available cubic feet per second and unappropriated floodwaters.

4. Source of water supply Cheyenne River and Dry Draw (Mixes Food Creek)

5. Location of point of diversion S19°40'W 158 rods from the NE Corner of Section 31,

T-6-N, R-17-E on East bank Cheyenne R. in Penn. County.  
and N79°15'W 83 rods from the SE corner of Sec 29, T-6-N, R-17-E on Mixes Food Creek

6. Annual period or periods during which water is to be used throughout year and whenever runoff occurs.

7. To be used for: 1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Gravity

(a) Number of acres to be irrigated 320.5 acres.

(b) Legal subdivisions to be irrigated See attached list

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

### II. Stockwatering, milling, power, fish culture, fire protection and public recreation.

(a) Nature of use Irrigation  
Name any of the above uses claimed

(b) Amount of power to be generated None horse power.  
Amount claimed for engine cooling \_\_\_\_\_

(c) Location of plant \_\_\_\_\_

(d) Method of developing power \_\_\_\_\_

(e) Point where water will be returned to stream Natural drainage

Map No 536-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....  
 (c) Fluming, \$..... (d) Canal earth, \$..... Rock, \$.....  
 (e) Other structures ..... \$..... Total, \$.....

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, canal, pumping plant, etc.)

Pumping Plant and Diversion Dam

II. Dimensions of works:

(a) Dam: Height 22 feet; length at bottom 100 feet; length at top 300 feet; thickness at bottom 110 feet; thickness at top 10 feet; slope at front water face 3:1; slope at back face 2:1  
 material used in construction Earth fill  
 (b) Reservoir: Capacity when filled None with gate open acre feet. Surface area at highwater mark..... acres.

DEPTH AT OUTLET-FEET	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-FEET CAPACITY

(c)\* Head gate: Width 2 feet; height 2 feet; Material Steel  
 (d) Canal: Total length 1.6 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At ..... Mile	..... feet	..... feet	..... feet	..... feet
At ..... Mile	..... feet	..... feet	..... feet	..... feet
At ..... Mile	..... feet	..... feet	..... feet	..... feet
At ..... Mile	..... feet	..... feet	..... feet	..... feet
At ..... Mile	..... feet	..... feet	..... feet	..... feet
At ..... Mile	..... feet	..... feet	..... feet	..... feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work Completed years.  
 11. Time required for complete application of water to the proposed beneficial use Already applied years.  
 12. Choice of newspaper for publication of notice of intention to appropriate .....

STATE OF SOUTH DAKOTA  
 County of Pemington } ss.

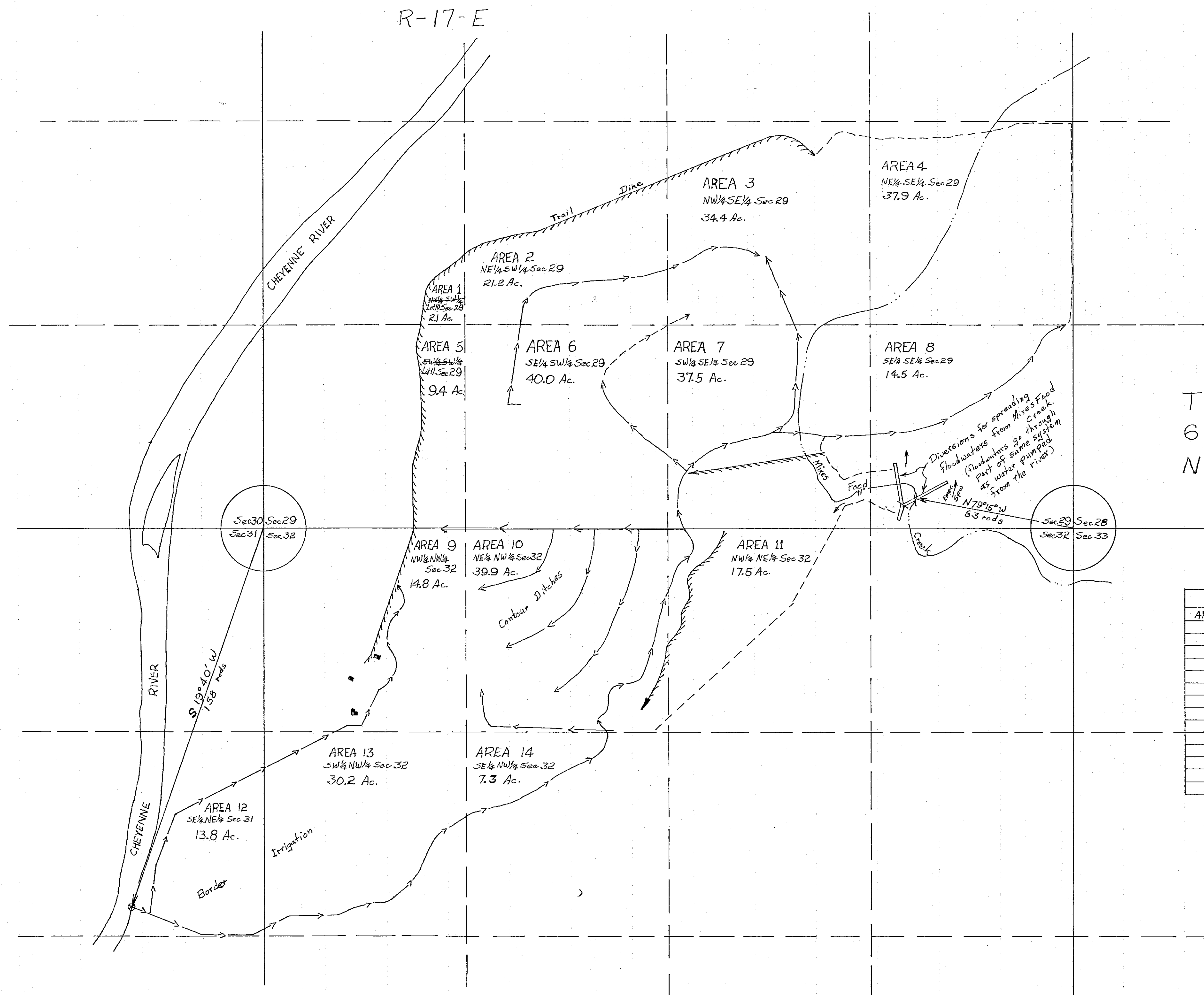
I, George F. Blissy, being first duly sworn do hereby depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed George F. Blissy

