

WATER PERMIT NO. 1593-1

Phone: 605-964-8074

Name of Applicant: Mark Jochim

Post Office Address: PO Box 42, Lantry SD 57636

Amount of Water Claimed: 30.8 acre-feet Total Acres: _____

Source of Water Supply: runoff

Water to be used for: domestic County: Ziebach

About 3 miles southeast of Dupree

PRIORITY Date Received: 10-13-93 Fee: \$150 Remarks: _____

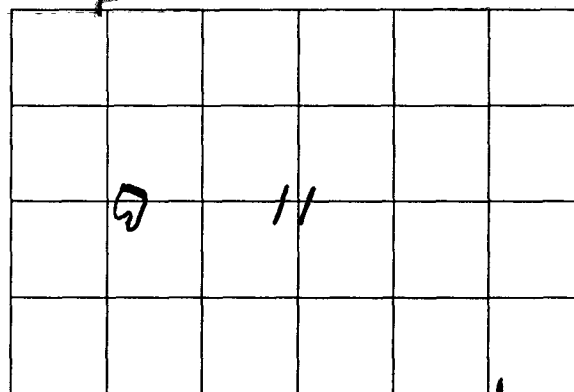
Corrected Application Received: 10-19-93 Period of Annual Use: Jan 1 - Dec 31

WATER QUALITY APPROVAL RECEIVED: NA APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES _____ NO _____ REMARKS: _____

Diversion Point: SW 1/4 NW 1/4 Sec 11-T12N-R21E

Land to be Irrigated: _____



Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: plat PREPARED BY: Tom Verhelst Reviewed and the Number

Assigned on: 10-19-93 By: Karen Schlaak

**SOUTH DAKOTA
WATER PERMIT NO. 1593-1**

Date of first receipt of application October 13, 1993.

Date of return to applicant for corrections, amendments or changes October 13, 1993.

Date of receipt of corrected application October 19, 1993.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1593-1 to Mark Jochim, PO Box 42, Lantry SD 57636 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1593-1 impounds 30.8 acre-feet of runoff water by constructing a dam. The dam site is to be located in the SW 1/4 NW 1/4 Section 11 and water will be impounded in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 11; all in T12N-R21E.
2. The water appropriated shall be used for the purpose of supplying water for livestock watering and may not exceed the amount of water needed for beneficial use for domestic purposes.
3. The water is to be used during the following described annual period: January 1 - December 31.
4. The date of approval of Permit No. 1593-1 is January 31, 1994.
5. The date from which applicant may claim right is October 13, 1993.
6. One-fifth of the construction is to be completed on or before July 31, 1996.
7. All construction is to be completed on or before January 31, 1999.
8. Water is to be put to beneficial use on or before January 31, 2003.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Approval of Water Permit No. 1593-1 authorizes storage of up to 30.8 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

MAR 14 1994
date

No. 1593-1 Hydrologic Unit 10130306
 Map No. _____ Basin Moreau River
 Newspaper West River Progress, Box 190, Gettysburg

Application For Permit To Appropriate Water Within The State Of South Dakota

Check one or more water: Industrial ☐ Commercial ☐ Municipal ☐ Other Common Distribution System ☐
 Rural Water System ☐ Suburban Housing ☐ Geothermal Heat ☐ Institutional ☐ Recreational ☐
 Domestic ☒ (above 18gpm) Other ☐

Type of Application: Check one or more of the following

New ☒ Vested Right ☐ Future Use ☐ Change Use ☐☐ Amend Permit No. _____ with old priority date retainedChange diversion point(s) ☐ Add diversion point(s) ☐ Other ☐ _____☐ Application to: Change diversion point(s) ☐ Add diversion point(s) ☐ on Permit No. _____☐ Construction to use water reserved by Future Use Permit No. _____1. Name of Applicant Mark Jochim Phone No. 964-8074Post Office Address P.O. Box 42 Lantry State S.D. Zip Code 57636
(Street, RR or Box) (City)2. Amount of water claimed (c.f.s.) 30.8 ac-ft3. Source of water supply Runoff4. Location of point of diversion ~~1/4 mi. south and 100' East of the Northwest Corner of~~SW 1/4 NW 1/4 Sec 11 T12N-R21E Water impounded in the
SW 1/4 NW 1/4, NW 1/4 SW 1/4 Sec 11-T12N-R21E County ZIEBACH5. Counties where water will be used ZIEBACH6. Annual period during which water is to be used All YEAR Jan 1- Dec 31

7. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

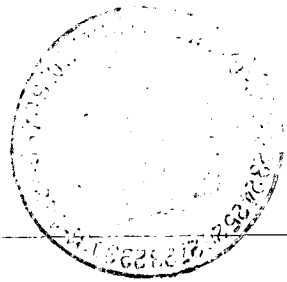
Earthen dam to be constructed across a draw that has 199 acres of drainage.

