

Rec'd w/a

Water Right No. 1693-2

1. Considered January 30 19 80
2. Name of Applicant NICK & EUGENE BOGNER
3. Post Office Address DEL RICHES, S.D.
4. Amount of Water Claimed 1.72
5. Source of Water Supply HORSEHEAD CREEK
6. Water to be used for IRRIGATION
7. Acres to be Irrigated 120.7 maximum acre feet
8. Water to be diverted and used in FALL RIVER County about 55, 1 miles WEST of DEL RICHES
9. PROOF OF PUBLICATION Received 1-25-80 Not Received
- APPLICATION 1-30-80 Approved 3-26-80 FF&CL Subject to See FF&CL Not Approved Action deferred

Priority Date Received 11-20-79 Application Complete yes no FEE 250.00

Remarks (See letter from atty in file)

Date information and/or fee or corrected Application received Period of Annual use

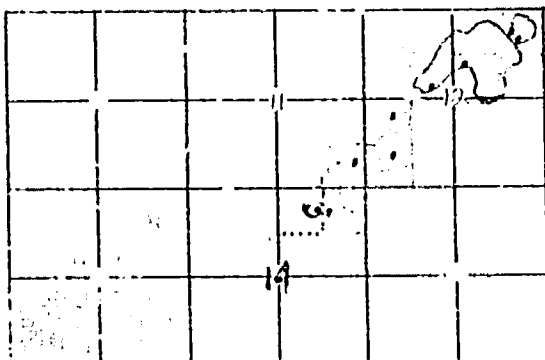
WATER QUALITY

Received yes 11/80 no APPROVED/CONDITIONAL (Circle one)

W-1 Description same as application yes X no Remarks

Disapproved

Returned



Diversion Point Between points in NW 1/4 NE 1/4, Section 14 and the NE 1/4 NE 1/4, Section 12 all in T11S - R 7E

Lands to be irrigated NE 1/4, E 1/2 NW 1/4 & W 1/2 SW 1/4, Sec. 12; SE 1/4 SE 1/4, Section 11, N 1/2 NE 1/4, Sec. 14, all in T11S - R 7E

WELL LOG

Remarks

Driller Licensed yes no

Depth

MAP

Map No. 1452-2 Map located In Water Right X Map file _____
Type of Map Correl Prepared by ASCS

+++++

REVIEWED

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

Daly Westland
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes no _____ Remarks _____

REMARKS

Date

F.F. & C

Final Decision, including F.F. & C of Law were adopted 3-36-80

OF LAW,

Date

FINAL

Final Decision mailed to parties and/or parties notified that Final Decision

DECISIONS

ETC.

was adopted 5-31-80

Remarks _____

No. 1693-2Map No. 1452-2 Water Division No. 2 So. CHEYENNE RIVER District
Above for Office Use

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

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

 1. Name of Applicant Nick & Eugene Bogner Phone No. 535-2981
 Post Office Address Oelrichs, SD 57763 XXXXX (Zip Code)
 (Street, RR, or Box) (Town)

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor & others3. Name of diversion work Bogner No. 14. Amount of water claimed (cubic feet per second) 1.725. Source of water supply Horsehead, Black Banks and Beef Creek*6. Location of point of diversion From the NE $\frac{1}{4}$ of Sec. 14 and the NE $\frac{1}{4}$ of Sec. 12, T11 R7County Fall River7. Annual period or periods during which water is to be used Spring and Summer when water is available8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 120.7

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

Land Description	No. Acres Irr.
*See answer to item 6	
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14 T11 R7	8.9
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 14 T11 R7	4.0
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14 T11 R7	8.9

Land Description	No. Acres Irr.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12 T11 R7	13.7
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12 T11 R7	14.3
NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12 T11 R7	2.5
SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 12 T11 R7	2.0

Attach sheet if more space is needed See Attached Copy10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Hot Springs Star

12. Principal Features of the Proposed Water Supply System.

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

Pump and gravity flow

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

Pump

C. Works proposed to apply water to beneficial use.

Gravity flow

SEC. 12-T11 S-R7E

NW $\frac{1}{4}$ NE $\frac{1}{4}$	20.1
NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.5
SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.4

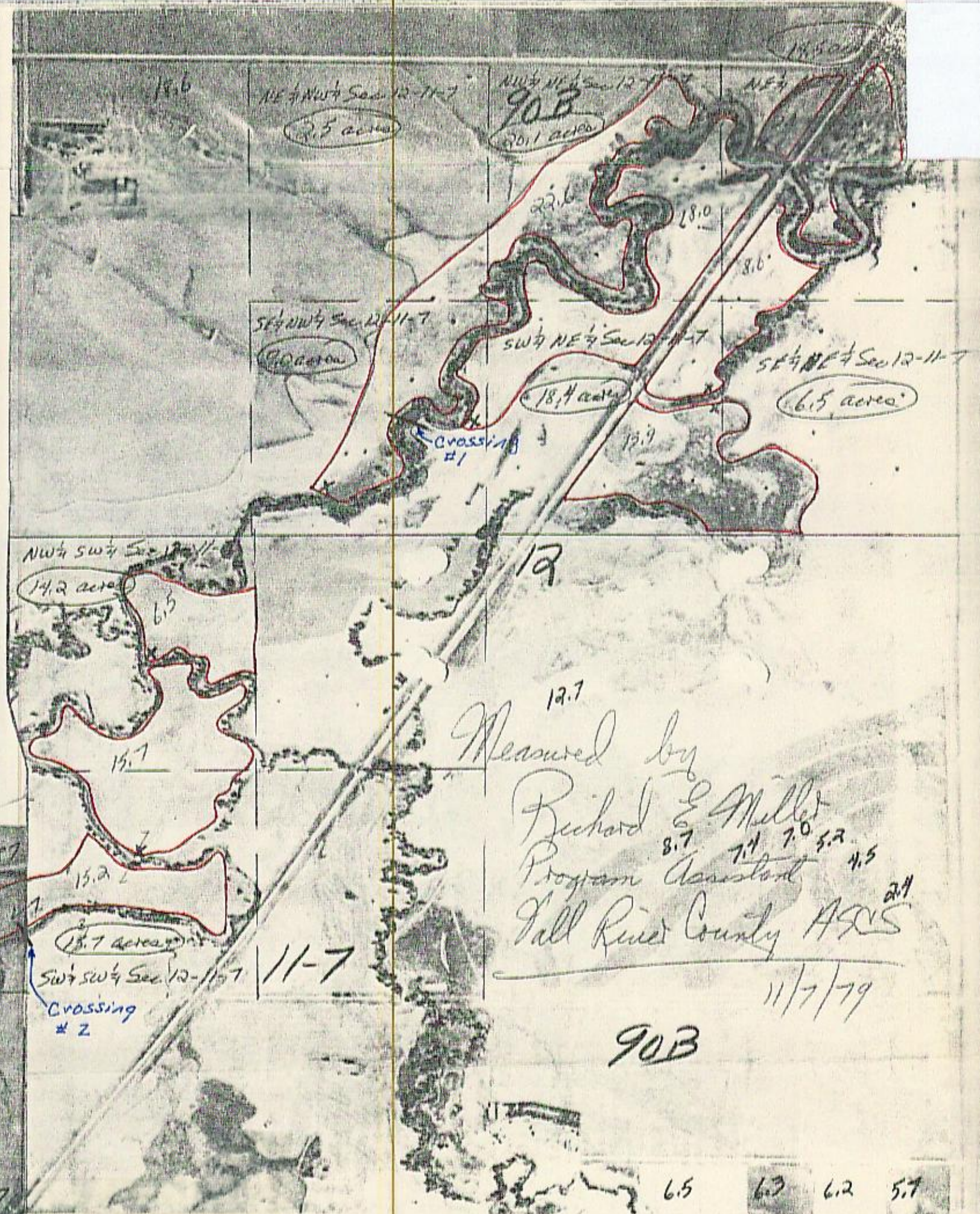
TOTAL 120.7 ACRES

Estimated Total Cost \$ 20,000.00

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

STATE OF SOUTH DAKOTA)
County of Fall River)ss.I, Nick & Eugene Bogner the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.Signed Nick & Eugene Bogner by Nick BognerSubscribed and sworn to before me this 13th day of November, 1978Wanda M. Wiegman

Notary Public (or other qualified officer)





WATER RIGHT APPLICATION APPROVAL

The Board of Water Management hereby approves Water Right Application No. 1693-2

NICK E. EUGENE BOGNER DELRIHS
(Applicant) (Post Office Address)
SOUTH DAKOTA 57763 With the following qualifications.
(State)

This permit is approved with the ^{following} qualifications: The irrigation system will be located on a stream from which holders of prior rights and from which domestic users (including stockwatering users) draw water. The system owner, under this permit shall control his irrigation withdrawal so there is not a reduction of needed water supplies to domestic users (including stock-watering users) or to holders of prior rights. Water diversion restrictions may be imposed by the Division of Water Rights as appropriate. The permit holder shall install and maintain trash racks on culverts on his property to keep the water running freely.