Subscribed and sworn to before me this 21st day of December 1959

John Heaton  
 Notary Public (or other qualified officer.)  
 My Commission Expires September 30, 1960.

\*Each diversion must have a headgate or measuring device.



All lands described are owned by George F. Wilsey

LOCATION OF IRRIGATED LANDS					
AREA	LOCATION	SECTION	TOWNSHIP	RANGE	ACRES
1	Lot 10 NW 1/4 SW 1/4	29	6N	17E	2.1
2	NE 1/4 SW 1/4	29	6N	17E	21.2
3	NW 1/4 SE 1/4	29	6N	17E	34.4
4	NE 1/4 SE 1/4	29	6N	17E	37.9
5	Lot 11 SW 1/4 SW 1/4	29	6N	17E	9.4
6	SE 1/4 SW 1/4	29	6N	17E	40.0
7	SW 1/4 SE 1/4	29	6N	17E	37.5
8	SE 1/4 SE 1/4	29	6N	17E	14.5
9	NW 1/4 NW 1/4	32	6N	17E	14.8
10	NE 1/4 NW 1/4	32	6N	17E	39.9
11	NW 1/4 NE 1/4	32	6N	17E	17.5
12	SE 1/4 NE 1/4	31	6N	17E	13.8
13	SW 1/4 NW 1/4	32	6N	17E	30.2
14	SE 1/4 NW 1/4	32	6N	17E	7.3
TOTAL					320.5

Scale: 1" = 400'

GEORGE F. WILSEY  
 IRRIGATION and WATERSPREADER SYSTEM  
 NUMBER 1  
 Pennington County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE  
 SOIL CONSERVATION SERVICE

Designed	Date	Approved by
Drawn	12/18/59	Title
Traced		Title
Checked		Sheet No. of
		Drawing No.

Map No 536-2 (Appl No 565-2)

Remarks by State Water Resources Commission:

"Vested Right Claimed"

This permit is granted on both The Cheyenne River & Mixes Food Creek (a dry draw). However, you are limited to 4.57 cfs, whether the sources are used separately or conjunctively.

STATE OF SOUTH DAKOTA

County of Hughes ss.

Pierre, South Dakota, December 29, 1959

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock

A.m. upon the 22<sup>nd</sup> day of December, 1959.

State Water Resources Commission

By:

J. Williams  
Chief Engineer, Executive Officer

Number of permit 565-2

Date of first receipt of application December 22, 1959

Date of return to applicant for correction, amendments or changes required as follows: \_\_\_\_\_, 19\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_

Date from which applicant may claim right from Cheyenne River 1934  
from Mixes Food Creek (a dry draw), 1952

Approved December 29, 1959, Recorded in Book 5 Page 294

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work specified is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_, 19\_\_\_\_

2nd. The whole of said work is ~~to be~~ completed ~~on or before~~ \_\_\_\_\_, 19\_\_\_\_

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is Completed, 19\_\_\_\_

4th. The water appropriated shall be used for the purpose of Irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 4.57 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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~~ <sup>was</sup> actually and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

Whenever runoff occurs

Witness my hand this 29<sup>th</sup> day of December, 1959

State Water Resources Commission

By:

J. Williams  
Chief Engineer, Executive Officer

Certificate of Construction Issued December 29, 1959

Water License Issued December 29, 1959

**SUBDIVISIONS OF LAND AND ACRES IRRIGATED  
 GEORGE F. WILSBY IRRIGATION AND WATERSPREADER SYSTEM NUMBER 1**

Lot 10	<del>SW</del>	<del>SE</del>	Section 29	Township	6N	Range 17E.....	2.1 Acres
	<del>NE</del>	<del>SE</del>	" 29	"	6N	" 17E.....	21.2 "
	<del>NW</del>	<del>SE</del>	" 29	"	6N	" 17E.....	34.4 "
	<del>NE</del>	<del>SE</del>	" 29	"	6N	" 17E.....	37.9 "
Lot 11	<del>SW</del>	<del>SW</del>	" 29	"	6N	" 17E.....	9.4 "
	<del>SE</del>	<del>SW</del>	" 29	"	6N	" 17E.....	40.0 "
	<del>SW</del>	<del>SE</del>	" 29	"	6N	" 17E.....	37.5 "
	<del>SE</del>	<del>SE</del>	" 29	"	6N	" 17E.....	14.5 "
	<del>NW</del>	<del>NW</del>	" 32	"	6N	" 17E.....	14.8 "
	<del>NE</del>	<del>NW</del>	" 32	"	6N	" 17E.....	39.9 "
	<del>NW</del>	<del>NE</del>	" 32	"	6N	" 17E.....	17.5 "
	<del>SE</del>	<del>NE</del>	" 31	"	6N	" 17E.....	15.8 "
	<del>SW</del>	<del>NW</del>	" 32	"	6N	" 17E.....	30.2 "
	<del>SE</del>	<del>NW</del>	" 32	"	6N	" 17E.....	7.8 "

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**TOTAL.....320.5 Acres**

STATE OF SOUTH DAKOTA

WATER LICENSE No. . . . 565-2 . . .