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

STATE OF SOUTH DAKOTA)
County of Ziebach)^{ss}I, Mark Jochim the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.Signed Mark JochimSubscribed and sworn to before me this 12 day of October 19 93Janele Sen
Notary Public
Expires 8-11-1995

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

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

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

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

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

Soil Conservation Service
Box 399 Faith, SD

b) Freeboard 3'

c) Crest Width 12'

Crest Length 390'

d) Height 20'

e) Outlet Dimensions:
Pipe diameter N/A

Spillway width 95'

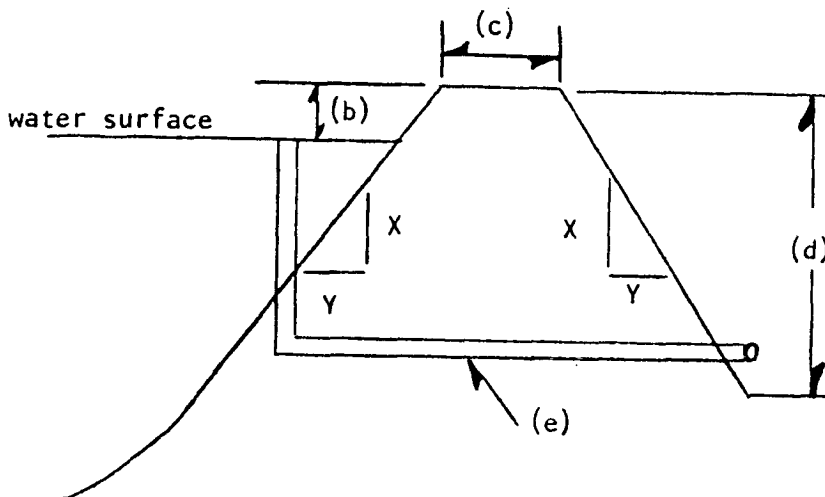
f) X & Y Slope
Upstream 3:1 SS

Downstream 2:1 SS

Surface Area of Impoundment 4.7 ac.

Storage 30.8 acre feet

Drainage area above dam 199



Signature of Applicant _____

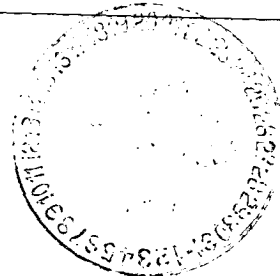
October 12, 1993

Mark Jochim's dam located in the SWNW1/4 SEC 11 T12N R21E will be a Category 3 low hazard dam. There are no buildings or farmsteads down stream from this structure. The drainage crosses under US Highway 212 two miles downstream and empties into Bear Creek 500 feet beyond the highway.

There are no dwellings or man made structures for at least 3 miles downstream on Bear Creek form the point of this drainage intersection.



Michael Moorman
District Conservationist





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 1993

Mark Jochim
PO Box 42
Lantry SD 57636

Dear Mr. Jochim:

In regard to your water permit application received on October 13, 1993, the following information needs to be submitted and clarified in order to process your application.

1. The application states the location of the point of diversion is 1400' south and 100' east of the northwest corner of Section 11-T12N-R21E. The map indicates that the dam structure would be located in the SW 1/4 NW 1/4 Section 11-T12N-R21E (almost the quarter-quarter line). It would appear that the two locations do not correspond.
2. A written preliminary risk assessment of the downstream hazard potential needs to be provided to aid in determining the hazard classification for the proposed dam (see enclosed ~~Safety of Dams~~ Rules Sections 74:02:08:05 and 74:02:08:05.01). The hazard classification for the dam (Category 1, 2 or 3) needs to be known in order to determine what provisions of the Safety of Dams Rules will apply to your dam.

An assessment of the downstream hazard potential is to consist of a list of properties downstream from the dam (homes, roads, dams and other structures) with the potential affects of a dam failure to these properties. The legal descriptions of these downstream properties and the elevation above the waterway need to be included in the assessment. The risk assessment needs to be prepared by an engineer as defined in the Safety of Dams rules.

3. Enclosed is the check for \$50.00. The filing fee for this application will be \$150.00.

Upon receipt of the above, further processing of your application will continue. If you have any questions, please contact this office.

Sincerely,

Karen Schlaak

Karen Schlaak
Natural Resources Analyst
605 773-3352

enclosure

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Tom Ver Helst

ADDRESS: SCS Belle Fourche Office

COUNTY:

DATE: November 18, 1993

TELEPHONE: 892-2782

RE: Mark Jochim Dam, WR Application #1593-1

COMMENTS:

I talked to Tom Ver Helst today about the Maximum Storage Capacity of the dam for Water Right Application No. 1593-1. He said it was a very narrow draw and the surface area at Top of Dam elevation would not change much from Normal Pool (spillway) elevation.