Date of first receipt of application November 20, 19 79
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application NO January 11, 19 80
Approved March 26, 19 80, Recorded in Book 21 Page 270
WATER RIGHT PERMIT NO. 1693-2

The Board of Water Management hereby grants and issues this Water Right Permit No. 1693-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is November 20, 19 79
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before 1st September 26, 19 82
3. The whole of said work is to be completed on or before March 26, 19 85
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is March 26, 19 89
5. The water appropriated shall be used for the purpose of IRRIGATION

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

7. The amount of the appropriation herein granted shall not exceed 1.72 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for irrigation purposes said appropriation must be limited to not more than 2 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied

for irrigation on or before March 26, 19 89; said water to be used during the following described annual period: Spring and summer, when water is available

Witness my hand this 17th day of September, 19 80

THE BOARD OF WATER MANAGEMENT

By: John Hatch
Chief Engineer, Water Rights
JOHN HATCH

Certificate of Construction Issued , 19

Water License Issued , 19

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: Will Eugene Boyner OWNERS ADDRESS: Del Rio, S.D. 57745
COUNTY LAND LOCATED IN: Fall River PHONE: 605.325.2751
TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

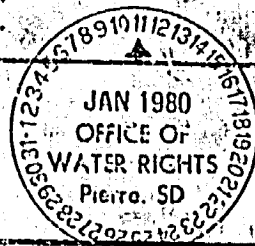
In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

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

1. WELL LOCATION OR DIVERSION POINT: From NE 1/4 Sec 14 to the NW 1/4 of Sec 12-11-7
2. SURFACE WATER SOURCE: Creek
3. LOCATION OF AREA TO BE IRRIGATED: See attached sheet - Map in well Total acreage = 120.7 acres
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
- TYPE OF IRRIGATION: (Show approximate acres under each type of system)
5. GRAVITY ☒ TOWLINE _____ CENTER PIVOT _____ GUN _____ OTHER (Specify) Pump
6. CROPS TO BE IRRIGATED: Wheat
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
LAND: _____
IN WHAT NAME: _____

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

8. SAMPLE NUMBER: 79-423
9. SALINITY (EC X 10⁶): 185
10. SODIUM (SAR) 1.40 ADJUSTED (SAR) 1.30



I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at 6:00 A.M./P.M. on Nov. 14, 1979, at the following location: S.D. 11-7 NE 1/4 Sec 14 by _____ (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I also hereby certify that a chemical analysis of the irrigation water representative of that used to irrigate shall be acquired from South Dakota State University and the soils information has been acquired from Fall River Conservation District, County Extension Office or Soil Conservation Service; and further, that the legal description for the location of the well and land to be irrigated is true and correct.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS
20 DAY OF Nov, 1979

[Signature]
(NOTARY PUBLIC)
Register of Deeds

[Signature]
APPLICANT'S SIGNATURE
[Signature]
Director, Division of Conservation

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Nick and Eugene Bogner, Oelrichs, South Dakota

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Unless kept in native grass:

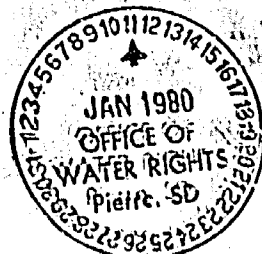
- 4 Arvada loam (approximately 5 acres)
- 16 Hisle-Slickspot complex (Approximately 8 acres)

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than NA times during the irrigation season.
 2. Each uninterrupted application (one rotation of center pivot) should be of at least NA inches of water.
 3. ☐ Yes ☐ No Surface drainage suggested on _____.
 4. ☐ Yes ☐ No Subsurface drainage suggested on _____.
 5. ☒ Deep tillage (for the purpose of aiding movement of water through dense subsoils).
- COMMENTS:
6. ☐ Heavy fall application of irrigation water.
 7. Type of irrigation system recommended for use on this application water-spreading.

GENERAL COMMENTS:

Most of your water-spreading sites have heavy soils to 5 feet or more. With deep chiseling as a management tool to help achieve deep water penetration, you will be able to leach salts downward throughout the rooting depth and improve the surface salt accumulation that naturally occurs in the surface under low rainfall areas.



Copy to applicant
Copy to Water Rights
Copy on File

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

Pick & ...

NO⁴ NE⁴ - 14 - 15.7. 1900

NE⁴ - NE⁴ - 14 - 15.7. 1900

SE⁴ SE⁴ - 14 - 15.7. 1900

SW⁴ SW⁴ - 14 - 15.7. 1900

NO⁴ SW⁴ - 14 - 15.7. 1900

NE⁴ - NE⁴ - 14 - 15.7. 1900

SE⁴ - SE⁴ - 14 - 15.7. 1900

NO⁴ - NE⁴ - 14 - 15.7. 1900

NE⁴ - NE⁴ - 14 - 15.7. 1900

SE⁴ - NE⁴ - 14 - 15.7. 1900

SW⁴ - NE⁴ - 14 - 15.7. 1900

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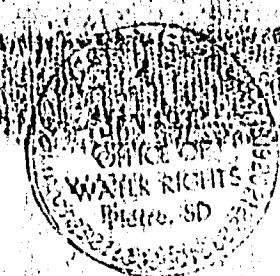
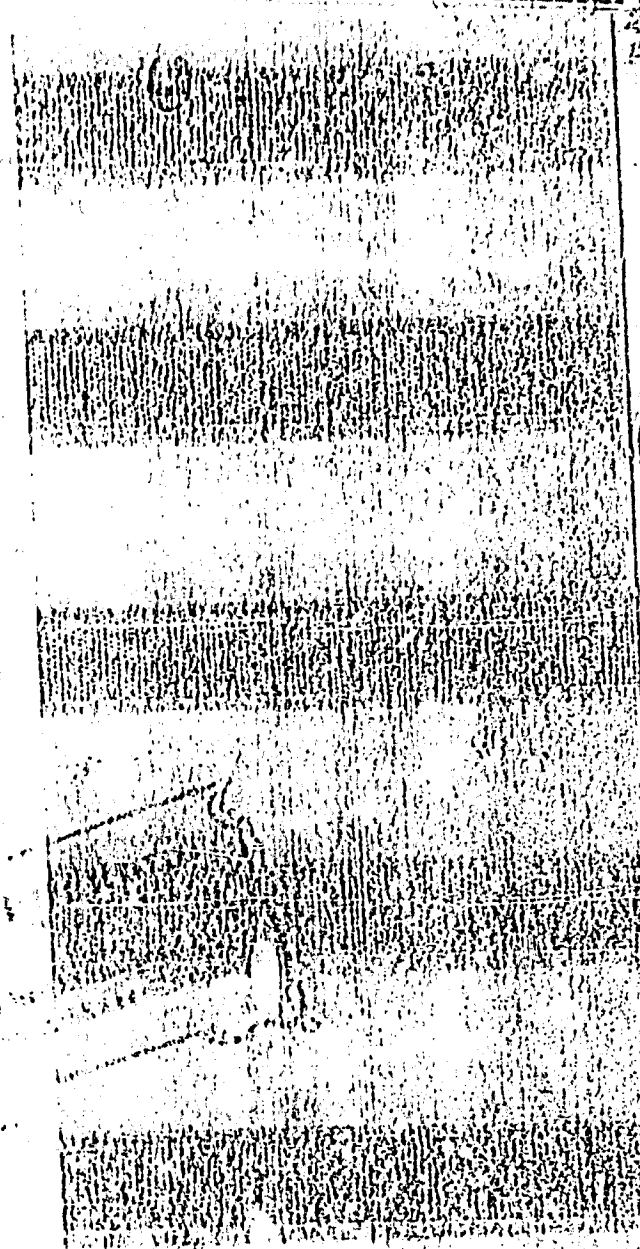
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Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 • Pierre, South Dakota 57501
Phone 605/773-3258

IRRIGATION PROGRAM: 773-3259

Date: January 11, 1980

Nick & Eugene Bogner
Oelrichs, South Dakota 57763

Dear Sirs:

This is in reference to your WI#1 Soil/Water Compatibility Application Form for the See attached sheet.

At this time we have conditionally approved your WI#1 Form. Your application is conditional as your water and soils are marginal in nature and there does exist a possibility of land damage. However, with a high level of water and land management, the risks are minimal.

Your conditionally approved application is now being forwarded to the Water Rights Commission for their action. Please be advised that the Water Rights Commission will make the final determination on your water right application.

The following conditions have been added to your application. If these limits of salt and sodium build-up in the soil are exceeded, or soil restrictions are not followed, the State Conservation Commission may request suspension of your water right. However, the primary purpose of imposing these conditions upon your application is to call your attention to the necessity of avoiding salt and sodium build-up beyond these levels. As you reach or exceed these levels land and crop damage begins to occur. We urge you to begin a system of monitoring the salt and sodium conditions in your soil so that you may take action on your own if the build-up approaches these levels. In relation to the overall cost of installing and maintaining an irrigation system, the cost of monitoring soil conditions will be insignificant.

If you desire assistance in establishing a monitoring system, you may obtain assistance from a variety of places including this office, the Water Quality Laboratory at South Dakota State University, your Extension Agent or your local Conservation District.

CONDITIONS:

SALT: Maximum allowable salt build-up in soil profile: 3000 micromhos/cm

SODIUM: Maximum allowable sodium build-up in soil profile: 3% sodium saturation.

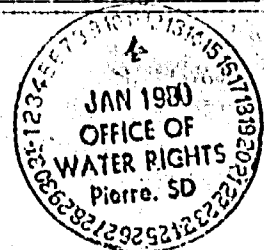
SOIL RESTRICTIONS: As noted on management form.

Sincerely,

Keith Harner
Keith Harner, Director
Division of Conservation

d

Enclosure: Management Form



No. 1693-2

Publish first publication, on or before January 17, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 10, 1980

Notice is hereby given Nick & Eugene Bogner whose post office

address is Oelrichs, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.72 cubic feet of

water per second of time from the Bogner #1 through ~~the~~
Horsehead Creek, the point(s) of diversion of which is(are) to be located

~~XXXXXX~~ between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, all in

~~XXXXXX~~ Section 11, Twp. 11S, Range 7E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ & W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 12; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11; NW $\frac{1}{4}$ Section 14, all in

T11S, R7E

This Application No. 1693-2 will be considered by the Water Management Board at Meeting Room #1, Knisp Building
Church & Illinois, Pierre, SD upon the 30th day of January, 1980

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the board may be appealed to the Courts as provided by law.

WATER MANAGEMENT BOARD

BETTY WESTLUND

Water Rights Specialist

cc: Nick & Eugene Bogner, Oelrichs, SD 57763

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

No. 1693-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Fall River) ss.