WHEREAS, On the 22nd day of December A. D. 19 59.

George F. Wilsey

of Pedro County of Pennington and State of South Dakota duly made application (No. 565-2) to us for a vested right 4.57 cubic feet per second of the waters of the Cheyenne River and Mixes Food Canal (a dry draw) County of Pennington, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 29th day of December A. D. 19 59.

vested right Permit No. 565-2 was issued to said applicant for the diversion of said water, and recognizing the completion of the works of diversion therein described and for the application to beneficial use of said water on or before the day of and,

WHEREAS, On the 22nd day of December A. D. 19 59

the holder of said vested right permit duly made proof of the completion of adequate works for the diversion of 4.57 cubic feet per second of said waters, as evidenced by our Certificate No. 565-2 dated December 29, 1959 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4.57 cubic feet per second of water, with date of priority of 1934 and 1952 and,

WHEREAS, On the 22nd day of December A. D. 19 59

proof was duly made of the application to beneficial use of 4.57 cubic feet per second of said water; To be used for irrigation of the lands described in said permit.

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,  
 We hereby grant and confirm to George F. Wilsey  
 of Pedro the holder and owner of said vested right 565-2  
 a water right, dating from 1936 and 1952 to the use of 6.57  
 cubic feet per second of the waters of the Cheyenne River and Mixes Food Creek (dry draw)  
 in the County of Pennington and State of South Dakota, or so much thereof as may be  
 necessary for the purposes hereinafter mentioned, to be diverted at a point 9 1/2 degrees 40' W 158 rods from  
the NW Cor. Sec 31, and N79 degrees 15' W 63 rods from the SE Cor. Sec 29, both in T 4N, R 17E  
 and conducted to and upon portions of Section 29, 31 and 32, T 4N, R 17E, more specifically  
described in Certificate of Completion of Works.

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the State, and subject, also to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,  
 this 29th day of December A. D. Nineteen  
 Hundred and fifty-nine

State Water Resources Commission  
 By:

**J.W. GRIMES,** Chief Engineer, Executive Officer

**STATE OF SOUTH DAKOTA**  
 Water License No. \_\_\_\_\_  
 To \_\_\_\_\_  
 \_\_\_\_\_  
 Source of Supply \_\_\_\_\_  
 \_\_\_\_\_  
 County \_\_\_\_\_  
 Amt' \_\_\_\_\_ c. f. s.  
 Point of Diversion \_\_\_\_\_  
 \_\_\_\_\_  
 Place of Use \_\_\_\_\_  
 \_\_\_\_\_  
 Purpose \_\_\_\_\_  
 \_\_\_\_\_  
 Date of Priority \_\_\_\_\_  
 Recorded \_\_\_\_\_  
 In Book \_\_\_\_\_ of \_\_\_\_\_ Page \_\_\_\_\_

Permit No. 565-2

Water Division No. 2 East Cheyenne Water District  
River

### Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That George E. Wilsey

of Pedro County of Pennington, and State of

the holder of Vented Right Permit No. 565-2, issued upon Application No. 565-2 bearing date of priority of 1934 and 1952, authorizing the diversion of

4.57 cu. ft. per second of the waters of the Cheyenne River and Mixes Food Creek (a dry draw)

County of Pennington, State of South Dakota, at a point S. 19 degrees 40' W

158 rods from the NE Cor. Sec. 31 and N. 79 degrees 15' W. 63 rods from the SE Cor. Sec 29, bot

in T. 6N, R. 17E for Irrigation

purposes, has fully complied with the provisions of the laws of the State of South Dakota relating to proof of completion of the works of diversion set out and described in said Permit; that said works are recognized as satisfactory

~~condition~~ for diverting and conveying to the place of intended use 4.57 cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: all in T. 6N, R. 17E

Lot	Section	Acres
Lot 10	Section 29	2.1 acres
NE 1/4 SW 1/4	29	21.2 acres
NW 1/4 SE 1/4	29	31.4 acres
NE 1/4 SE 1/4	29	37.9 acres
Lot 11	29	2.4 acres
SE 1/4 SW 1/4	29	40.0 Acres
SW 1/4 SE 1/4	29	37.5 acres
SE 1/4 SE 1/4	29	14.5 acres
NW 1/4 NW 1/4	32	14.8 acres
NE 1/4 NW 1/4	32	39.9 acres
NW 1/4 NE 1/4	32	17.5 acres
SW 1/4 NW 1/4	32	30.2 acres
SE 1/4 NW 1/4	32	7.3 acres
SE 1/4 NE 1/4	31	13.8 acres

Witness my hand this 29th day of December A. D. 1959.

State Water Resources Commissioner

By: J.W. ORIMES, Chief Engineer, Executive Officer



RECEIVED  
SEP 14 1960

Permit No. 565-2

STATE WATER RESOURCES NOTICE OF  
PIERRE, SOUTH DAKOTA  
TRANSFER OF WATER PERMIT

August 29, 1960

TO: Office of State Water Resources Commission  
Pierre, South Dakota

This is to notify you that George F. Wilsey

who previously owned the land described below has sold his interests to Maurice T. Hoffman

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 565-2  
and as provided for in section 61.0141 of the SDC of 1939 and elsewhere Lots 10 and 11, NE 1/4 SW 1/4, NW 1/4 SE 1/4,  
NE 1/4 SE 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4, SE 1/4 SE 1/4 Sec. 29, NE 1/4 NW 1/4, NW 1/4 NW 1/4, NW 1/4 NE 1/4, SW 1/4 NW 1/4, SE 1/4 NW 1/4 Sec. 32,  
SE 1/4 NE 1/4 Sec. 31, All in Twp. 6 N., Range 17 E. in Pennington County, South Dakota

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at  
the OFFICE OF WATER RESOURCES COMMISSION as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA  
County of Pennington } ss.