He said he did not think it would make the 50 acre-feet for an inventory size dam.

Normal Capacity = 17 ft. x 4.7 acres x 0.4 = 32 Acre-Feet

Maximum Capacity= 20 ft. x 5.0 acres x 0.4 = 40 Acre-Feet

Or 20 ft. x 6.0 acres x 0.4 = 48 Acre-Feet

This dam is NOT an inventory size dam.

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

NAME: Timothy G. Schaal

RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1593-1, Mark Jochim

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 1593-1, Mark Jochim, PO Box 42, Lantry, SD 57636.

The Chief Engineer is recommending APPROVAL of Application No. 1593-1 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. Approval of Water Permit No. 1593-1 authorizes storage of up to 30.8 acre-feet of water annually.

See report on application for additional information.



JOHN HATCH, Chief Engineer
December 13, 1993

REPORT ON
WATER PERMIT APPLICATION NO. 1593-1
MARK JOCHIM
November 18, 1993

Water Permit Application No. 1593-1 has been filed by Mark Jochim to impound 30.8 acre-feet of water in a dam. The dam is to be located on a dry draw in the SW 1/4 NW 1/4 of Section 11-T12N-R21E, in Ziebach County. The water will be used for livestock watering.

Discussion:

The Jochim Dam has been designed by the Soil Conservation Service. It will be 20 feet high with a normal storage capacity (spillway elevation) of 30.8 acre-feet and a maximum storage capacity (top of dam elevation) of 40 acre-feet.

This dam does not meet the inventory size requirements of 25 feet high and/or 50 acre-feet maximum capacity; therefore, review and approval of plans and specifications is not necessary. However, if it were large enough it would be classified a small size Category 3 dam and would be required to have the spillway capacity to pass a 25 year frequency event. The drainage area for this dam is 199 acres. The peak runoff from a 25 year event for this drainage area would be 233 cfs. The Jochim Dam will have an 80 foot wide earthcut spillway capable of passing 340 cfs.

The Jochim Dam will be located on a dry draw tributary to Bear Creek, approximately 2.5 miles upstream of its confluence with Bear Creek. Water Right No. 516-1 appropriates 6.58 cfs of water from Bear Creek and tributaries to irrigate 460.6 acres. This is a water spreading irrigation system and most of the irrigation and diversion of water is from Bear Creek upstream of the Jochim Dam dry draw tributary. However, 45.6 acres are irrigated from the same dry draw. The drainage area above the diversion point for this water spreading is approximately 2340 acres. The drainage area above the Jochim Dam is only 199 acres. Construction of the Jochim Dam should not have any adverse impacts on the water spreading operation.

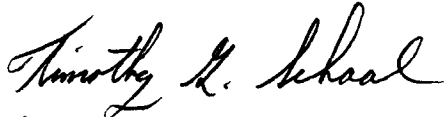
Conclusions:

1. Water Permit Application No. 1593-1 should be approved since unappropriated water is available and approval will not have any adverse effects on existing Water Permits/Rights.

page 2

Application No. 1593-1

2. If approved, the low flow bypass requirement for downstream domestic use should be a qualification on Water Permit Application No. 1593-1.



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

Approved by:



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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

January 3, 1994

Mark Jochim
PO Box 42
Lantry, SD 57636

Dear Mr. Jochim:

Water Permit Application No. 1593-1 for domestic (livestock watering) use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the West River Progress printed at Gettysburg, SD (Ph # 365-5145). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 3, 1994

West River Progress
Box 190
Gettysburg, SD 57442

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 1593-1 to be published twice. Please publish the first notice on January 13, 1994, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Mark Jochim, PO Box 42, Lantry, SD 57636 (Ph # 964-8074).

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

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----
FIRST TRANSMITTAL NOTICE TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on January 13, 1994, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 1593-1 to Appropriate Water

Notice is given that Mark Jochim, PO Box 42, Lantry, SD 57636 has filed an application for a water permit to impound 30.8 acre-feet of runoff water by constructing a dam. The dam site is to be located in the SW 1/4 NW 1/4 Section 11 and water will be impounded in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 11; all in T12N-R21E. The water will be used for domestic (livestock watering) purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1593-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by ~~either an interested person or the applicant must be filed by January 31, 1994.~~

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

OK

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Ziebach) ssI, Jack L. Stoner

certify that the attached printed Notice was

taken from the West River Progressprinted and published in DeputyCounty of Ziebach and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:January 13, 1994
January 20, 1994Cost of Printing: \$40.34Jack L. Stoner
(Signature)Publisher
(Title)Jan. 21, 1994
(Date Signed)

is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

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

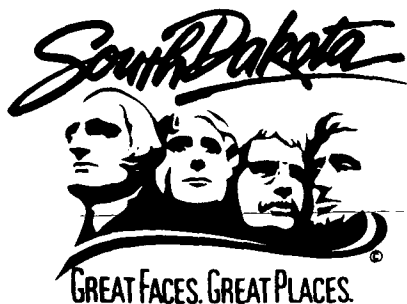
Russell L. Stone,
Acting Secretary,
Department of Environment
and Natural Resources

(Published in the West River Progress, Jan. 13, and 20, 1994.)

