

WATER PERMIT NO. 5788-3

Phone: 765-2122

Name of Applicant: Vogel/Santner & Sons Partnership

Post Office Address: c/o Daniel Vogel, Rt 1, Box 55A, Hoven SD 57450

Amount of Water Claimed: 39 AF Total Acres: NA

Source of Water Supply: runoff

Water to be used for: livestock watering & domestic County: Potter

About 14 miles west, 7 south of Hoven

PRIORITY Date Received: 8-31-93 Fee: \$150 Remarks: _____

Corrected Application Received: 9-8-93 Period of Annual Use: _____

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

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

Diversion Point: ¹²⁰SE 1/4 NE 1/4 Sec 2-T14N-R77W

Land to be Irrigated: _____

				0	
		2			

Well Log: Driller: _____ Licensed YES _____ NO _____

Depth of Well: _____ REMARKS: _____

Type of Map: aerial PREPARED BY: James M. Ridler, SCS Reviewed and the Number

Assigned on: 9-8-93 By: Karen Schlaak

(type or print)

No. 5788-3 Hydrologic Unit 10130105
Basin Missouri River
Newspaper Haven Review, Box 37, Haven
(office use only)



7-92

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 to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____

On applicants property _____ On property owned by others _____

2. Dugout Information

- 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 for each dam. The locations of the dams need to be shown on the map submitted with the application.

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

Soil Conservation Service

Pierre, SD

operator wishes to
construct this dam
The last week of Sept.
93.

b) Freeboard 2'

c) Crest Width 60'

Crest Length 50'

d) Height 13

e) Primary Outlet Capacity 110 cfs

If pipe, diameter 12" hooded

f) Secondary Spillway Capacity 320 cfs

Spillway Width 60'

g) X & Y Slope

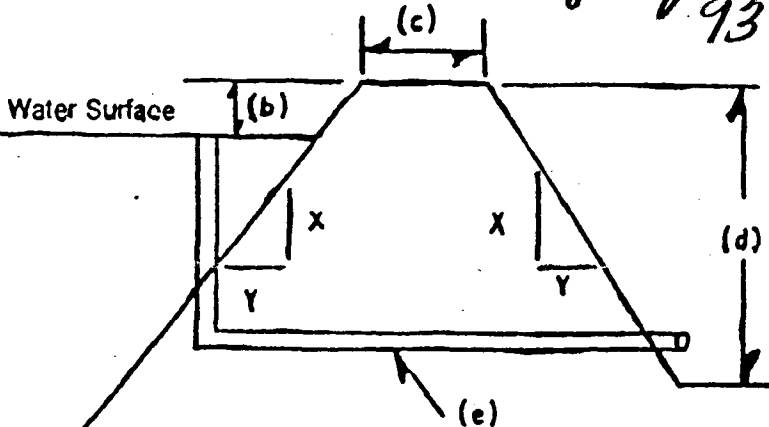
Upstream 3:1

Downstream 3:1

h) Surface Area of Impoundment 8.3

i) Storage 39 Acre Feet

j) Drainage Area Above Dam 700 Acres



The site has been inspected
no structures exist
downstream. - Low Hazard -
Jim Riden
SCS, DC, Gettysburg

80% chance of
getting 15.2 AF/YR



**SOUTH DAKOTA
WATER PERMIT NO. 5788-3**

Date of first receipt of application August 31, 1993.

Date of return to applicant for corrections, amendments or changes September 1, 1993.

Date of receipt of corrected application September 7, 1993.

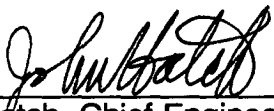
The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5788-3 to Vogel/Santner & Sons Partnership, c/o Daniel Vogel, Rt 1, Box 55A, Hoven SD 57450 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. impounds 39 acre-feet of runoff water by construction a dam in the SE 1/4 NE 1/4 Section 2-T120N-R77W.
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. 5788-3 is October 18, 1993.
5. The date from which applicant may claim right is August 31, 1993.
6. One-fifth of the construction is to be completed on or before April 18, 1996.
7. All construction is to be completed on or before October 18, 1998.
8. Water is to be put to beneficial use on or before October 18, 2002.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Water Permit No. 5788-3 authorizes storage of up to 39 acre-feet of water annually.