I, Charles Najacht hereby

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

Water was taken from the Hot Springs Star

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

City of Hot Springs

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

January 16, 1980

January 23, 1980

Charles Najacht
(Signature)

Publisher
(Title)

January 23, 1980
(Date Signed)

15
NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
January 15, 1980

Notice is hereby given Nick
and Eugene Dagner whose post
office address is Delrichs, South
Dakota, has made an application
in accordance with the provisions
of SDCL 46-1-1 thru 46-1-9,
46-1-14; 46-2-9 thru 46-2-11,
46-2-13; 46-5-1 thru 46-5-8, 46-5-
10 thru 46-5-22, 46-5-41, and
Board Rules ARSD 52:01:01:01
thru 52:01:01:13, for a permit to
appropriate for beneficial use
1.72 cubic feet of water per
second of time from the Bugner
#1 through Horsehead Creek, the
point of diversion of which is to
be located between points in the
NW¼ NE¼, Section 14 and the
NE¼ NE¼, Section 12, all in
Twp. 11S, Range 7E. Said water
to be used for the purpose of
providing irrigation on portions of
the following described land:
NE¼, E½ NW¼ & W½ SW¼,
Section 12; SE¼ SE¼, Section
11; N½ NE¼ Section 14, all in
T11S, R7E.

This Application No. 1693-2 will
be considered by the Water
Management Board at Meeting
Room #1, Kneip Building, Church
& Illinois, Pierre, SD upon the
30th day of January, 1980 at 10
A.M. The Board is authorized to
make a determination on this
application at the hearing. All
interested persons may appear
and be heard. Any person who
may be affected by a Board
decision who desires to present
evidence or cross-examine wit-
nesses according to SDCL 1-26
may notify the Board in writing
prior to the hearing or orally at
the hearing.

This hearing is an adversary
proceeding. Any person has the
right to be present or to be
represented by a lawyer. Those
and other due process rights will
be forfeited if they are not
exercised at the hearing. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

WATER MANAGEMENT
BOARD
BETTY WESTLUND
Water Rights Specialist
Jan. 16, 23



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7131

PIERRE, November 21

1906

Nick Bogner, Jr., (elrichs SD 57763

RECEIVED OF

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

Fee for Application for Permit to Appropriate Water No. <u>1693-2</u> (examination, processing, recording and filing) -----	250	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No. -----		
Fee for Inspecting Beneficial Use, and Issuing Water License No. -----		
Fee for Issuing Location Certificate-Dry Draw, No. -----		
Fee for filling -----		
Fee for certified copy of -----		
Fee for Print copy of map -----		
Fee for Certifying -----		
Fee for -----		
(any other work as provided by law)		
TOTAL	250	00

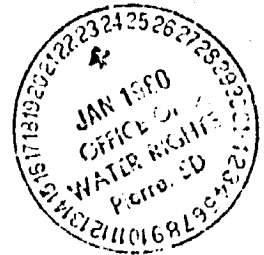
WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH kw

ANGOSTURA IRRIGATION DISTRICT

P. O. BOX 145
ORAL, SOUTH DAKOTA 57766

January 22, 1980



Mr. John Hatch
Chief Engineer
Department of Natural Resource Development
Water Rights Commission
Joe Foss Building
Pierre, South Dakota

Dear Mr. Hatch:

The Board of Directors of Angostura Irrigation District, along with the member Water Users of the District, hereby make known their objections to an application to appropriate water by Nick and Eugene Bagner, Celrichs, South Dakota. Application No. 1693-2 for 1.72 cfs from the Bogner #1 through Horsehead Creek.

The Board and the Water Users on the project feel that this or any further water rights on the Cheyenne River and its tributaries above Angostura Dam should be denied because there are so many now in existence and the inflow to Angostura Reservoir seems to indicate that little, if any, water is available.

The Angostura Irrigation District, through the former Bureau of Reclamation, now Water and Power Resources Service, has a right to one (1) filling of the Reservoir each year, and feel that any more rights issued further jeopardizes the water supply to the Water Users on the Project.

Sincerely,

Dean Blosser
Dean Blosser
Manager

cc: Mr. Lloyd R. Porter, Project Manager, Water & Power Resources Service,
Huron, South Dakota.

Dept of Natural Resource Development
Water Rights Commission
Joe Ross Bldg.
Pierre, S.D.



Celtnick, S.D.
Jan 25, 1980

Dear Sir,

In regard to the application for
a water right on the Boegner property
of Celtnick, S.D.

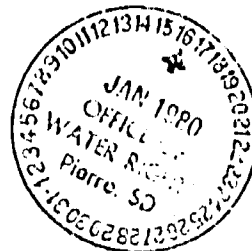
Mr. Boegner informed me personally
that he intended to pump this water
and that he would not impound any
amount of water.

As Pres. of Seger Ranch Line. who
have a water right and installation
down stream from Boegner, I wish
to inform you that I am not against
him pumping water, but think he
should not impound water. I recommend
that he part of Permit if allowed.

Nelson Seger

J. M. COSTELLO
WILLIAM G. PORTER
DENNIS H. HILL
JAMES S. NELSON
K. L. HEISTERKAMP
GENE R. BUSHNELL
ALLEN L. SCOVEL
RICHARD O. SHARPE
EDWARD C. CARPENTER
THOMAS H. BARNES
DONALD A. PORTER

COSTELLO, PORTER, HILL, NELSON, HEISTERKAMP & BUSHNELL
ATTORNEYS AT LAW
200 SECURITY BUILDING
704 ST. JOSEPH STREET
P. O. BOX 290
RAPID CITY, SOUTH DAKOTA 57709



TELEPHONE 343-2410
AREA CODE 605

January 15, 1980

Betty Westlund, Water Rights Specialist
Department of Water & Natural Resources
Water Rights, Water Management Division
Joe Foss Building
Pierre, SD 57501

Re: Our File No. 80-020-15
Nick & Eugene Bogner
Water Application No. 1693-2

Dear Betty:

I represent Nick and Eugene Bogner of Oelrichs, South Dakota. They have filed an application for a water permit from Horsehead Creek in Fall River County, and the hearing on their application is scheduled for January 30, 1980, at 10:00 a.m. in Pierre.

Nick Bogner is definitely interested in discussing with the Board of Water Management's staff what its proposed recommendations are going to be prior to the scheduled hearing. I am simply writing you to make sure that he does not waive this right as he would like to discuss the matter with the staff and would even be willing to travel to Pierre to do so.

In addition, we would appreciate receiving copies of any written statements which may be filed with the staff by other witnesses prior to the hearing so that we could prepare any rebuttal we might feel necessary to these written statements.

I do not know if I will be present representing Mr. Bogner at Pierre on the date of the hearing, but I would appreciate it if you could notify me of any written statements submitted by witnesses and also send copies directly to Nick Bogner, Oelrichs, SD 57763. Also, would you advise if a court reporter will be present, taking a verbatim transcript to preserve the record in case an appeal to the Circuit Court is deemed necessary.

I hope to reach you by telephone prior to this letter getting to you. Thanking you, I am

Sincerely yours,

James S. Nelson

JEN:ct

cc: Nick Bogner

STATE OF SOUTH DAKOTA
WATER MANAGEMENT BOARD

APPLICATION OF NICK AND EUGENE)
BOGNER FOR PERMIT NUMBER 1693-2)

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

The Commission having heard and considered all of the evidence presented before it at the January 30, 1980, meeting at the Knelp Building, Pierre, South Dakota, it hereby makes the following:

FINDINGS OF FACT

1. On November 13, 1979, Nick and Eugene Bogner regularly applied for a water permit for 1.72 cfs of water from the Horse Head Creek to irrigation 120.7 acres. The lands to be irrigated are the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ all in Section 12, T11S, R7E.

2. The application was duly advertised on January 18, 1980 and January 23, 1980 in the Hot Springs Star and the affidavit of publication has been received.

3. The application was considered at the January 30, 1980, meeting of the Water Management Board.

4. Certain culverts maintained by the applicant are occasionally plugged in such a manner that the flow of the water is impeded.

5. The applicant stated under oath at the January 30, 1980 meeting of the Water Management Board that he intended to put in trash racks to keep the culverts open.

6. Although there is unappropriated water in the quantity requested, the applicant may, at times, have to restrict his use of water so that the holders of prior rights and domestic rights are satisfied.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter.

2. The publication notice complies with the law.

3. SDCL 46-1-4 requires the Commission to maximize the beneficial use of the state's water, and where there is a reasonable probability based upon the evidence to believe that unappropriated water is

2
available, the Board should issue a permit.

4. The applicant has received conditional approval of his permit for soil-water compatibility from the State Conservation Commission.

5. There is unappropriated water available under the conditions and at the rate specified below.

6. The proposed project is feasible.

7. The granting of the permit is in the public interest.

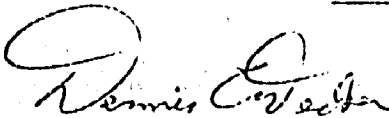
8. The following is a reasonable condition to be attached to the permit: The irrigation system will be located on a stream from which holders of prior appropriate rights and holders of domestic rights draw water. This system owner, under this permit, shall control his irrigation withdrawal so there is not a reduction of needed water supplies or in supplies to holders of prior rights. Water diversion restrictions may be imposed by the Division of Water Rights when appropriate. The permit holder shall install and maintain trash racks to keep the culverts open on his property.

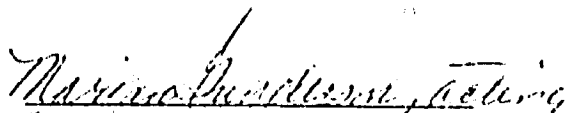
FINAL DECISION

1. That the application of Nick and Eugene Bogner for Permit Number 1693-2 is approved.

2. That the permit is subject to the following conditions:
The irrigation system will be located on a stream from which holders of prior rights and from which domestic users (including stockwatering users) draw water. The system owner, under this permit, shall control his irrigation withdrawal so there is not a reduction of needed water supplies to domestic users (including stock-watering users) or to holders of prior rights. Water diversion restrictions may be imposed by the Division of Water Rights as appropriate. The permit holder shall install and maintain trash racks on culverts on his property to keep the water running freely.

Dated this 26th day of March, 1980.