NOTICE OF
APPLICATION NO. 1593-1
TO APPROPRIATE WATER

Notice is given that Mark Jochim, PO Box 42, Lantry, SD 57636 has filed an application for a water permit to impound 30.8 acre-feet of runoff water by constructing a dam. The dam site is to be located in the SW 1/4 NW 1/4 Section 11 and water will be impounded in the SW 1/4 NW 1/4, NW 1/4 SW 1/4 Section 11; all in T12N-R21 E. The water will be used for domestic (livestock watering) purposes.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1593-1 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 14 1994

Mark Jochim
PO Box 42
Lantry, SD 57636

Dear Mr. Jochim:

Enclosed is Water Permit No. 1593-1 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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

**NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE**Date June 8, 1994

TO: Water Rights Division, DENR
523 E. Capitol
Pierre, SD 57501-3181

FROM: MARK Jochim P.O. Box 42
(name) (address)
hantey S.D. 57636 964-8074
(city) (state) (zip) (phone)

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 1593-1.

Water Permit No. 1593-1 states that the diversion system is to be constructed by 1-31-99, and that the water is put to beneficial use by 1-31-2003.
(date) (date)

The diversion system was completed on May 24, 1994.
(date)

Applying the water to beneficial use was completed on May 24, 1994.
(date)

You may schedule an inspection so that the Water License may be issued.

Mark Jochim
(signature)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1998

1593-1

Mark Jochim
P.O. Box 42
Lantry, SD 57636

Dear Mr. Jochim:

The investigation of your water use system was conducted on November 3, 1997, by Tim Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1593-1. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 20, 1998

Permit No. 1593-1

REMINDER NOTICE

TO: Mark Jochim
P.O. Box 42
Lantry, SD 57636

FROM: John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Water License/Investigation Fee Requirement

On February 12, 1998, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 1593-1. The fee also covers issuance of your water license which is the final document in obtaining and perfecting a water right.

To date, we have not received the \$50.00 fee; therefore, we can not issue the water license. Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by any permit requirements.

Please remit the fee as soon as possible to obtain your water license. In addition, South Dakota water law does not allow water to be diverted until the license fee is paid. To avoid jeopardizing your ability to use water, please send the fee to the following address:

Department of Environment and Natural Resources
Water Rights Program
523 E Capitol
Pierre SD 57501-3181

Thank you for your prompt response. If you have any questions or believe our records are in error, please contact Genny McMath at (605) 773-3352.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1593-1

Mark Jochim
P.O. Box 42
Lantry, SD 57636

4a. Article Number

Z 119 141 53P

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

5-21-98

5. Received By: (Print Name)

Twyla Jochim

6. Signature: (Addressee or Agent)

X Twyla Jochim

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

November 17, 1998

THIRD NOTICE
Permit No. 1593-1

**NOTICE OF ORDER TO STOP DIVERTING WATER
UNDER PERMIT NO. 1593-1 FOR
FAILURE TO SUBMIT WATER LICENSE INSPECTION FEE**

Mark Jochim
P.O. Box 42
Lantry, SD 57636

Dear Mr. Jochim:

On February 12, 1998, and May 20, 1998, you were notified the final inspection fee of \$50.00 is due before Water License No. 1593-1 can be issued. To date, the fee has not been received.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the License fee has been paid. Pursuant to SDCL 46-2-17 and 46-2-18, you are ordered to stop diverting any water authorized by Permit No. 1593-1 until the \$50.00 fee is paid. Please remit the License fee to the Department of Environment and Natural Resources, Water Rights Program, 523 E. Capitol, Pierre, SD 57501-3181.

Very truly yours,

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

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

1593-1

4a. Article Number

22707 491

Mark Jochim
P.O. Box 42
Lantry, SD 57636

4b. Service

☐ Registered

☐ Express Mail

☐ Return Receipt for Merchandise

☐ Restricted Delivery

☒ Certified

☐ Insured

☐ COD

L

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Mark Jochim*

11-19-98

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

Nº 415948

Pierre, December 7, 1998

RECEIVED OF Mark Jochim, Box 42, Lantry, SD 57636
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. 1593-1

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By _____
Chief Engineer

John Hatch (Signature)

Permit No. 1593-1
Moreau River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day, **November 3, 1997**, made a thorough examination of the water use system constructed by **Mark Jochim** of **PO Box 42, Lantry, SD 57636** holder of Permit No. **1593-1**, bearing the priority of **January 31, 1994** authorizing the storage of **30.8** acre-feet of the waters of **runoff** for **domestic use** purposes, in **Ziebach** County.