I, George F. Wilsey being first duly sworn on my  
oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the  
above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Signed George F. Wilsey

Subscribed and sworn to before me this 5th day of Sept 1960

Notary Public

Location No.-----

Water Division No.----- Water District

## Proof of Application of Water to Beneficial Use

### PETITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. George F. Wilsey, Farmer-Rancher  
Pedro, South Dakota

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. None

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. None

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Cheyenne River - 158 rods S19°40'W of NE corner Section 31, T6N, R17E.

Mixes Food Creek - 63 rods N79°15'W of SE corner of Section 29, T6N, R17E.

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. Head ditch from Cheyenne River - 5.5 ofs - Completed 1934

Diversion from Mixes Food Creek - 78 ofs - Completed 1952 (for floodwaters)

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

#### SUBDIVISIONS OF LAND AND ACRES IRRIGATED GEORGE F. WILSEY IRRIGATION AND WATERSPREADER SYSTEM NUMBER 1

Lot	Subdivision	Section	Township	Range	Acres
Lot 10	NE SW	29	"	6N 17E	2.1
	NE SW	29	"	6N 17E	21.2
	NE SE	29	"	6N 17E	34.4
	NE SE	29	"	6N 17E	37.9
Lot 11	SW SW	29	"	6N 17E	9.4
	SE SW	29	"	6N 17E	40.0
	SW SE	29	"	6N 17E	37.5
	SE SE	29	"	6N 17E	14.5
	NW NW	32	"	6N 17E	14.8
	NE NW	32	"	6N 17E	39.0
	NW NE	32	"	6N 17E	17.5
	SE NE	31	"	6N 17E	13.8
	SW NE	32	"	6N 17E	30.2
	SE NW	32	"	6N 17E	7.3

TOTAL.....320.5 Acres

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Project started in fall of 1934, and has been used to irrigate alfalfa  
and hayland since completion.

(Sign) *George J. Wilbey*

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in *Rapid City*, County of *Pennington*

State of South Dakota, on this *2nd* day of *December* A. D. 19*39*

*R. H. Kekoa*  
*Fabricia Cunningham* } Witnesses. *Lucia Keeton, Talley Liddle*  
My Commission Expires September 30, 19*40*

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

*Mary Jane T. Hoffman* Wall S. Dak  
*Lee C. Hoffman* Wall S. Dak

Location No. -----

**PROOF OF APPLICATION OF WATER TO BENEFICIAL USE**

**PETITION OF HOLDER**

Amount of Water ----- c. f. s.

Source -----

County -----

Purpose -----

Place of Use -----

Date of recording -----

Received and filed -----

 **Department of  
Water & Natural Resources**

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

September 21, 1988

NOTICE

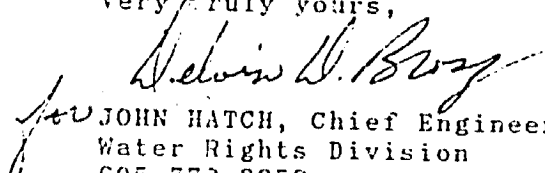
Maurice T. Hoffman  
SR #1, Box 26  
Creighton SD 57729

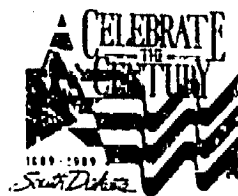
Dear Mr. Hoffman:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 565-2 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

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



**SOUTH DAKOTA** Department of  
**Water & Natural Resources**

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

December 1, 1988

Vested Water Right  
Claim No. 565-2

Maurice T. Hoffman  
SR #1, Box 26  
Creighton SD 57729

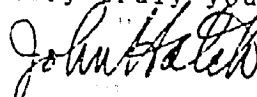
Dear Mr. Hoffman:

Enclosed is a copy of a letter received from the U.S. Department of Interior, Bureau of Reclamation. The Bureau of Reclamation is opposing those vested water right claims in Pennington, Perkins, Butte and Fall River counties which have never been investigated by the Division of Water Rights. Earlier, you received a letter stating that I was opposing your claim until an investigation can be completed.

After the investigation has been completed, you and the Bureau of Reclamation will be notified as to the date, place and time of the hearing on your vested water right claim. At that time all parties of record will have an opportunity to testify on the validation.

If we can answer any questions, please contact us.

Very truly yours,



JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3552

cc: Bruce Laymon, Bureau of Reclamation



Water Rights Division - DWR  
Conversation or File Documentation

File No. 565-2

NAME OF PERSON OR FILE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ COUNTY Pennington

DATE: 7-24-90 TELEPHONE: \_\_\_\_\_

RE: Vested Right Claim Inspections in

COMMENTS:

On July 16, 1990

The following vested right claims were inspected and are

recommended for validation:

461-2, ~~472-2~~, ~~500-2~~, 769-2, 509-2, 565-2, 948-2

495-2 and 926-2.

July 19, 90

The following vested right claims were inspected and ~~are~~ are recommended

for validation:

5-2, 489-2, and 925-2

\* This claim is for groundwater and surface water (Cheyenne River)  
The groundwater part of it never developed.