WATER MANAGEMENT BOARD

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

NOV 2 1993
date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 1, 1993

Daniel Vogel
Vogel/Santner & Sons Partnership
Rt 1, Box 55A
Hoven SD 57450

Dear Mr. Vogel:

In regard to your water permit application received on August 31, 1993, the following information needs to be submitted in order to process the application.

1. A map showing the location of the dam in relation to a government section corner or quarter corner by direction and distance. The map must be signed by one of the following: Registered Land Surveyor, Registered Professional Engineer or by any other government employee who normally prepares maps as a part of his assigned duties (i.e. local SCS or ASCS office).
2. Plans and specifications for the dam will be needed pursuant to Safety of Dams Rules Chapter 74:02:08. Enclosed is a copy of those rules.
3. The filing for this application will be \$150.00

The Form 2A submitted with the application stated you wished to construct this dam the last week of September. The application is not complete until all of the above information is submitted. After the complete application is received, a report is prepared by a staff engineer. The chief engineer issues a recommendation and public notice must be given. Because of these time constraints, it will be impossible for the permit to be issued by the last week of September.

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

RECEIPT

413888

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 8, 19 93

RECEIVED OF Lexie Vogel, RR 1 Box 55, Hoven, SD 57450

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

Fee for Application for Permit No. <u>5788-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	150 00

By John W. Hald / gmc
Chief Engineer

Application No. 5788-3

Daniel Vogel
Potter Co.

SE 1/4 NE 1/4 Sec. 2 - T120N R77W

Runoff:

$$A = 700 \text{ ac.} \\ = 1.09 \text{ mi}^2 \\ S = 2.11' / \text{mi} \\ S_u = 3.33$$

$$Q_{25} = 73.4 A^{0.6} S^{0.44} S_u^{0.72} \\ = 73.4 (1.09)^{0.6} (2.11)^{0.44} (3.33)^{0.72} = 389 \text{ cfs}$$

$$Q_{50} = 106 A^{0.6} S^{0.45} S_u^{0.69} \\ = 106 (1.09)^{0.6} (2.11)^{0.46} (3.33)^{0.69} = 572 \text{ cfs}$$

$$Q_{100} = 132 A^{0.6} S^{0.46} S_u^{0.67} \\ = 132 (1.09)^{0.6} (2.11)^{0.46} (3.33)^{0.67} = 731 \text{ cfs}$$

See sheet 25/2

Emergency Spillway Capacity:



$$Q = 2.6 (60)^{1.48} = 2,220 \text{ cfs}$$

Primary Spillway Capacity:

$$Q = 1.484 \sqrt{\frac{2(3-2)(2')}{1 + 1 + (.0896)(80)}} \\ = 3 \text{ cfs}$$

$$a = \frac{\pi^2}{4} = .7854 \text{ ft}^2 \\ L = 80' \\ H = 2' \\ K_m = 1 \\ K_p = .0896$$

Flowmaster Program:
6.000 to 10.000

$$Q_{100} = 813 \text{ cfs}$$

$$\begin{aligned}
 Q_{25} &= 83.4 (.3646)^{.6} (271.4)^{.44} (3.33)^{-.72} \\
 &= 225.4 \text{ cfs} \\
 Q_{50} &= 106 (.3646)^{.63} (271.4)^{.45} (3.33)^{-.69} \\
 &= 304.7 \text{ cfs} \\
 Q_{100} &= 132 (.3646)^{.65} (271.4)^{.46} (3.33)^{-.67} \\
 &= 402.9 \text{ cfs}
 \end{aligned}$$

$$A_1 = 233 \text{ ac} = .3646 \text{ mi}^2$$

$$S_1 = .0514 = 271.4' / \text{mi}$$

$$S_i = 3.33$$

$$\begin{aligned}
 Q_{25} &= 83.4 (.7292)^{.6} (144.7)^{.44} (3.33)^{-.72} \\
 &= 259 \\
 Q_{50} &= 106 (.7292)^{.63} (144.7)^{.45} (3.33)^{-.69} \\
 &= 355.3 \text{ cfs} \\
 Q_{100} &= 132 (.7292)^{.65} (144.7)^{.46} (3.33)^{-.67} \\
 &= 473.4 \text{ cfs}
 \end{aligned}$$