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

A. Works used to divert the water:

20 foot high earthen dam with a normal storage capacity of 30.8 acre-feet and a maximum storage capacity of 48 acre-feet

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

N/A

C. Works used to apply water to beneficial use:

Earthen dam

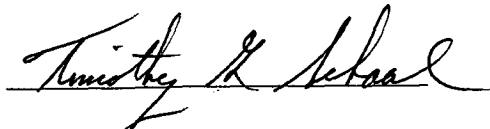
The system is in the following condition **good**. The point of diversion is located **2150 feet south & 200 feet east of the NW corner of Sec. 11-T12N-R21E (SW ¼ NW ¼)**. The works are capable of storing **30.8** acre-feet of water which is to be used for **domestic use**. Water has been put to beneficial use to the maximum extent as follows:

20 foot high earthen dam with a normal storage capacity of 30.8 acre-feet and a maximum storage capacity of 48 acre-feet

and the license should be issued for **30.8** acre-feet of storage.

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

Exceptions to compliance are: **none** Date Report Completed: **January 9, 1998**



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

REPORT ON INSPECTION OF PERMIT NO. 1593-1

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: November 3, 1997

NAME & ADDRESS OF INSPECTION CONTACT/ Mark Jochim

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Mark Jochim, PO Box 42 Lantry, SD 57636

DIVERSION POINT LEGAL LOCATION: 2150 feet south & 200 feet east of the NW corner
Section 11-T12N-R21E (SW ¼ NW ¼).

DAM INFORMATION:

- 1) Height to crest 20 feet
- 2) Height to primary spillway 17 feet
- 3) Height to secondary spillway N/A feet
- 4) Crest width 12 feet
- 5) Crest length 390 feet
- 6) Spillway length XXX feet
- 7) Spillway width 95 feet
- 8) Approx. storage (Normal) 30.8 acre-feet
- 9) Approx. storage (Maximum) 48 acre-feet
- 10) Date constructed: May 24, 1994

PERMIT QUALIFICATIONS AND REGULATIONS:

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

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



Water Permit No. 1593-1
Mark Tochim

Timothy H. School
January 9, 1998

1593-1

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1593-1

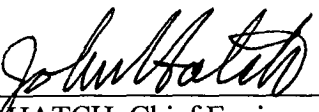
(1) Mark Jochim, PO Box 42, Lantry SD 57636 made Application No. 1593-1, October 13, 1993 for a water permit to store 30.8 acre-feet from runoff, Ziebach County, South Dakota for domestic livestock watering purposes. Permit No. 1593-1, with a priority date of October 13, 1993 was approved January 31, 1994 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 31, 1999 and for the application to beneficial use of said water on or before January 31, 2003.

The permit holder submitted a *Notice of Completion of Works and Application of Water to Beneficial Use* on June 9, 1994. The *Notice* stated the diversion system was completed on May 24, 1994 and the water placed to beneficial use on May 24, 1994.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 30.8 acre-feet of water for beneficial use. The location of the spillway is 2,150 feet south and 200 feet east of the northwest corner of Section 11-T12N-R21E (SW 1/4 NW 1/4).

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Mark Jochim, PO Box 42, Lantry SD 57636 the holder and/or owner of Water Right No. 1593-1 is issued a license to appropriate water, the right to store 30.8 acre-feet of water from runoff with a priority date of October 13, 1993 from the location specified in (2) of this license for the domestic livestock watering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1593-1 and subject to South Dakota State Law.



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

JAN 19 1999

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

JAN 19 1999

1593-1

Mark Jochim
P.O. Box 42
Lantry, SD 57636

Dear Mr. Jochim:

Enclosed is Water License No. 1593-1 and Receipt No. 415948 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 1593-1 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures



BOGUE & BOGUE
LAW OFFICES



Cheryl Laurenz-Bogue
Eric H. Bogue

Butler Insurance Building, Suite 2
104 West 1st St.
P.O. Box 250
FAITH, SD 57626-0250
(605) 967-2529
Fax: (605) 365-5204

Other Offices:
Ziebach County Courthouse
P.O. Box 400
Dupree, SD 57623-0400
(605) 365-5171

May 3, 1999

Genny McMath
Environmental Scientist
Water Rights Program
S.D. Dept. of Environment and Natural Resources
523 E. Capitol
Pierre, SD 57501-3181

Re: Water Right No. 1593-1



Dear Ms. McMath:

Enclosed is the completed Transfer of Ownership form and my personal check in the amount of Two Dollars and Fifty Cents (\$ 2.50) for the filing fee. I apologize for the corrected mistake on the signature line. I believe that this "transfer" form is the only type that I am aware of that allows the new owner to sign off on the transfer without verification from the existing owner.