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: NRD had

## STATE OF SOUTH DAKOTA

VESTED RIGHT WATER LICENSE NO. 565-2 FOR IRRIGATION

(1) Maurice T Hoffman of 20451 Wilsey Road, Creighton, SD 57729-6406, made Application No. 565-2, December 22, 1959 for validation of a vested right claim to appropriate 4.57 cubic feet of water per second from the Cheyenne River and Mixes Food Creek, Pennington County, South Dakota, for irrigation purposes. Vested Water Right No. 565-2 was validated September 30, 1992, with priority dates of January 1, 1934 (Cheyenne River) and January 1, 1952 (Mixes Food Creek). Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

The original water license issued on December 29, 1959, contained an error in the legal description of the diversion point. Based upon the field inspection and subsequent validation of the vested right claim, this license is being reissued to correct the diversion point location.

(2) The vested right owner is entitled to divert 4.57 cubic feet of water per second for beneficial use. The location of the diversion points are: a point S 19 degrees 40 minutes W, 158 rods from the NE corner of Section 31, and N 79 degrees 15 minutes W, 63 rods from the SE corner Section 29, T6N, R17E (SE 1/4 SE 1/4 Section 29 and the SE 1/4 NE 1/4 Section 31).

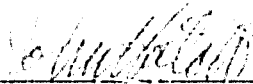
The location of the irrigated acreage is:

T6N, R17E	Section 29	Lot 10	2.1 acres
		Lot 11	9.4 acres
		NE 1/4 SW 1/4	21.2 acres
		SE 1/4 SW 1/4	40.0 acres
		NW 1/4 SE 1/4	34.4 acres
		NE 1/4 SE 1/4	37.9 acres
		SW 1/4 SE 1/4	37.5 acres
		SE 1/4 SE 1/4	14.5 acres
	Section 31	SE 1/4 NE 1/4	13.8 acres
	Section 32	NW 1/4 NE 1/4	17.5 acres
		NW 1/4 NW 1/4	14.8 acres
		NE 1/4 NW 1/4	39.9 acres
		SW 1/4 NW 1/4	30.2 acres
		SE 1/4 NW 1/4	7.3 acres
		Total	320.5 acres

565-2

Vested Right Water License No. 565-2  
Maurice T Hoffman  
Page 2

(3) Pursuant to Section 46-5-30.1 Maurice T Hoffman of 20451 Wilsey Road, Creighton, SD 57729-6406 the holder and/or owner of Vested Water Right No. 565-2 is issued a license to appropriate 4.57 cubic feet of water per second from the Cheyenne River and Mixes Food Creek with priority dates of January 1, 1934 from the Cheyenne River and January 1, 1952 from Mixes Food Creek from the location specified in (2) of this license. The water is to be used for the purpose of irrigation. This license is subject to any limitations, conditions or qualifications listed in Vested Water Right No. 565-2 and subject to South Dakota State Law.



JUN 11 1993

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



565-2

SOUTH DAKOTA

VESTED WATER RIGHT NO. 565-2 FOR IRRIGATION

Date of Receipt of Claim December 22, 1959.

Date of Validation September 30, 1992.

The Water Management Board validated Vested Water Right Claim No. 565-2 for irrigation purposes for Maurice T. Hoffman, 20451 Wilsey Rd, Creighton SD, 57729-6406 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 565-2 appropriates 4.57 cubic feet per second of water from the Cheyenne River and Mixes Food Creek to irrigate 320.5 acres. The points of diversion are located in the SE1/4 SE1/4 Section 29 and in the SE1/4 NE1/4 Section 31 both in T6N, R17E. The irrigated lands are located in the SE1/4, E1/2 SW1/4, lots 10 and 11 Section 29; NW1/4, NW1/4 NE1/4 Section 32 and the SE1/4 NE1/4 Section 31; all in T6N, R17E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: January 1 to December 31.
3. The priority dates of the Vested Water Right are:  
January 1, 1934 for the Cheyenne River  
January 1, 1952 for Mixes Food Creek
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

Vested Right No. 565-2 authorizes diversion of water from the Cheyenne River and Mixes Food Creek (a dry draw). However, diversion is limited to 4.57 cfs, whether the sources are used separately or conjunctively.

WATER MANAGEMENT BOARD

By: [Signature]  
Chief Engineer

JUN 11 1993  
date

Division of Water Rights  
Dept. of Environment and Natural Resources

565-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

JUN 11 1993

Maurice T. Hoffman  
20451 Wilsey Rd.  
Creighton SD 57729-6406

Dear Mr. Hoffman:

The Water Management Board has validated the enclosed Vested Water Right No. 565-2. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch", is written over a faint, larger version of the same signature.

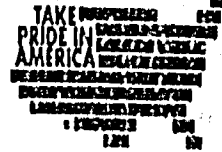
JOHN HATCH, Chief Engineer  
Water Rights Division  
605 773-3352

enclosure

565-2



United States Department of the Interior

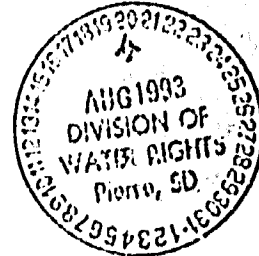


BUREAU OF RECLAMATION  
Great Plains Region  
Belle Fourche Projects Office  
P.O. Box 226  
Newell, South Dakota 57760-0226

WTR 4.10  
BF-430

WTR 4.10  
BF-430

AUG 18 1993



Mr. John Hatch, Chief Engineer  
Water Rights Division  
South Dakota Department of Water and Natural Resources  
523 E. Capitol  
Pierre SD 57501-3161

Subject: Vested Water Right Claims in Western South Dakota (Your Letter Dated April 20, 1993) (Water Rights)

Dear Mr. Hatch,

We have reviewed the vested water right claims located in Perkins, Pennington, Fall River, and Butte Counties as listed in your letter dated April 20, 1993. We have also discussed these rights with contract water users. We appreciate the assistance of your staff in providing documentation of inspections and validation proceedings for specific claims as we requested.