Chairman


Secretary

8-8-84

LICENSE FOR PERMIT NUMBER 1693-2

1. Legal location of wells: _____

dams & structures: _____

2. Well information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam information: Crossing #1

a) height to crest 18'

b) height to spillway 15'

c) crest width 10'

d) crest length 400'

e) spillway length None

f) spillway width None

g) approx. storage None

h) Distribution lines or canals:

1) size None

2) type _____

3) length _____

i) Outlet tubes:

1) diameter 28"

2) type Concrete

3) valued (Y/N) No - trash rack

4) valve type _____

5) location on structure

Center

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

8-8-84

LICENSE FOR PERMIT NUMBER 1693-2

1. Legal location of wells: _____

dams & structures: _____

2. Well Information: Well Drilling Firm _____

No. of wells _____ Depth _____

Casing a) diameter _____ Screen a) type _____

b) length _____ b) length _____

c) type _____ Static Water Level _____

Pump a) make _____ Motor a) make _____

b) model _____ b) model no. _____

c) size _____ c) horsepower rating _____

d) capacity _____ GPM d) motor efficiency rating _____

e) turbine pump
no. of stages _____

3. Distribution lines:

a) size of lines _____

b) type _____

c) length _____

4. Dam Information: Crossing #2

a) height to crest 18'

b) height to spillway 14'

c) crest width 12'

d) crest length 270'

e) spillway length 100

f) spillway width 4'

g) approx. storage None

h) Distribution lines or canals:

1) size None

2) type _____

3) length _____

i) Outlet tubes:

1) diameter 28"

2) type Concrete

3) valued (V/N) No - trash rack

4) valve type _____

5) location on structure

Center

5. System Type: a) sideroll:

1) length _____ feet

2) diameter of pipe _____

3) make, model & number of sprinklers _____

4) spacing of sprinklers _____

5) nozzle size _____

b) towline:

1) length _____ feet

2) make, model & number of sprinklers _____

3) spacing of sprinklers _____

4) nozzle size _____

State of South Dakota
Water License No. 1693-2

(1) Nick and Eugene Bogner
of Delrichs, South Dakota
made Application No. 1693-2, November 20, 1979 for a water permit to appropriate
1.72 cubic feet per second of water from Horsehead Creek
Fall River County, South Dakota for Irrigation purposes.
Permit No. 1693-2, with a priority date of November 20, 1979
was approved March 26, 1980 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before March 26, 1985 and for the application to beneficial use of said
water on or before March 26, 1989.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 1.72 cubic feet per second of water
for beneficial use. The location of the diversion point(s) are between points in the NW1/4NE1/4
(AB) Section 14, and the NE1/4NE1/4 (AA) Section 12, all in T11S, R7E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, to irrigate the following land all in T11S, R7E

Section 14	NW $\frac{1}{4}$ NE $\frac{1}{4}$	8.9 Acres	(AB)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	4.0 Acres	(AA)
Section 11	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8.9 Acres	(DD)
Section 12	SW $\frac{1}{4}$ SW $\frac{1}{4}$	13.7 Acres	(CC)
	NW $\frac{1}{4}$ SW $\frac{1}{4}$	14.2 Acres	(CB)
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	2.5 Acres	(BA)
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	9.0 Acres	(BD)
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	20.1 Acres	(AB)
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	14.5 Acres	(AA)
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6.5 Acres	(AD)
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	18.4 Acres	(AC)
	TOTAL	120.7 ACRES	(AC)

(4) Pursuant to §16-5-30.1 Nick and Eugene Bogner
of Deirichs, South Dakota 57763
the holder(s) and/or owner(s) of Water Permit No. 1693-2 is issued a license to appropriate water, the right to use
1.72 cubic feet per second of water from Horsehead Creek with a priority date
of November 20, 1979 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of Irrigation

This license is subject to any limitations or qualifications listed in Water Permit No. 1693-2 and subject
to South Dakota State Law.

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

JOHN HATCH

August 23, 1984

Permit No. 1693-2So. Cheyenne River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Nick & Eugene Bogner of Delrick, S.D. holder of Permit No. 1693-2, bearing the priority of Nov. 20 19 79 authorizing the diversion of 1.72 cu. ft. per second of the waters of Horsehead Creek for irrigation purposes, in Fall River County.

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

- A. Works used to divert the water: A portable 10" Crisafulli pump that is powered by farm tractors. The pump is capable of pumping 5-7000 gpm. A second identical pump is used for backup
Two creek crossings are included in the project. (see attached sheets)

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

10" aluminum gated pipe

C. Works used to apply water to beneficial use:

10" aluminum gated pipe - gravity flow on the fieldsThe system is in the following condition goodThe point of diversion is located between points in NW¹NE¹ section 14 and the NE¹NE¹ section 12 all in T11S, R7EThe works are capable of diverting and conveying to the place of use 5cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: NW¹NE¹, sec 14 - 8.9 acres;NE¹NE¹, sec 14 - 4.0 acres; SE¹SE¹, sec 11 - 8.9 acres; SW¹SW¹, sec 12 - 13.7 acres;NW¹SW¹, sec 12 - 14.2 acres; NE¹NW¹, sec 12 - 2.5 acres; SE¹NW¹, sec 12 - 9.0 acres;NW¹NE¹, sec 12 - 20.1 acres; NE¹NE¹, sec 12 - 14.5 acres; SE¹NE¹, sec 12 - 6.5 acresand SW¹NE¹, sec 12 - 18.4 acres all in T11S, R7E.comprising a total of 120.7 acres of land and the license should be issued for 1.72 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are:

system developed as described in the application

Date

Aug.July 8, 1984

Delwin D. Brog, P.E.
 Hydrologist

RECEIPT

Division of Water Rights

No 4 9735

South Dakota Department of Water and Natural Resources

Pierre, August 20, 1984

RECEIVED OF Nick Bogner, Jr., PO Box 24, Delrichs, SD 57763

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 1693-2	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for: _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer JOHN HATCH (INS)

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 1693-2

November 21, 1986

Nick, Nick Jr. & Michael Bogner
HC 46, Box 24
Oelrichs, South Dakota 57763

Dear Sirs:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50.

Upon receipt of the enclosed form and the \$2.50 filing fee the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

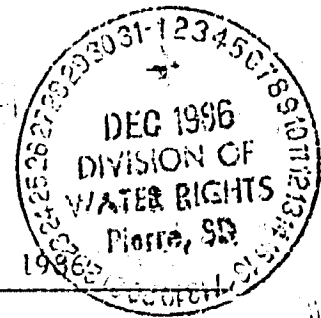
Maxine Stirling
Secretary

ms/
Enc.

NOTICE OF TRANSFER OF WATER PERMIT

T0: Water Rights
Foss Building
Pierre, SD 57501

Date: Nov. 25, 1986



This is to notify you that the title to the lands described as follows:

120.7 Acres - N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 14; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11; W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NE $\frac{1}{4}$
Section 12, T11S, R7E

formerly owned by Nick & Eugene Bogner

has been transferred to Nick, Nick Jr., and Michael Bogner, HC 46, Box 24, Oelrichs, SD 5776.

(please include complete mailing address)

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1693-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

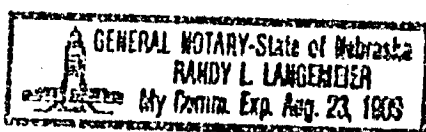
STATE OF SOUTH DAKOTA)
County of Fall River) ss.

I, Nick J. Bogner 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 infor-
mation herein stated is true.

Mich J. Bogner
(Signed)

Subscribed and sworn to before me this 25th Day of November 1986.

Randy L. Langerwey
 (Notary Public)



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410635

Pierre, December 1, 19 86

RECEIVED OF Bogner Partnership, HC 46, Box 24, Oelrichs SD 57763

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>for Permit No. 1693-2</u>	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)		
Total	2	50

By

Chief Engineer

JOHN HATCH

(ks)

 **Department of
Water & Natural Resources**

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 Phone (605) 773-3352

December 4, 1986

Bogner Partnership
HC 46, Box 24
Celrichs, South Dakota 57763

Dear Sirs:

Enclosed is receipt No. 410635 in the amount of \$2.50 which you
paid for transfer of Water Right No. 1693-2.

Our records now show you as the owner of this Water Right.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

May 11, 1989

1693-2

NOTICE

TO: Nick/Michael Bogner
HC 46, Box 24
Oelriches, SD 57763

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605)773-3352

John Hatch

SUBJECT: Shut Off Order for Junior Water Rights Upstream of
Angostura Irrigation District

Effective May 19, 1989, you are ordered to cease diversions of water under Water Right No. 1693-2. The priority date for your water right is junior to the April 11, 1941 priority date for Angostura Irrigation District Water Right No. 579-2.

The Angostura Irrigation District's water supply is as follows:

May 2, 1989	24,673 acre feet available for irrigation at elevation 3173.4 ft. msl
-------------	--

The Irrigation District needs 45,000 acre feet per year for irrigation.

One fill of Angostura reservoir is authorized per year. The District has agreed to allow junior priority irrigation upstream, if the reservoir fills to elevation 3,183.7 ft. msl, 3.5 feet below full elevation (3187.2 ft msl). If the reservoir fills to 3,183.7 ft. msl, the shutoff order will be rescinded. Any releases by the District for irrigation will be included in the 3183.7 ft. msl. calculation.

If you have any questions, please contact Jim Winterton (605 773-3352).



**South Dakota Department of
Water & Natural Resources**

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

March 19, 1990

1693-2

NOTICE

TO: Nick/Michael Bogner
HC 46, Box 24
Oelriches, SD 57763

FROM: JOHN HATCH, CHIEF ENGINEER *John Hatch*
Water Rights Division
(605)773-3352

SUBJECT: Shut Off Order for Junior Water Rights Upstream of
Angostura Irrigation District

This is a follow-up notice to the May 10, 1990 notice that you received ordering you to cease diversion of water under Water Right No. 1693-2. You are reminded that the order is still in effect and will remain in effect until Angostura Reservoir has filled. The May 10, 1989 order stated that the order was effective until the reservoir had reached an elevation of 3183.7 feet above mean sea level (msl). This has been changed and the order will remain in effect until the reservoir has reached the full elevation of 3187.2 msl. On March 6, 1990 the reservoir elevation was 3171.1 msl.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order. The Water Management Board can suspend any water right that does not comply. The option also exists in that a water use control area can be established to enforce compliance.