$$A_2 = 466.7 = .7292 \text{ mi}^2$$

$$S_2 = .0274 = 144.7' / \text{mi}$$

$$S_i = 3.33$$

$$Q_{25} \text{ total} = 485 \text{ cfs}$$

$$Q_{50} \text{ total} = 660 \text{ cfs}$$

$$Q_{100} \text{ total} = 876 \text{ cfs}$$

Circular Channel Analysis & Design
Solved with Manning's Equation

Open Channel - Uniform flow

Worksheet Name: 5788-3

Comment:

Solve For Full Flow Capacity

Given Input Data:

Diameter.....	1.00 ft
Slope.....	0.0875 ft/ft
Manning's n.....	0.022 ←
Discharge.....	6.23 cfs

Computed Results:

Full Flow Capacity.....	6.23 cfs
Full Flow Depth.....	1.00 ft
Velocity.....	7.93 fps
Flow Area.....	0.79 sf
Critical Depth....	0.96 ft
Critical Slope....	0.0763 ft/ft
Percent Full.....	100.00 %
Full Capacity.....	6.23 cfs
QMAX @.94D.....	6.70 cfs
Froude Number.....	FULL

REFERENCE SLIP

TO

10-1-93

Lynn Beck

☐ ACTION☐ NOTE AND RETURN☐ APPROVAL☐ PER PHONE CALL☒ AS REQUESTED☐ RECOMMENDATION☐ FOR COMMENT☐ REPLY FOR SIGNATURE OF☐ FOR INFORMATION☐ RETURNED☐ INITIALS☐ SEE ME☐ NOTE AND FILE☐ YOUR SIGNATURE

REMARKS

Daniel Vogel

water right information

I hope this is all you
need if not please
call.

FROM

Bob Strait

SCS - Area Office, Pierre



⑥5 560 ac.
Rangeland
g.c. >
C_Y

⑥1 149 ac.
Rangeland
F.C. >
C_Y

⑥0 59 ac.
Cropland
(CRP)
I_E

⑥6 480 ac.
Rangeland
g.c. >
C_Y

⑥2 59 ac.
Cropland
(CRP)
I_E

⑥3 186 ac.
Rangeland
g.c. >
C_Y

⑥4 15 ac.
Hayland
(game)
E

⑥1 58 ac.
Range
land
E.C. >
50% C_Y
50% S_i

⑥5 10 ac.
Hay
land
(game)
E

⑥2 320 ac.
Cropland
(CRP)

120-77
Potter
County

James M. Risher
Soil Con. Service
USDA --- 9/93

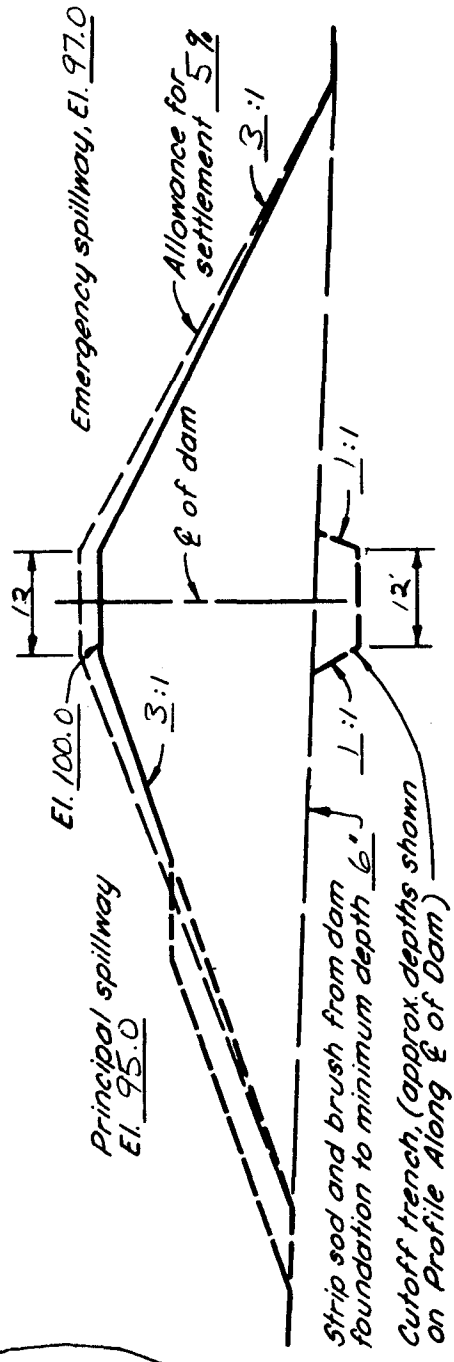
4" per mile ⑥7 160

TABLE OF QUANTITIES

[illegible]