If written verification is sent on this transfer, please send such verification to my office (shown above).

Thank you in advance for your time and consideration in this matter.

Sincerely,

Eric H. Bogue
EHB/ehb

en:

cc: Twyla Jochim



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

April 20, 1999

1593-1

Eric Bogue, Attorney at Law
PO Box 250
Faith, SD 57626-0250

Dear Mr. Bogue:

Enclosed, as we discussed, is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change on Water Right No. 1593-1. The water right is currently listed in the name of Mark Jochim.

Please review the form for accuracy and make any necessary additions or corrections. You will need to fill in the portion titled "*be transferred to: (name & address).....*". Upon completion, the form will need to be signed in the presence of a notary (by the new owner) and returned to our office with a required filing fee of \$2.50.

I am enclosing a copy of the water license in the event your client does not have one. If you have any questions concerning the water right or completion of the transfer form, please get in touch with me.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP



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

No. 1593-1

Date: 5/3/99

I/We request that Water Right No. **1593-1**

formerly owned by: Mark Jochim, PO Box 42, Lantry, SD 57636

be transferred to: (name & address) Twyla Jochim, P.O. Box 92, Lantry, SD 57636

Telephone No. (605) 964-2713

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

storage dam located in SW 1/4 NW 1/4 Section 11, T12N, R21E

I/We understand that the validity of Water Right No. **1593-1** 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.

STATE OF SOUTH DAKOTA)

County of Dewey)

I/We Twyla Jochim 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 that I know of my own personal knowledge that the information herein stated is true.

Twyla Jochim
(Signed)

Subscribed and sworn to before me this 3rd day of May, 19 99.

[Signature]
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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

№ 416114

Pierre, _____ May 5, 19 99

RECEIVED OF Eric H. Bogue (Twyla Jochim), P.O. Box 400, Dupree, SD 57623
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>Water Right No. 1593-1</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

John Hatch



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

May 10, 1999

1593-1

Eric H Bogue
Bogue & Bogue
PO Box 250
Faith, SD 57626-0250

Dear Mr. Bogue:

Thank you for sending in the change of ownership form for transferring Water Right No. 1593-1. The transfer has been completed and the water right is now listed in the name of Twyla Jochim.

Enclosed is your Receipt No. 416114 in the amount of \$.250. I am also enclosing a copy of the transfer form you filed. You may keep both of these for your records.

If you have any questions concerning the water right, please get in touch with me.

Sincerely,

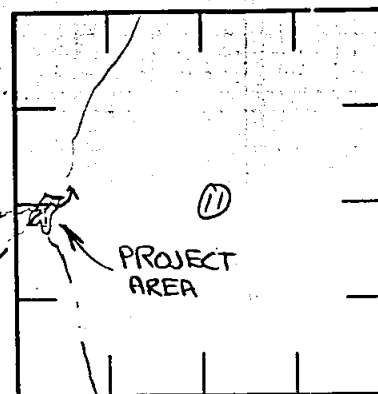
Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

SD-ENG-17
7/74

STRUCTURE DATA

DRAINAGE AREA	ANNUAL YIELD	PEAK RUNOFF	EMERG. SPLWY. CAPACITY	WATER DEPTH	SURFACE AREA	SEDIMENT STORAGE	TOTAL STORAGE
ACRES	AC.FT.	25-YR. CFS	C.F.S.	FEET	ACRES	AC.FT.	AC.FT.
199	11.6	233	340	17	4.7	1.08	30.77