If you have any questions, please contact Del Brosz (605 773-3352).



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building,
523 East Capitol
Pierre, South Dakota 57501-3181

GREAT FACES. GREAT PLACES

February 1, 1991

CARVIN FRANK ANDERSEN
BOX 147
MITCHELL SD 57301

NOTICE

RE: Violation of Water Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3, 1693-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3, 1693-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board for violation of Water Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3, 1693-3 qualification:

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

The hearing will be held at 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 1215-3, 1527-3, 1528-3, 1581-3, 1693-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
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 is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352



DEPARTMENT OF WATER & NATURAL RESOURCES

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

February 20, 1991

1215-3
1527-3
1528-3
1581-3
1693-3

Calvin Frank Andersen
Box 147
Mitchell, SD 57301

Dear Mr. Andersen:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1215-3, 1527-3, 1528-3, 1581-3, and 1693-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



Department of Water & Natural Resources

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

March 14, 1991

1693-2
1734-2

NOTICE

TO: Nick/Michael Bogner
HC 46, Box 24
Oelriches, SD 57763

FROM: *for* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

William D. Brosz

SUBJECT: Reminder of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir

This is a reminder that the March 19, 1990 notice you received ordering you to cease diversion under your water right is still in effect and will remain in effect until Angostura Reservoir has filled. The elevation of Angostura Reservoir when full is 3187.2 feet above mean sea level (msl). On February 27, 1991 the reservoir elevation was 3170.25 msl.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am again asking for your cooperation in complying with this order.

If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

South Dakota

GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 20, 1991

1693-2
1734-2

RESCISSION OF SHUTOFF ORDER

TO: Nick/Michael Bogner
HC 46, Box 24
Oelriches, SD 57763

FROM: *fr* JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

Delvin H. Brosz

SUBJECT: Rescission of Shut Off Order for Junior Water
Rights Upstream of Angostura Reservoir for 1991
Irrigation Season.

The recent rains in the Upper Cheyenne River Basin have provided large inflows for Angostura Reservoir. Now that Angostura Reservoir has filled, the shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1991 irrigation season.

If you have any questions, please contact Mark Rath or Del Brosz (605) 773-3352.

CERTIFICATION

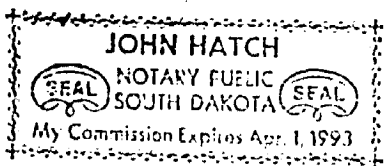
I hereby certify that on March 25, 1992, I have personally deposited with the United States Mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated March 25, 1992, regarding Shut Off Order for Junior Water Right Holders Upstream of the Angostura Irrigation District addressed as stated on the attached list:

Chas H Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 26th day of March, 1992.



John G. Galt
Notary Public



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 25, 1992

1693-2
1734-2

NOTICE

TO: NICK/MICHAEL BOGNER
& NICK BOGNER JR
HC 46 BOX 24
OELRICHS, SD 57763

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Shut Off Order for Junior Water Right Holders Upstream
of the Angostura Irrigation District.

Please be advised that effective immediately no diversions of water will be allowed under your Water Right Nos. 1693-2, 1734-2 which are junior in priority to Water Right No. US579-2 held by the US Bureau of Reclamation for the Angostura Irrigation District.

On March 20, 1992 the water elevation in Angostura Reservoir was 4.4 feet and 19,164 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase such that the reservoir will fill, this shut off order will be rescinded at that time.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order.

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

PERMIT NO	FIRST NAME	LAST NAME	ADDRESS 1	ADDRESS 2	CITY	STATE	ZIP CODE	PERMIT	PERMIT
541-2		A & T CATTLE CO	TOM LANDERS	ST RT	HOT SPRINGS	SD	57747		
302-2	RICHARD	ANDERSON	A CHAR ANDERSON	ROR 52 BOX 18	FICKSMONT	SD	57735		
1611-2	IRVING R	ANDERSON		ROR 52 BOX 20	FICKSMONT	SD	57735		
394-2		B & R RANCH INC	B F CHILDERS	PO BOX 723	FICKSMONT	SD	57735		
534-2		PAUL BEOS		BOX 817	FICKSMONT	SD	57735		
1995-2	LESTER E	BARTLEY		BOX 740	FICKSMONT	SD	57735		
1953-2	NICK/MICHAEL	BECKER	AMICK BECKER JR	HC 45 BOX 24	OFFERTON	SD	57763	1734-2	
755-2		BRANDED INDIAN SCHOOL			HOT SPRINGS	SD	57747		
655-2	MAINE F	CHILDERS		ROR 52 BOX 14	FICKSMONT	SD	57735		
636-2	V L	CHILDERS		BOX 722	FICKSMONT	SD	57735		
654-2	OSCAR	COFF			OFFERTON	SD	57763		
1374-2	JOHN	DEERING		SR 1 BOX 135	LUCK	WI	82225		
567-2	HAROLD E	EDGSON		ROR 52 BOX 54	FICKSMONT	SD	57735	1410-2	
2058-2	LEROY/BERTHA	EDGSON		HC 4A BOX 248	PRIMO	SD	57774		
1985-2	DAVID M	DUNBAR		RR BOX 32	OFFERTON	SD	57763		
788-2		HAID BROTHERS, INC.	CARL F HAID, PRES	ROR 45 BOX 5	OFFERTON	SD	57763	1635-2	
424-2	HERMAN	HEER		BOX 441	FICKSMONT	SD	57735		
540-2	DURRELL F	HELMAN		BOX 402	FICKSMONT	SD	57735		
1870-2	JOHN R	HENDERSON	ATT 265	5441 INDIAN RIVER	EAS APTAS	KV	62100		
1380-2	JOHN W	HENRY		BOX 278	ARMORE	SD	57715		
323-2	HENRY C	HOLTHOFFER		DINER ROUTE	FICKSMONT	SD	57735		
1593-2		HU RANCH INC	SD CORPORATION	ROR 52 BOX 102	FICKSMONT	SD	57735		
356-2	DARRELL D	HUNTER		BOX D	ARMORE	SD	57715		
1641-2	JAMES/PAULINA	JOHNSTON		HC 48 BOX 7	LAKEVIEW	NE	68351		
18770-2	JIM	KANE		BOX 124	PRIMO	SD	57774		
763-2	CARL	KANNOIT	ATT 207	ELANIE HOTEL	CHADRON	NE	69307		
1656-2	JOHN W	KOLLER		BOX 715	FICKSMONT	SD	57735		
886-2	A J	LANDERS	STAR CATTLE CO	BOX 1526 ROR 52	HOT SPRINGS	SD	57747		
1240-2	B L/ALLEN	LAMPENCE		BOX 759	TIQUA	SD	58852		
676-2	MELVIN	LUE			HOT SPRINGS	SD	57747		
17925-2	JOHN DEJACK	MANKS	(YNSTAT)	RR 41 BOX 1230	HOT SPRINGS	SD	57747		
14447-2	KENNETH	MARTINSON		BOX 361	FICKSMONT	SD	57735		
785-2	ARNDT M	MELAIN		BOX 164	OFFERTON	SD	57763		
410-2	RALPH L	MEEFERD, JR		ROR 48 BOX 22	PRIMO	SD	57774		
1271-2	A J	MELSON		PRONAS STAGE	MILES CITY	MT	58301		
2015-2		PETERSON & SON, INC		ROR 52 BOX 15	FICKSMONT	SD	57735		
1916-2	PAUL A JEAN	FETTY	A NORFEN FETTY	ROR 52 BOX 175	HOT SPRINGS	SD	57747		
1716-2	MELVIN	PORTER		WYO RT BOX 17	FICKSMONT	SD	57735		
711-2	DONALD	TUTNAM		BOX 188	OFFERTON	SD	57763	2043-2	
1836-2	JOHN	REASER		HC 45 BOX 48	OFFERTON	SD	57763		
492-2	EDWARD/MANDA	RUTTER		ROR 52 BOX 90	FICKSMONT	SD	57735	1782-2	
223-2	CHANCE/METZEL	REYNOLDS		ROR 52 BOX 28	FICKSMONT	SD	57735	224-2	
689-2	OLIVER M	ROMPEY		BOX 175	OFFERTON	SD	57763		
718-2	VERNON	SCHNOSE		ST RT BOX 155	HOT SPRINGS	SD	57747	1700-2	
1642-2		SIGER RANCH INC		BOX 95	OFFERTON	SD	57763	631-2	1837-2
597-2	BERNARD D	STEWIS		BOX 361	FICKSMONT	SD	57735		
1732-2	ROBERT/MARK	TUPPS		BOX 563	FICKSMONT	SD	57735		
1019-2		WAR BONNET RANCH LTD	BOX 132	105 E 3TH ST	MURDO	SD	57559		
392-2	VINCENT M	WASSERBURGER		BOX 83	ARMORE	SD	57715	853-2	2115-2



11693-2

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

March 12, 1993

1693-2
1734-2

NOTICE

TO: NICK, NICK Jr AND MICHAEL BOGNER
HC 46 BOX 27
OELRICHS, SD 57763

FROM: for JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

Delvin D. Brosz

SUBJECT: Shutoff Order for Junior Water Right Holders Upstream
of the Angostura Irrigation District.

Effective immediately no diversions of water under your Water Right Nos. 1693-2 and 1734-2 are authorized. Your water rights are junior in priority to the US Bureau of Reclamation Water Right No. 579-2 (April 11, 1941 priority date). The Bureau of Reclamation water right for the Angostura Irrigation District allows one annual fill of the reservoir.

The amount of water required for one annual fill of Angostura Reservoir as of January 1, 1993 was 45,402 acre feet. On March 9, 1993 the water elevation in Angostura Reservoir was 10.2 feet and 41,305 acre feet below full. Reservoir storage levels will be closely monitored. If inflows increase and the reservoir will fill, this shutoff order will be rescinded. Any 1993 irrigation releases from the reservoir will be included in the inflow calculations.

All water rights above Angostura Reservoir will be monitored until the reservoir has filled. I am asking for your cooperation in complying with this order.

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: US Bureau of Reclamation
Angostura Irrigation District

CERTIFICATION

Copy Sent To:

Joseph Kramer, Manager, Angostura Irrigation District, P.O. Box 346,
Orai, SD 57766.