NE Sec. 2 T. 120N R. 77W
POTTER County

A hand-drawn map of a river section. The river is represented by a large, irregular shape. A horizontal line runs through the center, with a vertical line intersecting it. The left side of the river is labeled "Sta 0+00" and the right side "Sta 3+11". A vertical line on the left side is labeled "Sta 1+45 Pipe". The area of the river is labeled "6.2 ac.". A note on the left side reads "New 24\" pipe 300' long". A note on the right side reads "New 24\" pipe 300' long". A note at the bottom right reads "240' bottom width". A note at the top left reads "Locality".



Class "A" Hazard Dam

S.D. CONSTRUCTION AND MATERIAL SPECIFICATIONS:

SD-4	STRIPPING
SD-5	EXCAVATION
SD-7S	EARTH FILL (CLASS 5)
SD-9	DRAIN FILL AND FILTER
SD-10	SALVAGING AND SPREADING TOPSOIL
SD-16	TIMBER FABRICATION & INSTALLATION
SD-17	METAL FABRICATION & INSTALLATION
SD-55	PLASTIC PIPE
SD-O + M	-378-1

OPERATOR: VOGEL / SAUTNER
CONSERVATION DISTRICT: POTTER

**U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE**

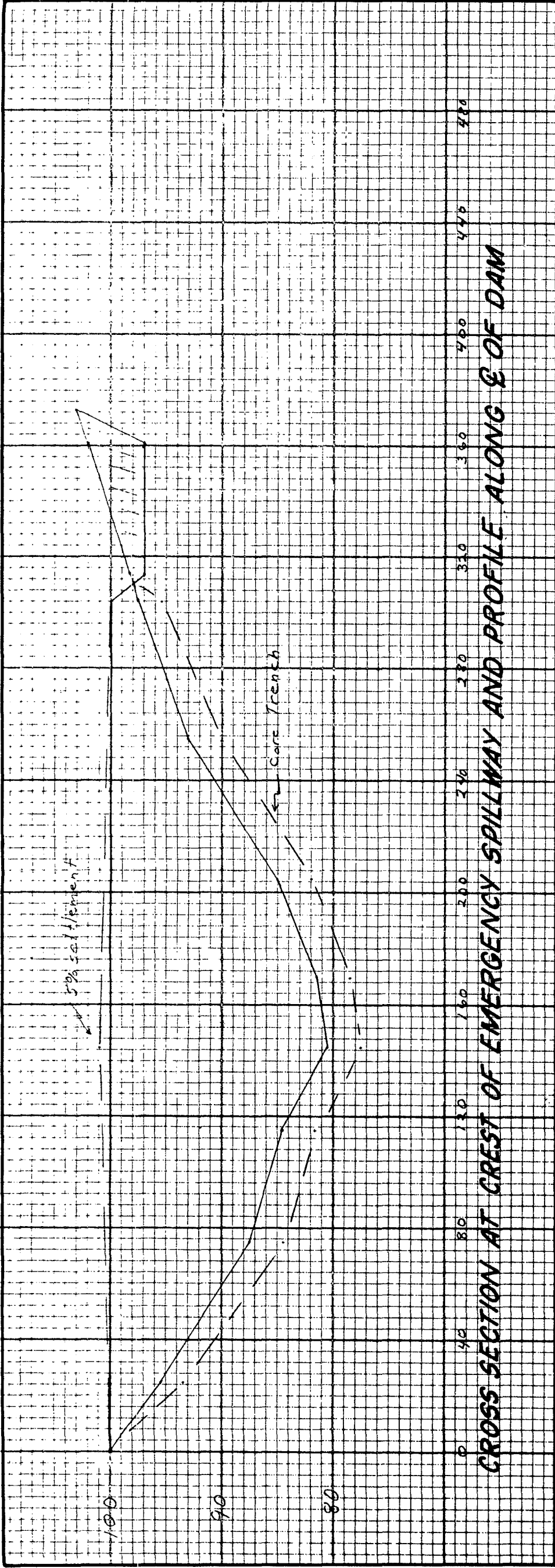
Drawn	Title	Sheet	Drawing No.
Traced	Title	Sheet	Drawing No.
Checked	Title	No.	of
		1	5