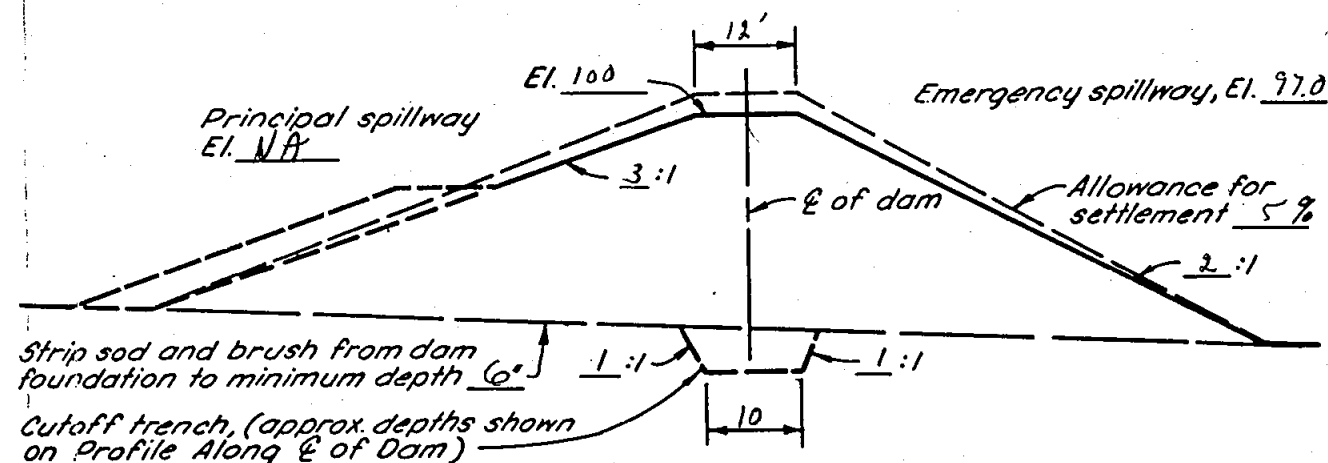
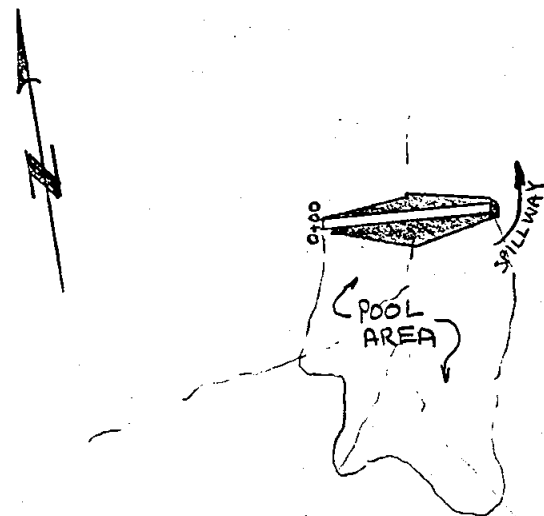


Sec. 11 T. 12N R. 21E
Ziebach County

LOCATION

TABLE OF QUANTITIES

ITEM	UNIT	QUANTITY
EARTH FILL & 5% SETTLEMENT	cy	9348
CORE TRENCH	cy	312
STRIPPING	cy	526
TOTAL	cy	10186



TYPICAL CROSS SECTION OF DAM

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-4 STRIPPING
SD-15 EARTH FILL - CLASS S
SD-10 SALVAGING & SPREADING TOPSOIL

EARTH DAM

OPERATOR: MARK Jochim
CONSERVATION DISTRICT: Ziebach

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

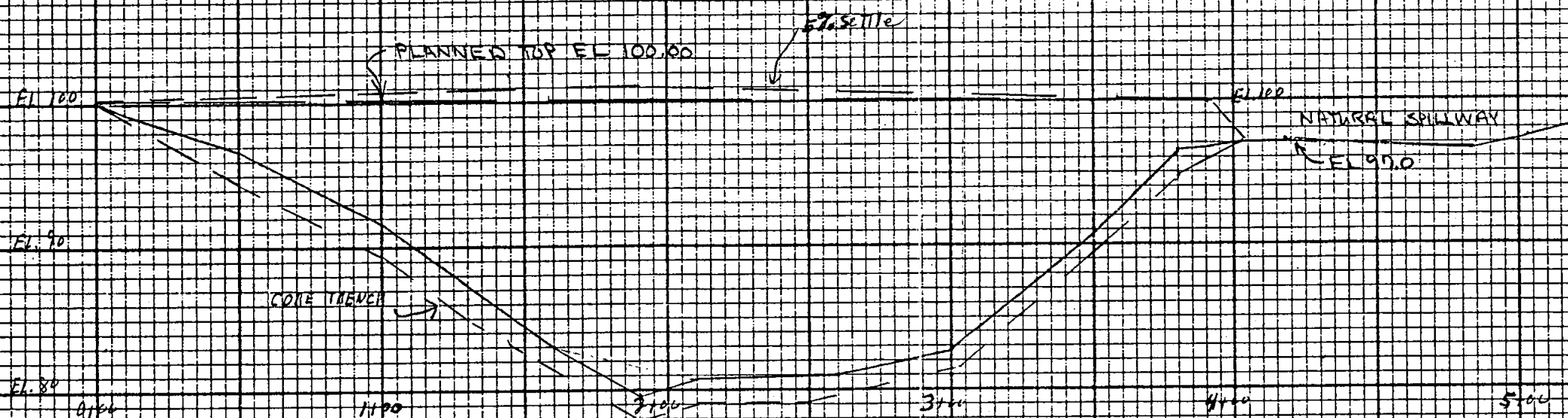
Designed D.E. Date 9-21-93 Approved Thomas H. Baker
Drawn D.E. Date 9-21-93 Title Engineer
Traced _____ Sheet _____ Drawing No. _____
Checked _____ of _____