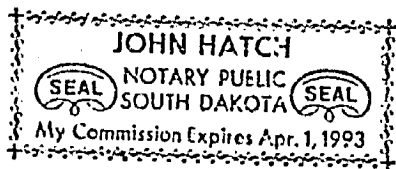
Chas. F. Frost

Cheryl F. Frost
Secretary

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 15th day of March, 1993.

John H. H. H.
Notary Public





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

April 14, 1993

1693-2
1734-2

RESCISSION OF SHUTOFF ORDER

TO: NICK, NICK Jr AND MICHAEL BOGNER
& NICK BOGNER JR
HC 46 BOX 27
OELRICHS, SD 57763

FROM: JOHN HATCH, CHIEF ENGINEER
Water Rights Division
(605) 773-3352

SUBJECT: Rescission of the Shutoff Order for Junior Water Right
Holders Upstream of the Angostura Irrigation District
for the 1993 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1993 irrigation season.

If you have any questions, please contact Del Brosz or Mark Rath, Division of Water Rights, 523 E Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: US Bureau of Reclamation
Angostura Irrigation District

1693-2



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

March 15, 1995

1693-2
1734-2

NOTICE

TO: NICK, NICK Jr AND MICHAEL BOGNER
HC 46 BOX 27
OELRICHS, SD 57763

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

SUBJECT: Shutoff Order for Junior Water Right Holders
Upstream of the Angostura Irrigation District.

Effective immediately no diversions of water under your Water Right Nos. 1693-2 and 1734-2 are authorized. Your water right is junior in priority to the US Bureau of Reclamation Water Right No. US579-2 (April 11, 1941 priority date). Water Right No. US579-2 allows one annual fill of the reservoir.

On March 14, 1995, the water elevation in Angostura Reservoir was 7 feet and 30,000 acre feet below full. The Division of Water Rights, in cooperation with the Bureau of Reclamation, will closely monitor the reservoir storage level. If inflows increase and the reservoir will fill, this shutoff order will be rescinded. Any 1994 irrigation releases from the reservoir will be included in the inflow calculations.

The Division of Water Rights will monitor all water rights above Angostura Reservoir until the reservoir has filled. I am asking for your cooperation in complying with this order.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol Ave, Pierre, SD 57501. Phone (605) 773-3352.

cc: US Bureau of Reclamation
Angostura Irrigation District



1693-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 26, 1995

1693-2
1734-2

RESCISSION OF SHUTOFF ORDER

TO: NICK/MICHAEL BOGNER
HC 46 BOX 27
OELRICHS, SD 57763

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

Delvin D. Brosz

SUBJECT: Rescission of the Shutoff Order for Junior Water Right Holders Upstream of the Angostura Reservoir for 1995 Irrigation Season.

Recent wet conditions in the Upper Cheyenne River Basin have provided large inflows and the Angostura Reservoir is expected to fill shortly. The shutoff order for all junior water rights upstream of the reservoir is rescinded for the 1995 irrigation season.

If you have any questions, please contact Del Brosz or Rassool Ahadi, Division of Water Rights, 523 E. Capitol Ave., Pierre, SD 57501.

cc: US Bureau of Reclamation
Angostura Irrigation District



January 25, 1997

Mr. Delwin Brosz
Dept. of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501

Re: Phone call of 1-21-97

Dear Mr. Brosz:

I am writing regarding our phone conversation of January 21, 1997 wherein you informed me that a neighbor had alleged numerous times in the prior ten days that we (Bogners) were stopping the flow of water on Horsehead Creek south of Oelrichs. Also, this neighbor was concerned because he saw a tractor near the creek on the property we own and suggested we may be irrigating. You informed me you had spoken with my brother regarding the same matter several days before visiting with me. My brother assured you that we are neither holding nor pumping/irrigating water in Horsehead Creek. Likewise, I gave you the same assurance.

First, I want to thank you for calling us. We certainly want to avoid any conflict with neighbors and the State. We, at all times, strive to comply with all water rights regulations. As you recall from our phone conversation, I indicated to you that we had nearly ten inches of wet snow on the ground in mid-January. At that time, the weather warmed to around fifty degrees for several days--causing the snow to melt and the creeks to run. At the same time, over an inch of rain fell, adding to the runoff. When the creek was at its highest point, the temperatures once again plunged--causing the surface of the creek to freeze. Please feel free to verify this with the National Weather Service. When the waters dropped, the surface ice collapsed, yet gave the appearance from a distance that the creek was full.

The ice and water is neither needed nor desired at this time of year. The soil is frozen and it serves no purpose to have water running during this time of the year. Additionally, these creek bottoms serve as our calving and winter feeding area. It does not improve livestock wintering conditions by having this area flood. Lastly, as to the "tractor allegation", we have about nine hay-yards within one fourth of a mile of the creek. It would be highly unusual during the winter calving and feeding months to NOT see a tractor about!

Enclosed, please find some photographs of creeks in the Oelrichs area which were taken on January 18, 1997--several days after you spoke with my brother and several days before I spoke with you. While there is no water running or being held in these pictures, the frozen ice certainly gives that impression. Also enclosed is a photo from the front page of the Edgemont paper. This photo highlights the ice buildup which occurred in our part of the state.

I hope this letter addresses any concerns or doubts. We all hope the steady, annoying complaints of ten years ago are not beginning again! We were in compliance with regulations at that time and continue to be. I can only, once again, offer my assurances that water is not being held and that water is not being pumped. As I offered in our phone conversation, please feel free to contact us to examine the creek. Thank you in advance for your help in this matter.

Respectfully,

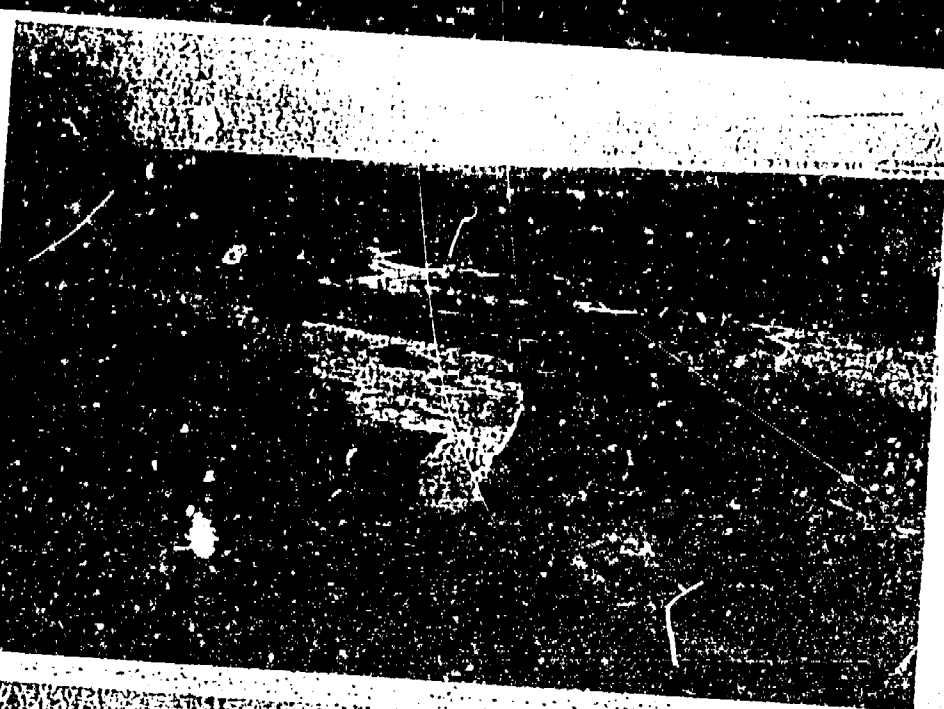
A handwritten signature in cursive script, appearing to read "Michael Bogner".