Designed Michaela Lauritzen, 9-8
 Approved by David Gonzalez
 Title City Engineer

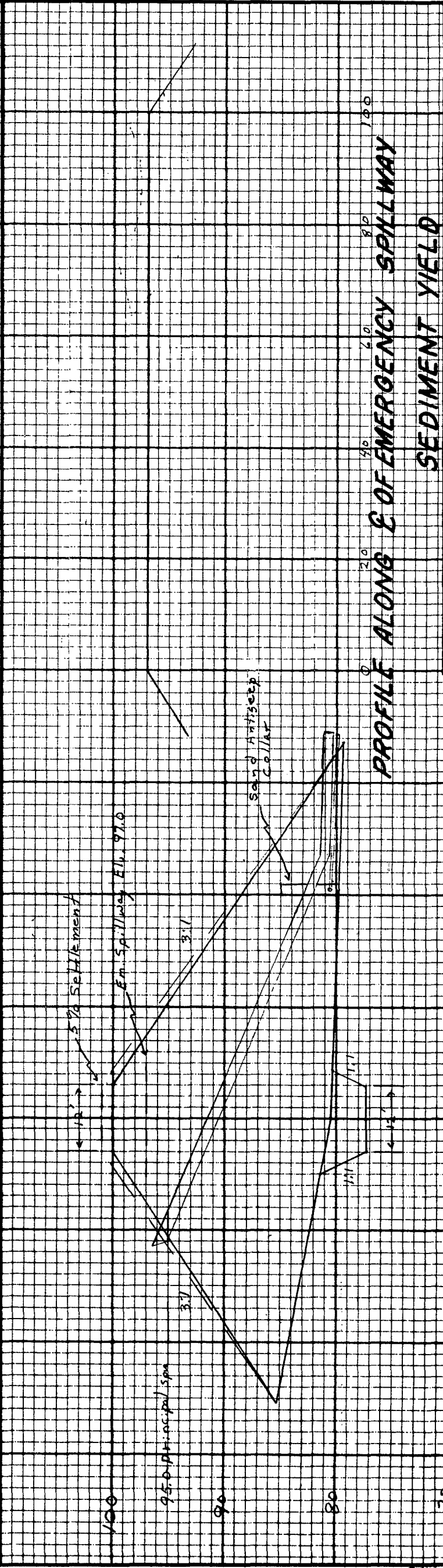
Approximate scale 1" = 100'

REFERENCE: GUIDE PLAN NO. 1.0

JOB PLAN NO. 1.0



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



PROFILE ALONG E OF EMERGENCY SPILLWAY

ERODIBILITY				SEDIMENT YIELD			
AREA ACRES	GROSS RATE A.F./AC./YR.	DRAINAGE AREA ACRES	DELIVERY RATE %	DESIGN PERIOD YEARS	REQ'D. SEDIMENT VOLUME AC.FT.		

MAXIMUM CROSS SECTION OF DAM

Elevation - Pond Area - Storage Data
 filed under file code MORTENSO.POL
 *** Hydro-Yardage Version 3.1 Dated: 9/28/90 ***
 Landowner: Vogel / Sautner
 Site: Stockwater Dam
 Located in the NE Sec 2 T120N R77W
 in Potter County, SD