We are satisfied with all of the actions taken by the board. Our intent in opposing validation of the water rights was to assure that all of the rights were reviewed prior to validation. That review has been completed by your staff. Thank you for notifying us of the board's actions and extending the opportunity to reconsider the actions if it would have been deemed necessary. We understand that future notification will be made in advance of board actions.

If we can be of further assistance, please contact Craig Kjar or me at (605) 456-2695.

Sincerely,

Bruce M. Laymon  
Project Manager

cc: Mr. Joe Kramer Manager  
Angostura Irrigation District  
PO Box 346  
Oral SD 57766

Mr. James E. Winterton, Project Manager  
Belle Fourche Irrigation District  
PO Box 225  
Newell SD 57760



365-2  
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: MAURICE T HOFFMAN, 20451 WILSEY RD, CREIGHTON, SD 57729 6406

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 has not been submitted for Permit No(s) 565-2. 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 be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 565-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

565-2

**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:

MAURICE T HOFFMAN  
 20451 WILSEY RD  
 CREIGHTON SD 57729 6406

**COMPLETE THIS SECTION ON DELIVERY**

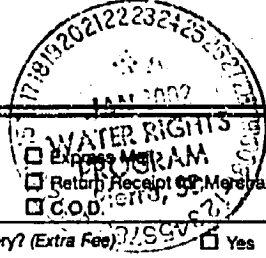
A. Received by (Please Print Clearly) **MAURICE HOFFMAN** B. Date of Delivery **1-18-02**

C. Signature *Maurice T Hoffman*  Agent  Addressee

D. Is delivery address different from Form 17?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



2. Article Number (From sender label)  
**7001 2510 0004 4797 5149**



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

January 23, 2002

565-2

Maurice T Hoffman  
20451 Wilsey Rd  
Creighton SD 57729 6406

Dear Mr. Hoffman:

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. 565-2.

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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www.state.sd.us/denr

January 17, 2003

NOTICE

TO: MAURICE T HOFFMAN, 20451 WILSEY RD, CREIGHTON, SD 57729 6406

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 565-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 565-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



565-2

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20451 WILSEY RD  
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PS Form 153, February 2001





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February 5, 2003

565-2

Maurice T Hoffman  
20451 Wilsey Rd  
Creighton SD 57729-6406

Dear Mr. Hoffman:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 565-2.

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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www.state.sd.us/denr

January 17, 2003

NOTICE

TO: MAURICE T HOFFMAN, 20451 WILSEY RD, CREIGHTON, SD 57729 6406

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 565-2. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 5, 2003, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 565-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 **February 28, 2003**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.



565-2

# Track & Confirm

## Delivery Status

You entered 2301 0370 0000 7540 5911

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CREIGHTON SD 57729 6406

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February 5, 2003

565-2

Maurice T Hoffman  
20451 Wilsey Rd  
Creighton SD 57729-6406

Dear Mr. Hoffman:

I am writing to acknowledge receipt of your 2002 irrigation questionnaire. You may disregard the January 17, 2003, "Notice" concerning reporting requirements for Water Right No. 565-2.

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

5765-2



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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January 14, 2004

**NOTICE**

**TO:** MAURICE T HOFFMAN, 20451 WILSEY RD, CREIGHTON, SD 57729 6406

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

**SUBJECT:** Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 565-2. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 565-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with 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.

565-2



# Track & Confirm

## Current Status

You entered 2301 3460 0000 8515 8473

Your item was delivered at 11:04 am on January 15, 2004 in ZIP Code 57729. The item was signed for by M HOFFMAN.

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SIGNATURE CONFIRMATION NUMBER:  
2301 3460 0000 8515 8473

MAURICE T HOFFMAN  
20451 WILSEY RD  
CREIGHTON SD 57729 6406

Waiver of Signature  YES  NO

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565-2

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

January 20, 2004

565-2

Maurice T Hoffman  
20451 Wilsey Rd  
Creighton SD 57729-6406

Dear Mr. Hoffman:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 565-2.

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,

A handwritten signature in cursive script that reads "Genny McMath".

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

April 11, 2006

565-2

Kemnitz Law Office  
PO Box 489  
Philip SD 57567-0489

Attention: Paula

Dear Paula,

Thank you for contacting us regarding the pending ownership change for Vested Water Right No. 565-2, currently listed in the name of Maurice T Hoffman.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. The new owner of the land will need to complete and sign the form. Upon completion, please return it 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 I can answer any questions for you, please contact me.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures



RECEIVED

MAY - 1 2006

WATER RIGHTS PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 565-2

Date: \_\_\_\_\_

I/We request that Vested Water Right No. 565-2

formerly owned by: Maurice T Hoffman

be transferred to: (name & address) Audrey J Hoffman

20751 Wiley Road

Creighton SD 57790 Telephone No. 605-279-2090  
or 605-457-2214

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

320.5 acres - Lots 10 & 11, E 1/2 SW 1/4, SE 1/4 Section 29; SE 1/4 NE 1/4 Section 31;

NW 1/4 NE 1/4, NW 1/4 Section 32, T6N, R17E

I/We understand that the validity of Vested Water Right No. 565-2 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 Two Dollars and Fifty Cents (\$2.50) 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 Audrey J. Hoffman, the new owner, certify that the above information is true and correct.