Michael Bogner

HUGHES IMAGE SYSTEMS

**FOLLOWING
ARE BEST
DOCUMENTS
AVAILABLE**

HUGHES IMAGE SYSTEMS



Pan 18-97

Dave Dunbar - Black
Bank

Old Warner Place

Ice

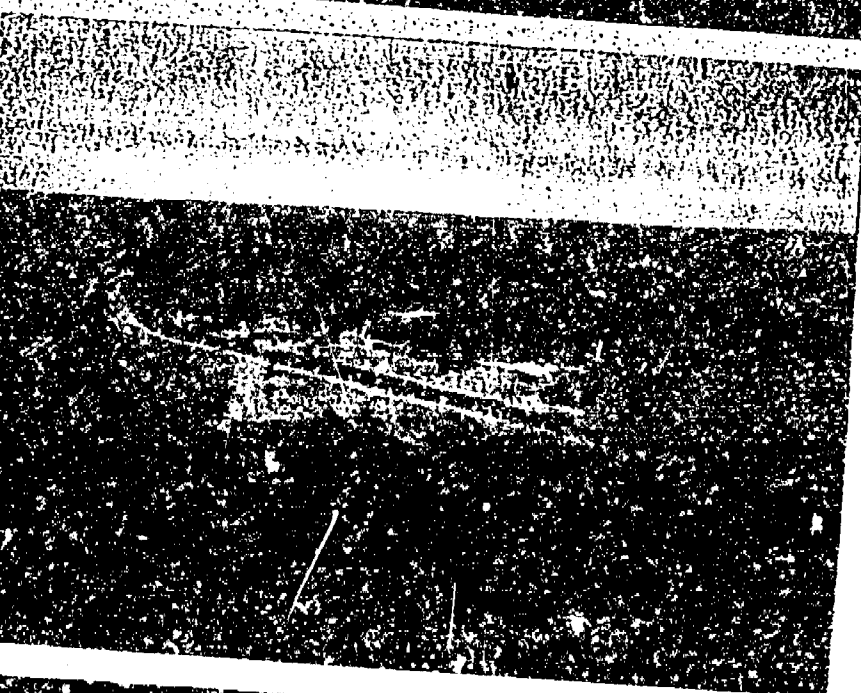


Pan 18-97

Dave Dunbar - Black
Bank

Old Warner Place

Ice



Pan 18-97

Dave Dunbar - Black
Bank

Old Warner Place

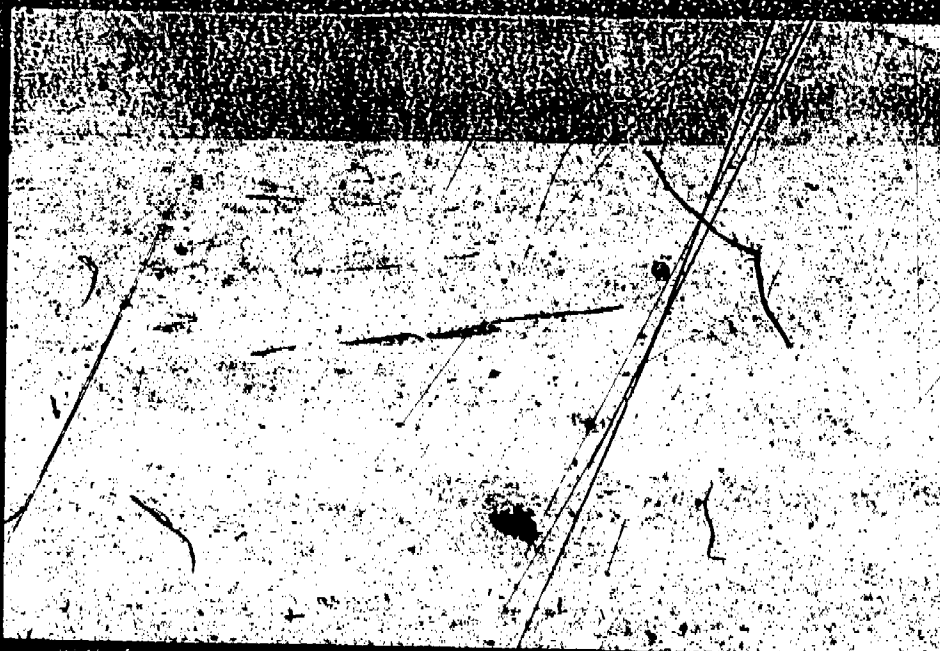
Ice



Pan 18-97
Oliver Roney
Black Banks
Ice



Pan 18-97
Oliver Roney
Black Banks
Ice



Pan 18-97
Dave Dunbar
Black Banks
Ice

1693-2

Anniversary

75th

Celebrating Our

REPORTER

USPS Publication Number 167-320
Bismarck, North Dakota 58705

Volume 15, Number 1
1990

Published 15 times a year
Subscription price \$10.00

Old timers will tell you that the Southern Black Hills around Edgemont is a "banana belt." Now we have had our share of snow, wind, ice and cold weather, so you can see the ice has built up on the Cheyenne River. However, our weather is mild compared to the rest of the state. Governor Janklow called out the National Guard to assist in snow removal.

**APPLICATION
NO. 1693-2**

**PRECEDING
PHOTOGRAPH'S
ARE IN THE
COUNTY FILE**

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Nick Bogner

ADDRESS: COUNTY: Fall River

DATE: May 5, 2000 TELEPHONE: (605) 535-2774

RE: Call regarding the complaint on the two crossing authorized by Water Right No. 1693-2

COMMENTS:

Nick Bogner returned my call. I talked briefly to two sons, John and Nick, Jr. earlier in the morning.

I explained that we received a phone call from a neighbor regarding their two crossings obstructing flow on Horsehead Creek. I explained that they held Water Right No. 1693-2 and included on this water right was a qualification that "the permit holder shall install and maintain trash rack on culverts on his property to keep the water running freely". I asked him to check the culverts through these two crossing and if debris was obstructing flow that they needed to remove the debris.

Mr. Bogner explained that due to the saturated condition and recent rainfalls that Horsehead Creek has been flowing out of its banks for the last five days. He stated he understood the requirement for them to keep the culverts free from debris. He indicated they have cleaned the trash racks on the culverts a few times this year. Currently the culverts are totally submerged because of flooding conditions so they can't see the trash racks. Mr. Bogner did not believe the culverts were plugged. Once the flows subside, Mr. Bogner stated they will take a look at the culverts and clean out the debris, if any. The crossings are currently impounding water because the culverts can not pass the creek's entire flow under the current conditions.

Mr. Bogner stated that because of the saturated conditions in their area, he expects Horsehead Creek to come out of its banks a number of times this summer. He wanted to know what could be done to stop unfounded complaints. I told him that any time someone calls in with a water rights complaint that we have an obligation to investigate. I indicated that Mark Rath, a Water Rights staff person, planned to be in the Hills area during the week of May 15 - 19 and I believe it would be advantageous for the Mr. Rath to look at the situation. If there is a future complaint, we would have a staff person that had been on-site and is familiar with the situation. Mr. Bogner also thought this was a good idea. Mr. Bogner's telephone number is 535-2774. If he's not there, leave a message on his answering machine and he will get back to you to set up a time so he can show you the crossings.

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: Eric Zouland

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Don Egly

ADDRESS: COUNTY: Fall River

DATE: 5/8/00 TELEPHONE: 605 535-6363

RE: Follow-up on his complaint along Horsehead Creek

COMMENTS:

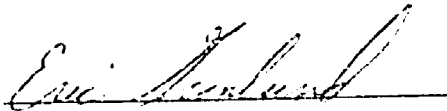
I contacted Mr. Egly in response to his complaint that the two Bogner crossings along Horsehead Creek were being blocked. I stated that I contacted the Bogner and explained their responsibility as a qualification to Water Right No. 1693-2 to keep the culverts clear of debris. Mr. Bogner had responded that he was aware of this requirement, however the creek was in flood condition at the current time. Mr. Bogner stated as soon as the creek flows subside they will check the culverts and remove and debris.

Mr. Egly stated he believed the culverts were plugged and the water was going around the crossings. He believes that when these culverts are plugged water does not make down to recharge his well constructed in the creek alluvium. I don't understand this issue in a period when the creek is in flood stage.

On another issue, Mr. Egly asked if he could divert water from his neighbor's dam to his small dam if he had his neighbor's permission. He stated that his dam was used solely for livestock watering. I stated we have allowed producers a reasonable fill to their dams for livestock watering. I stated that access and the conditions by which his neighbor would let him divert would need to get worked out between parties.

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:



Water Rights Program - DENR

File Documentation

File No. 1693-2

County: *Fall River*

Name of Person: *Nick Bogner*

Address: *Oelricks, SD*

Date: *5/16/00* **Telephone:** *535-2774*

RE: *Crossing Obstruction Complaint*

Comments:

Don Stroup and I met with Mr. Bogner concerning the complaint we received concerning plugged crossings. We looked at each of the crossings and there was no debris plugging the trash racks. Mr. Bogner said that the area had receive a lot of precipitation this spring and the creeks had been flowing full.

A handwritten signature in black ink, appearing to read 'Mark D Rath', with a stylized, cursive script.

Mark D Rath
Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 25, 2003

1693-2

Nick & Michael Bogner
HC 46 Box 6
Oelrichs SD 57763

Dear Sirs:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire for Water Right No. 1693-2. You indicated all of the acreage listed on the form was irrigated in 2003. In order for the questionnaire to be considered complete, we need to have you fill out the back side of the form.

Please include the number of acres, crop type, pump rate (in gallons per minute), days per month and hours per day that the system was running. The information is important to us in calculating how much water was used from a specific source.

Please complete the form and return it to us by December 5th. If you have any questions, please contact me.

Sincerely,

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

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

April 30, 2004

NOTICE OF SHUTOFF ORDER

TO: NICK/EUGENE BOGNER
HC 46 BOX 24
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1734-2, 1693-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On April 30, 2004, the water elevation in Angostura Reservoir was 3179.1 feet, a little over 8 feet below the full elevation of 3187.2 feet. Current storage is at 96,912 acre-feet, about 33,850 acre-feet below full and inflows are only about 38 acre-feet per day.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until December 31, 2004.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



1693-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 15, 2005

NOTICE OF SHUTOFF ORDER

TO: NICK/EUGENE BOGNER
HC 46 BOX 24
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1734-2, 1693-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 8, 2005, the water elevation in Angostura Reservoir was 3169.5 feet, almost 18-feet below the full elevation of 3187.2 feet. Storage is at 65,521 acre-feet, about 73,240 acre-feet below full and inflows are 14.9 acre-feet per day.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



IN REPLY REFER TO:

DK-700
PRJ 13.00

1693-2
United States Department of the Interior

BUREAU OF RECLAMATION
Dakotas Area Office
Rapid City Field Office
515 9th St., Room 101
Rapid City, South Dakota 57701

FEB 24 2006



Mr. Garland Erbele
Chief Engineer
Water Rights Division
South Dakota Department of Environment and Natural Resources
523 E. Capitol
Pierre, South Dakota 57501-3181

RECEIVED
FEB 27 2006
WATER RIGHTS
PROGRAM

Subject: Request for Junior Water Rights Shut Off Order - Angostura Reservoir, South Dakota

Dear Mr. Erbele:

We request that the State of South Dakota's Department of Environment and Natural Resources Water Rights Division issue shut off orders to junior water right holders on the Cheyenne River above Angostura Reservoir.

Angostura Reservoir is presently at elevation 3169.90, which is a little over 17 feet down from full (top of conservation or full is at elevation 3187.2). On February 24, 2005, the storage in Angostura Reservoir is about 60,000 acre-feet, which is 63,000 acre-feet from full. If the spring weather continues to be dry, the water right at Angostura will not be satisfied.

If you have questions, please contact Curt Anderson or me at 605-394-9757.