Computed by Lauritzen at 16:30:39 on 07-06-1993

Elevation Feet	Pool Area Acres	Interval Storage Acre-Feet	Sediment Storage Acre-Feet	Temporary Storage Acre-Feet	
-----	-----	-----	-----	-----	
1948.0	0.00	0.00	0.00	0.00	
1948.0	0.00	0.00	0.00	0.00	
* 1949.0	1.40	0.70	0.70	0.00	
1950.0	2.80	2.10	2.80	0.00	
* 1951.0	3.23	3.02	5.81	0.00	
* 1952.0	3.66	3.45	9.26	0.00	
* 1953.0	4.09	3.88	13.14	0.00	
* 1953.8	4.43	3.41	16.55	0.00	
* 1954.0	4.52	0.90	17.45	0.00	
* 1955.0	4.95	4.73	22.19	0.00	
* 1956.0	5.38	5.17	27.36	0.00	
* 1957.0	5.81	5.60	32.96	0.00	
* 1958.0	6.24	6.02	38.99	0.00	Elev. crest
* 1959.0	6.67	6.46	38.99	6.46	
1960.0	7.10	6.89	38.99	13.35	
* 1961.0	7.96	7.53	38.99	20.88	
* 1962.0	8.82	8.39	38.99	29.27	
* 1963.0	9.68	9.25	38.99	38.52	
* 1964.0	10.54	10.11	38.99	48.63	
* 1965.0	11.40	10.97	38.99	59.60	
* 1966.0	12.26	11.83	38.99	71.43	
* 1967.0	13.12	12.69	38.99	84.12	
* 1968.0	13.98	13.55	38.99	97.67	
* 1969.0	14.84	14.41	38.99	112.08	
1970.0	15.70	15.27	38.99	127.35	
* 1971.0	17.96	16.83	38.99	144.18	
* 1972.0	20.22	19.09	38.99	163.27	
* 1973.0	22.48	21.35	38.99	184.62	
* 1974.0	24.74	23.61	38.99	208.23	
1975.0	27.00	25.87	38.99	234.10	

Sediment storage required below crest = 16.20 Ac. Ft.

Sediment storage required above crest = 0.00 Ac. Ft.

Total sediment storage required = 16.20 Ac. Ft.

* Interpolated values



**Application Report No. 5788-3
Vogel/Santner & Sons Partnership
September 22, 1993**

This application is for storage of 39 acre-feet of runoff water by constructing a dam in the SE 1/4 NE 1/4 Section 2-T120N-R77W. The water will be used for livestock watering and domestic use.

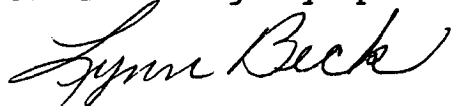
According to the risk assessment by Potter County Soil Conservation Service, the dam is category 3, small size dam. A "Category 3 dam" is a low hazard dam whose failure may cause limited damage to agricultural lands or county and township roads or minimum economic loss. The dam impounds 39 acre-feet and has an effective height of 11 feet. The spillway is required to have a minimum capacity of passing a 25 year frequency event based on Safety of Dams Rule 74:02:08:07:01.

The plans and specifications have been reviewed for this project and will be approved after a water permit is obtained. The drainage area of the proposed dam is 1.09 square miles (700 acres) and a 25 year frequency will produce a peak runoff of 485 cubic feet per second (cfs). The dam is designed with a 60 foot wide emergency spillway with a capacity of 810 cfs, which exceeds the capacity for passing a 25 year frequency event. The primary spillway consists of 80 feet of 12 inch corrugated plastic pipe and will pass 3 cfs.

The dam will be located on an unnamed drainage approximately 15 miles west of Hoven, South Dakota. There are no water rights on the drainage that would be affected by the dam.

Conclusions:

1. There is water available from the drainage.
2. Existing water rights will not be impaired.
3. The emergency spillway will pass more than a 50 year frequency event.



Lynn Beck
Natural Resources Engineer III

Approved by:



Gale N. Selken, PE
Natural Resources Engineer IV

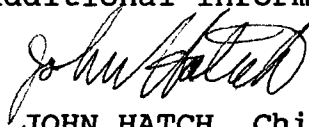
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5788-3, Vogel/Santner and Sons Partnership

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. 5788-3, Vogel/Santner and Sons Partnership, c/o Daniel Vogel, Route 1 Box 55A, Hoven, SD 57450.

The Chief Engineer is recommending APPROVAL of Application No. 5788-3 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 qualification:

Water Permit No. 5788-3 authorizes storage of up to 39 acre-feet of water annually.