SKETCH PLAN OF DAM AND RESERVOIR AREA

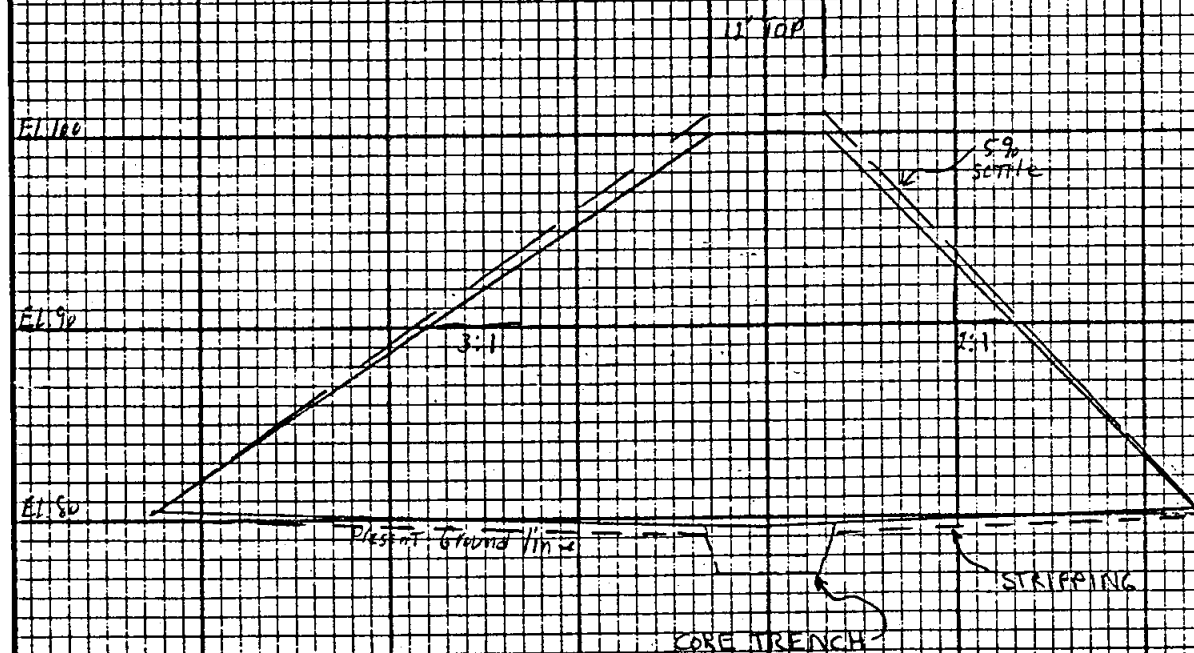
Approximate scale 1" = 400'

REFERENCE: GUIDE PLAN NO. 1.0

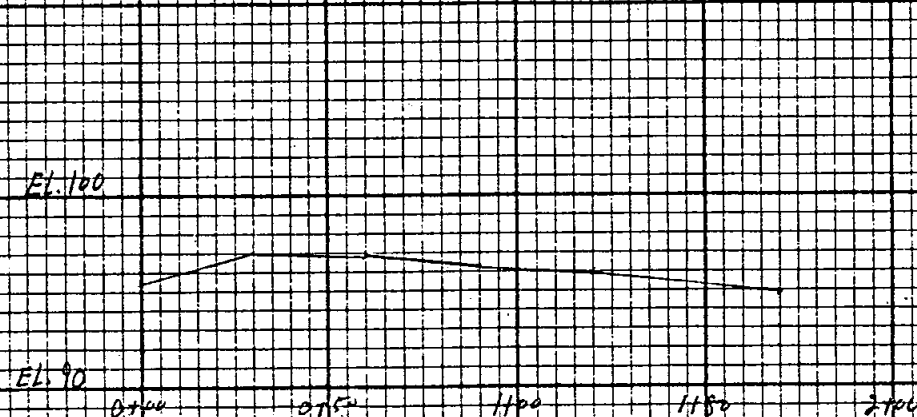
JOB PLAN NO. 1.0



CROSS SECTION AT CREST OF EMERGENCY SPILLWAY AND PROFILE ALONG E OF DAM



MAXIMUM CROSS SECTION OF DAM



PROFILE ALONG E OF EMERGENCY SPILLWAY

SEDIMENT YIELD

ERODIBILITY AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.
107	.0016	199	17	20	1.08