Sincerely,

For Jeffrey L. Nettleton
Rapid City Field Office Manager

cc: Ms. Sue Lowry
Administrator
Interstate Streams Division
Wyoming State Engineer's Office
Herschler Building 4E
Cheyenne, WY 82002

Mr. Mick Jenniges
Manager
Angostura Irrigation District
P.O. Box 346
Oral, SD 57766



1693-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: NICK/EUGENE BOGNER
HC 46 BOX 24
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1734-2, 1693-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 7, 2006, the water elevation in Angostura Reservoir was 3170.3-feet, almost 17-feet below the full elevation of 3187.2-feet. Storage is at 64,524 acre-feet, about 74,237 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 10, 2006

NOTICE OF SHUTOFF ORDER

TO: NICK/EUGENE BOGNER
HC 46 BOX 24
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1734-2, 1693-2

To protect the US Bureau of Reclamation's Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of junior water rights upstream of Angostura Dam will be allowed. On March 7, 2006, the water elevation in Angostura Reservoir was 3170.3-feet, almost 17-feet below the full elevation of 3187.2-feet. Storage is at 64,524 acre-feet, about 74,237 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath or Don Stroup with the Water Rights Program at (605) 773-3352. Thank you.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 19, 2008

NOTICE OF SHUTOFF ORDER

TO: NICK/EUGENE BOGNER
HC 46 BOX 24
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1734-2, (1693-2)

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 17, 2008, the water elevation in Angostura Reservoir was 3168.8-feet, 18.4-feet below the full elevation of 3187.2-feet. Storage is at 56785 acre-feet, about 66263 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 19, 2009

NOTICE OF SHUTOFF ORDER

TO:

NICK/EUGENE BOGNER
HC 46 BOX 24
OELRICHS SD 57763

FROM:

GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT:

Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

Shutoff Order for Water Right Nos. 1734-2, 1693-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 18, 2009, the water elevation in Angostura Reservoir was 3176.7-feet, 10.5-feet below the full elevation of 3187.2-feet. Storage is at 80792 acre-feet, about 42256 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 06, 2013

NOTICE OF SHUTOFF ORDER

TO: NICK/MICHAEL BOGNER
29599 BLACK BANKS RD
OELRICHS SD 57763

FROM: GARLAND ERBELE, Chief Engineer
Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of
Angostura Dam

**Shutoff Order for
Water Right Nos. 1693-2**

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Bureau of Reclamation has asked that we issue shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River and tributaries by holders of water rights junior to the priority date of April 11, 1941 upstream of Angostura Dam will be allowed. On March 05, 2013, the water elevation in Angostura Reservoir was 3176.8-feet, 10.4-feet below the full elevation of 3187.2-feet. Storage is at 81068 acre-feet, about 41980 acre-feet below full. Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the Cheyenne River flows upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Mark Rath at (605) 773-3352 or Aaron Tieman at (605) 394-2229 with the Water Rights Program. Thank you.

CERTIFICATION

I hereby certify that on March 6, 2013, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelope(s) containing a Notice dated March 6, 2013 regarding shut-off orders addressed as stated below:

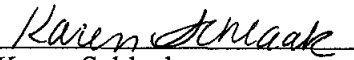
LAST_NAME	FIRST_NAME	ADDRESS2	CITY	STATE	ZIP
INDIAN CREEK CATTLE LLP		32296 190TH ST	SLEEPY EYE	MN	56085
INDIAN CREEK LAND & CATTLE LLC		PO BOX 538	EDGEMONT	SD	57735
WEINREIS BROTHERS		230908 HIGHLAND RD	SCOTTSBLUFF	NE	69361
SEGER RANCH INC		RR 1 BOX 100A1	HOT SPRINGS	SD	57747
REUTTER	EDWARD/WANDA	HCR 59 BOX 90	EDGEMONT	SD	57735
WASSERBURGER	MARTIN W & E DALLAS	30131 CASCADE RD	ARDMORE	SD	57735
HALD BROTHERS INC		30195 HIGHWAY 385	OELRICHS	SD	57763
GCC DACOTAH INC		PO DRAWER 360	RAPID CITY	SD	57709
FALKENBURG	JOE/NANCY	PO BOX 69	EDGEMONT	SD	57735
ANDERSEN	DONALD J/LYNDA J	10194 ARGENTINE RD	BURDOCK	SD	57735
ANDERSEN	KEITH	27360 S FLAT TOP RD	EDGEMONT	SD	57735
ANDERSON	DALE & JEANETTE	1401 TOMPKINS ST	RAPID CITY	SD	57701
B & H RANCH INC		900 W 7TH ST	CHADRON	NE	69337
BACHAND	DOUG & LORI	HC 48 BOX 248	PROVO	SD	57774
BALL BROS		BOX 527	EDGEMONT	SD	57735
BIRDSALL	JIM OR SHERYL	28086 ANGOSTURA RD	HOT SPRINGS	SD	57747
BOGNER	NICK/EUGENE	HC 46 BOX 24	OELRICHS	SD	57763
BOGNER	NICK/MICHAEL	29599 BLACK BANKS RD	OELRICHS	SD	57763
BRAINERD INDIAN SCHOOL		PO BOX 7038	RAPID CITY	SD	57709
CHILDERS	V L	900 W 7TH ST	CHADRON	NE	69337
COPE	OSCAR	PO BOX 147	OELRICHS	SD	57763
COPE RANCH		14160 SHIRK CREEK RD	OELRICHS	SD	57763
DUNBAR	DAVID M	HC 46 BOX 48A	OELRICHS	SD	57763
HENDERSON	DORA R	11507 HWY 471	EDGEMONT	SD	57735
HINESLEY	TED AND GAIL	103 W AVE A	BISMARCK	ND	58501
HOLLENBECK	HENRY C	665 OAK ST	EDGEMONT	SD	57735
HOLLENBECK	MARK J	27772 ELBOW CANYON RD	EDGEMONT	SD	57735
HOLLENBECK	PAT OR TAMMY	665 OAK ST	EDGEMONT	SD	57735
HU RANCH INC		28469 OLD HWY18	EDGEMONT	SD	57735
HUBER	GAYLE & LINDA	28797 LENNON SCHOOL RD	OELRICHS	SD	57763
HUNTER	ROSS J	30068 HAT CREEK RD	EDGEMONT	SD	57735
KOLLER	JOHN W	PO BOX 715	EDGEMONT	SD	57735
LANDERS	A J	BOX 159B HCR 52	HOT SPRINGS	SD	57747
LANDERS LIVESTOCK CO INC		29088 ASH CREEK RD	HOT SPRINGS	SD	57747
MANKE LAND & CATTLE CO LLC		PO BOX 599	EDGEMONT	SD	57735
MARTINSON	KENNETH	BOX 361	EDGEMONT	SD	57735
NELSON	A J	503 S CENTER AVE	MILES CITY	MT	59301
PETERSON & SON INC		27389 BURDOCK LOOP	BURDOCK	SD	57735
PORTER	EVERETT	10413 MOSS AGATE RD	EDGEMONT	SD	57735
PUTNAM	DONALD	BOX 188	OELRICHS	SD	57763
PUTNAM RANCH INC	DONALD	BOX 188	OELRICHS	SD	57763
QUINTO LTD		PO BOX 69	EDGEMONT	SD	57735
ROMEY	JOHN R OR TRACY	29773 HARD SCRABBLE RD	OELRICHS	SD	57763
SCHNOSE	ROBERT A & KIMBERLY L	29037 OLD HWY 79	OELRICHS	SD	57763

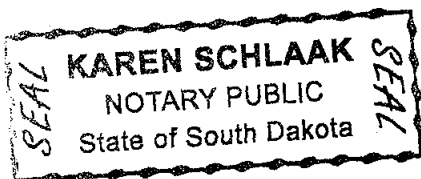
SCHNOSE	VERNON	12685 MAITLAND RD	HOT SPRINGS	SD	57747
SEABECK	DORIS SEABECK & THOMAS	2533 PARK AVE	LARAMIE	WY	82070
SIMONS	BERNARD D	BOX 381	EDGEMONT	SD	57735
TUBBS LAND & CATTLE LLC		10891 RIVER RD	EDGEMONT	SD	57735
WALKER	FRED S & CYNTHIA K	30301 CASCADE RD	ARDMORE	SD	57735
WYOMING DAKOTA RAILROAD PROPERTIES INC	WAYNE F	120 S 6TH ST - 9TH FLOOR	MINNEAPOLIS	MN	55402


 Gail Jacobson
 Secretary/Water Rights

STATE OF SOUTH DAKOTA)
) SS
 COUNTY OF HUGHES)

Sworn to, before me, this 6th day of March, 2013.


 Karen Schlaak
 Notary Public
 My Commission expires April 1, 2013





**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

RAPID CITY ONE-STOP
221 MALL DRIVE, SUITE 201
RAPID CITY, SD 57701
danr.sd.gov

June 05, 2026

TO: NICK/MICHAEL BOGNER
29599 BLACK BANKS RD
OELRICHS, SD 57763

FROM: Adam Mathiowetz, PE, Acting Chief Engineer, Water Rights Program

SUBJECT: Shutoff Order for Junior Priority Date Water Rights Upstream of Angostura Dam

Shutoff Order for Water Permit No(s). 1693-2

The US Bureau of Reclamation holds Water Right No. US579-2 for Angostura Reservoir with a senior priority date of April 11, 1941. To protect this right, the Water Rights Program is issuing shutoff orders for junior water right holders. Effective immediately no diversions of water from the Cheyenne River or its tributaries, by holders of water rights junior to the priority date of April 11, 1941, upstream of Angostura Dam will be allowed. On June 03, 2026, the water elevation in Angostura Reservoir was 3173.87-feet, 13.3-feet below the fill elevation of 3187.2-feet (top of the conservation pool). Storage was at 71,519.0 acre-feet, which is approximately 51,529 acre-feet below full. At this time, Angostura Reservoir is not expected to fill with the current low inflows.

The Angostura Reservoir storage level will be closely monitored and if the flows in the Cheyenne River and its tributaries upstream of the dam increase such that the reservoir will fill, this shutoff order will be rescinded at that time. If conditions do not improve, this order will remain in effect until the end of the calendar year.

I am asking for your cooperation in complying with this shutoff order. If you have any questions, please contact Nakaila Steen at (605) 394-2229, or myself at (605) 773-3352 with the Water Rights Program. Thank you.

We would appreciate it if you would call Nakaila in our Rapid City office and provide an up-to-date phone number and email for faster communication on this matter. Thank you.