See report on application for additional information.

A handwritten signature in cursive script, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
September 27, 1993



**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.

September 27, 1993

Daniel Vogel
Vogel/Santner & Sons Partnership
Rt 1 Box 55A
Hoven, SD 57450

Dear Mr. Vogel:

Water Permit Application No. 5788-3 for livestock watering and domestic 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 Hoven Review printed at Hoven, SD (Ph # 948-2110). 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

September 27, 1993

Hoven Review
Box 37
Hoven, SD 57450

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5788-3 to be published twice. Please publish the first notice on September 30, 1993, 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 Daniel Vogel, Vogel/Santner & Partnership, Rt 1 Box 55A, Hoven, SD 57450 (Ph # 765-2122).

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
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 September 30, 1993, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 5788-3 to Appropriate Water

Notice is given that Vogel/Santner & Sons Partnership, c/o Daniel Vogel, Rt 1 Box 55A, Hoven, SD 57450 has filed an application for a water permit to impound 39 acre-feet of runoff water by constructing a dam in the SE 1/4 NE 1/4 Section 2-T120N-R77W. The water will be used for livestock watering and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5788-3 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 October 18, 1993.

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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Patterson) ss

Leona Wager

certify that the attached printed Notice was
 taken from the Hoven Review

printed and published in Hoven SD

County of Patterson and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

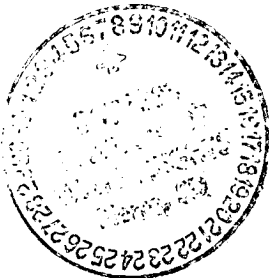
October 7 & Sept 30

Cost of Printing: 74.88

Leona Wager
 (Signature)

Editor
 (Title)

10-6-93
 (Date Signed)



NOTICE OF APPLICATION NO. 5788-3 TO APPROPRIATE WATER

Notice is given that Vogel/Sautner & Sons Partnership, c/o Daniel Vogel, Rt 1, Box 55 A, Hoven, SD 57450 has filed an application for a water permit to impound 39 acre-feet of runoff water by constructing a dam in the SE 1/4 NE 1/4 Section 2-T120N-R77 W. The water will be used for livestock watering and domestic use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5788-3 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 October 18, 1993.

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. Robert E. Roberts, Secretary, Department of Environment and Natural Resources.

(Published in the Hoven Review, September 30 and October 7, 1993)

Water Rights Division - DENR
Conversation or File Documentation

Name of Person: Daniel Vogel File No. 5788-3

Address: County: Potter

Date: 9-27-93 Telephone: (605) 765-2122
~~2670~~

RE: Application for a dam.

Comments:

I called Mr. Vogel to explain the publication of the notice of application process worked and that if the notices were published next week and the following week he may be able to begin construction the 25 of October if no opposition were received and the Chief Engineer approved the application. Mr. Vogel wanted to know if we could get the publication to the paper this week. I said that there was a possibility, if not, the publication should be sent next week, no promises.

Lynn Beck

Lynn Beck
Natural Resources Engineer

9-27-93

Spoke w/ Mrs. Vogel and told her the publication would be faxed to the Haven Review today. They need to call the paper to authorize publication

LB

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Jim Riddler File No. 5788-3

Address: Potter Co. SCS County: Potter

Date: 9-27-93 Telephone: (605) 765-2670

RE: Daniel Vogel's dam.

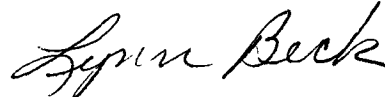
Comments:

Mr. Riddler said that he thought the Vogel dam was staked out last week. Mr. Vogel wants to get started on construction in the next couple of weeks. I explained that the publication for the application had to run two consecutive weeks in an area newspaper and there is a 10 day waiting period after the second publication to receive any opposition to the application. If there is no opposition or factors such as downstream water rights and hazards, the Chief Engineer may approve the permit application. Mr. Riddler suggested that I call Mr. Vogel to inform him of the time constraints.

I also told Mr. Riddler that I need an area capacity curve and a cross section of the emergency spillway. These items were not submitted with the application. He thought that the area office would have that information and would contact them and have them fax the information if possible.