Audrey J Hoffman  
(Signed by new owner)

**NOTE:** Water permits may be cancelled for non-construction 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. Third violation of a condition of a water permit/right.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 1, 2006

RECEIVED OF Audrey J Hoffman, 20451 Wilsey Rd, Creighton SD 57790

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>565-2</u>		2 50
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	2.50

No.

02419

By Darland Ebele  
Chief Engineer *gn*

**AFFIDAVIT FOR TRANSFER  
OF PERSONAL PROPERTY WITHOUT PROBATE  
(SDCL 29A-3-1201)**

State of South Dakota)

County of Hoakon )        :    ss

Affiant, who is the spouse of Maurice T. Hoffman, deceased, being duly sworn, states:

1. The value of the entire estate of Maurice T. Hoffman, deceased, wherever located, less liens and encumbrances, does not exceed \$25,000.00. Said estate consists of the following:  

Water Irrigation rights		
Check from Principal Life Ins Co	-	\$43.57
Check from CHS - patronage	-	\$ 8.92
2. Thirty days have elapsed since the death of the decedent on December 15, 2005.
3. No application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction.
4. a. Affiant is entitled to payment and delivery of all property held by others in the sole name of the decedent pursuant to SDCL 29A-3-1201.  
b. Affiant's entitlement is based upon Affiant's status as an heir of decedent.  
c. Affiant accepts responsibility for applying the property to liens and encumbrances, homestead allowance, exempt property, family allowance, funeral expenses, expenses of administration and creditor claims, as required by law, and distributing any remaining property to heirs and devisees entitled thereto.  
d. Affiant submits personally to the jurisdiction of the Courts of this State in any proceeding relating to this Affidavit that may be instituted by any interested person.
5. The decedent has not incurred indebtedness to the South Dakota Department of Social Services for medical assistance for nursing home or other institutional care.
6. A copy of the Affidavit and supporting information will be

furnished to the South Dakota Department of Revenue and any inheritance tax due will be paid.

7. Pursuant to SDCL 29A-3-1202, the person paying, delivering, transferring, or issuing personal property or the evidence thereof pursuant to this Affidavit is discharged and released as if the person dealt with a personal representative of the decedent and is not required to see to the application of the personal property or evidence thereof or to inquire into the truth of any statement in this Affidavit.

Dated this 27<sup>th</sup> day of April, 2006.

Audrey L. Hoffman

Audrey Hoffman  
20451 Wilsey Rd.  
Wall, SD 57790

Subscribed and sworn to before me this 27<sup>th</sup> day of April, 2006.

[Signature]  
NOTARY PUBLIC, SOUTH DAKOTA

My Commission Expires: 2-27-08



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 1, 2006

565-2

Audrey J Hoffman  
20451 Wilsey Rd  
Creighton SD 57790

Dear Ms. Hoffman:

Thank you for following up on the ownership change for Vested Water Right No. 565-2. The transfer has been completed. The vested water right formerly listed in the name of Maurice T Hoffman is now listed in your name.

Enclosed is your Receipt No. 02419 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosure



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 25, 2007

565-2

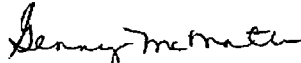
Audrey J Hoffman  
PO Box 317  
Wall SD 57790-0317

Dear Ms. Hoffman:

Enclosed is a "Notice" dated October 19, 2007 concerning the 2007 irrigation questionnaire. The notice was originally mailed to 20451 Wilsey Rd., Creighton SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

  
Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures

565-2



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 23, 2009

NOTICE

TO: AUDREY J HOFFMAN, PO BOX 317, WALL, SD 57790 0317

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

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire has not been submitted for Permit No(s) 565-2. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 10:00 am, March 11, 2009, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 565-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 6, 2009, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:  
<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pd>

**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.

565-2



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[Track & Confirm](#)

# Track & Confirm

## Search Results

Label/Receipt Number: 2303 2160 0000 0802 5633  
Status: **Delivered**

Your item was delivered at 2:26 PM on January 29, 2009 in WALL, SD 57790. The item was signed for by A HFFMAN.

[Additional Details >](#) [Return to USPS.com Home >](#)

## Track & Confirm

Enter Label/Receipt Number.

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**Signature Confirmation**

SIGNATURE CONFIRMATION NUMBER:  
2303 2160 0000 0802 5633

AUDREY J HOFFMAN  
PO BOX 317  
WALL SD 57790 0317

Waiver of Signature  YES  NO

Postmark Here

**POSTAL CUSTOMER:**  
Keep this receipt. For Inquiries:  
Access internet web site at [www.usps.com](http://www.usps.com)<sup>®</sup>  
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 Package Services parcel





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 30, 2009

565-2

Audrey J Hoffman  
PO Box 317  
Wall SD 57790-0317

Dear Ms. Hoffman:

I am writing to acknowledge receipt of your 2008 irrigation questionnaire. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right No. 565-2.

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  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
<http://denr.sd.gov>

October 18, 2011

565-2

Audrey J Hoffman  
2620 Holiday Ln Apt 220  
Rapid City SD 57702 5369

Dear Ms. Hoffman:

Enclosed is a "Notice" dated October 14, 2011 concerning the 2011 irrigation questionnaire.

The notice was originally mailed to PO Box 317, Wall SD. The post office notified us that your address has changed and I will update our records accordingly.

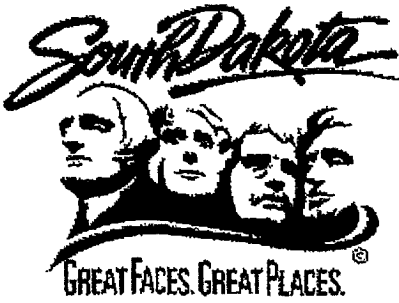
If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures



565-2  
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, 2012

**NOTICE**

TO: AUDREY J HOFFMAN, 2620 HOLIDAY LN APT 220, RAPID CITY, SD 57702 5369

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

SUBJECT: Reporting Requirement for 2011 Irrigation Questionnaire(s)

Our records indicate that the 2011 Irrigation Questionnaire has not been submitted for Permit No(s) 565-2 as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 14, 2011. The Water Management Board has directed that owners of water permits who have not submitted the 2011 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

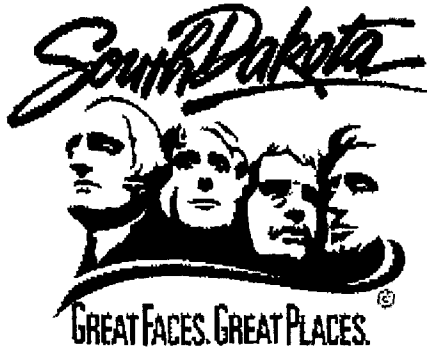
The hearing will be held at **10:00 am, March 7, 2012**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 565-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
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 2, 2012**, 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](mailto: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.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

January 26, 2012

565-2

Audrey J Hoffman  
2620 Holiday Ln Apt 220  
Rapid City SD 57702 5369

Dear Ms. Hoffman:

I am writing to acknowledge receipt of the information needed for your 2011 irrigation questionnaire. Based on our phone conversation, I completed a questionnaire for you indicating no irrigation took place in 2011.

You may disregard the January 24, 2012, "Notice" concerning reporting requirements for Water Right No. 565-2. 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,

A handwritten signature in cursive script that reads 'Genny McMath'.

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



DEPARTMENT OF ENVIRONMENT  
and NATURAL RESOURCES

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



November 24, 2014

565-2

Wally Hoffman  
20453 Wilsey Rd  
Creighton SD 57790

Dear Mr. Hoffman:

Thank you for the prompt return of the 2014 irrigation questionnaire. It is my understanding from the notation you made on the form that ownership has changed.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. 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  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosure



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 26, 2015

565-2

Wally Hoffman  
20453 Wilsey Rd  
Creighton SD 57790

Dear Mr. Hoffman:

On November 24, 2014, I forwarded a transfer form to you for filing an ownership change on Water Right No. 565-2, currently listed in the name of Audrey J Hoffman. This was done based on the 2014 irrigation questionnaire you submitted. To date, we have not received anything back from you.

In the event you do not have the original form, I am enclosing an additional partially completed "Notice of Transfer of Ownership" form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

If I have misunderstood and you do not wish to transfer the water right, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: genny.mcmath@state.sd.us

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED  
MAY 06 2015  
WATER RIGHTS  
PROGRAM

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

No. 565-2

Date: 5-3-15

I/We request that Vested Water Right No. 565-2

formerly owned by: Audrey J Hoffman

be transferred to: (name & address) Wally Hoffman, 20453 Wilsey Rd, Creighton SD 57790

Telephone No. 605 457-3502

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

**320.5 acres – Lots 10 & 11, E 1/2 SW 1/4, SE 1/4 Section 29; SE 1/4 NE 1/4 Section 31;**

**NW 1/4 NE 1/4 and NW 1/4 Section 32, all in T6N, R17E**

I/We understand that the validity of Vested Water Right No. 565-2 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 Wally Hoffman, the new owner, certify that the above information is true and correct.

Wally Hoffman  
(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.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/6, 20 15

RECEIVED OF Wally Hoffman 20453 Wilsey Rd Creighton SD 57790

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>565-2</u>	50	00
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	50 00

No. 07390

By James Goodman  
Chief Engineer





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

May 7, 2015

565-2

Wally Hoffman  
20453 Wilsey Rd  
Creighton SD 57790

Dear Mr. Hoffman:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Vested Water Right No. 565-2.

The ownership change has been completed. Vested Water Right No. 565-2 formerly held by Audrey J Hoffman is now listed in your name.

Enclosed for your records is Receipt No. 07390 in the amount of \$50. If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosure

565-2

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date November 8, 2021

RECEIVED OF Wally/Carol Hoffman 20395 Wilsey Rd. Creighton SD 57790

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>565-2</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  
 VM

PAID

NOV 8 2021

Ck# 8864

NOTICE OF TRANSFER OF OWNERSHIP

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

RECEIVED

No. 565-2

NOV - 8 2021

Date:

WATER RIGHTS PROGRAM

I/We request that Vested Water Right No. 565-2

formerly owned by: Wally Hoffman

be transferred to: (name & address) Zebulon & Megan Hoffman  
20395 Wilsey Rd Creighton SD 57790

Telephone No. (605) 497-2633

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

320.5 acres - Lots 10 & 11, E 1/2 SW 1/4, SE 1/4 Section 19; SE 1/4 NE 1/4 Section 31 and

NW 1/4 NE 1/4 and NW 1/4 Section 32, T6N, R17E

I/We understand that the validity of Vested Water Right No. 565-2 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 Zebulon Hoffman the new owner, certify that the above information is true and correct.

  
(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.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

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

November 9, 2021

565-2

Zebulon & Megan Hoffman  
20395 Wilsey Rd  
Creighton SD 57790

Dear Mr. & Mrs. Hoffman:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Vested Water Right No. 565-2.

The ownership change has been completed. The vested water right formerly held by Wally Hoffman is now listed in your names.

Enclosed for your records is a receipt for the filing fee that was paid. If you have any questions, please give me a call.

Sincerely,

Genny McMath  
Water Rights Program  
605 773-3352  
[Genny.mcmath@state.sd.us](mailto:Genny.mcmath@state.sd.us)

enclosure