Mr. Riddler called after speaking with the area office and said that Bob Straight thought that a permit may not be necessary for this dam. I will wait to get the information.

Mr. Riddler said to go ahead and send publication in the event a permit is necessary.



Lynn Beck
Natural Resources Engineer

Water Rights Division - DENR

Conversation or File Documentation

Name of Person: Bob Straight File No. 5788-3

Address: SCS office in Pierre County:

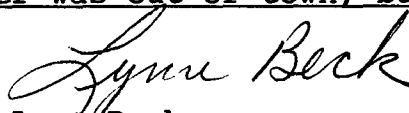
Date: 9-27-93 Telephone: (605) 224-2476

RE: Vogel dam

Comments:

I spoke with Mr. Straight and told him that we needed an area capacity curve, profile of dam showing a cross section of the emergency spillway and a cross section at the max. ht of the dam.

Mr. Straight said that the engineer was out of town, but he would get the information to me.



Lynn Beck

Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 2 1993

Daniel Vogel
Vogel/Santner & Sons, Partnership
Rt 1 Box 55A
Hoven, SD 57450

Dear Mr. Vogel:

Enclosed is Water Permit No. 5788-3 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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 30, 1999

5788-3

Vogel/Santner and Sons Partnership
%Dan Vogel
Rt 1, Box 55A
Hoven, SD 57450

Dear Mr. Vogel:

The investigation of your water use system was conducted on August 3, 1999, by Lynn Beck, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5788-3. 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
www.state.sd.us/denr

April 26, 2000

Permit No. 5788-3

REMINDER NOTICE

TO: Vogel/Santner and Sons Partnership
%Dan Vogel
Rt 1, Box 55A
Hoven, SD 57450

FROM: Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Water License/Investigation Fee Requirement

On December 30, 1999, we advised you that a \$50.00 fee is due for the completed investigation of Water Permit No. 5788-3. 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:

Vogel/Santner and Sons Partnership
%Dan Vogel
Rt 1, Box 55A
Hoven, SD 57450

4a. Article Number

P 422 707 500

4b. Service Type

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

7. Date of Delivery

4-27-00

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *Dan Vogel*

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

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

N^o 416517

Pierre, _____ May 17, 2000

RECEIVED OF Vogel, Sautner and Sons, RR 1, Box 55, Hoven, SD 57450
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. 5788-3

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

By

Chief Engineer

Laaland Erickson

Permit No. 5788-3
Missouri 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, August 3, 1999 made a thorough examination of the water use system constructed by Vogel/Santner and Sons Partnership of Rt. 1 Box 55A, Hoven, SD 57450 holder of Permit No. 5788-3, bearing the priority of August 31, 1993 authorizing the storage of 39 acre-feet of the waters of unnamed tributary for livestock watering purposes, in Potter County.

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

A. Works used to divert the water:

13' high dam with a 24' cmp primary spillway and a 40' wide earthen emergency spillway, combined capacity is 840 cfs.

The system is in the following condition good. The point of diversion is located 1670' S and 595' W of the NE corner Section 2, T120N, R77W. The works are capable of storing 39 acre feet of water which is to be used for livestock watering. Water has been put to beneficial use to the maximum extent as follows:

Impoundment in the SE NE Section 2, T120N, R77W.

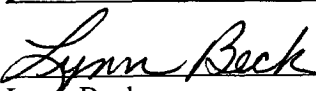
The license should be issued for 39 acre-feet of storage.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Comments:

The original plan sheet showed an 18" cmp primary outlet tube at the approximate center of the dam. This was not sufficient and it was replaced with a 24" cmp at the south end of the dam. The 18" cmp is still in place though the end on the impoundment side has been turned up.


Lynn Beck

Nov. 12, 1999
Date

Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5788-3

DATE OF INSPECTION: 8-3-99

Other permit(s) associated with the project: #

NAME & ADDRESS OF INSPECTION CONTACT: Dan Vogel, Rt. 1 Box 55A, Hoven, SD 57450

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: partner in ownership

NAME & ADDRESS OF PERMIT HOLDER: Vogel/Santner and Sons Partnership, same address as above.

DIVERSION POINT LEGAL LOCATION: 1670' S and 595' W of the NE corner of Section 2, T120N, R77W.

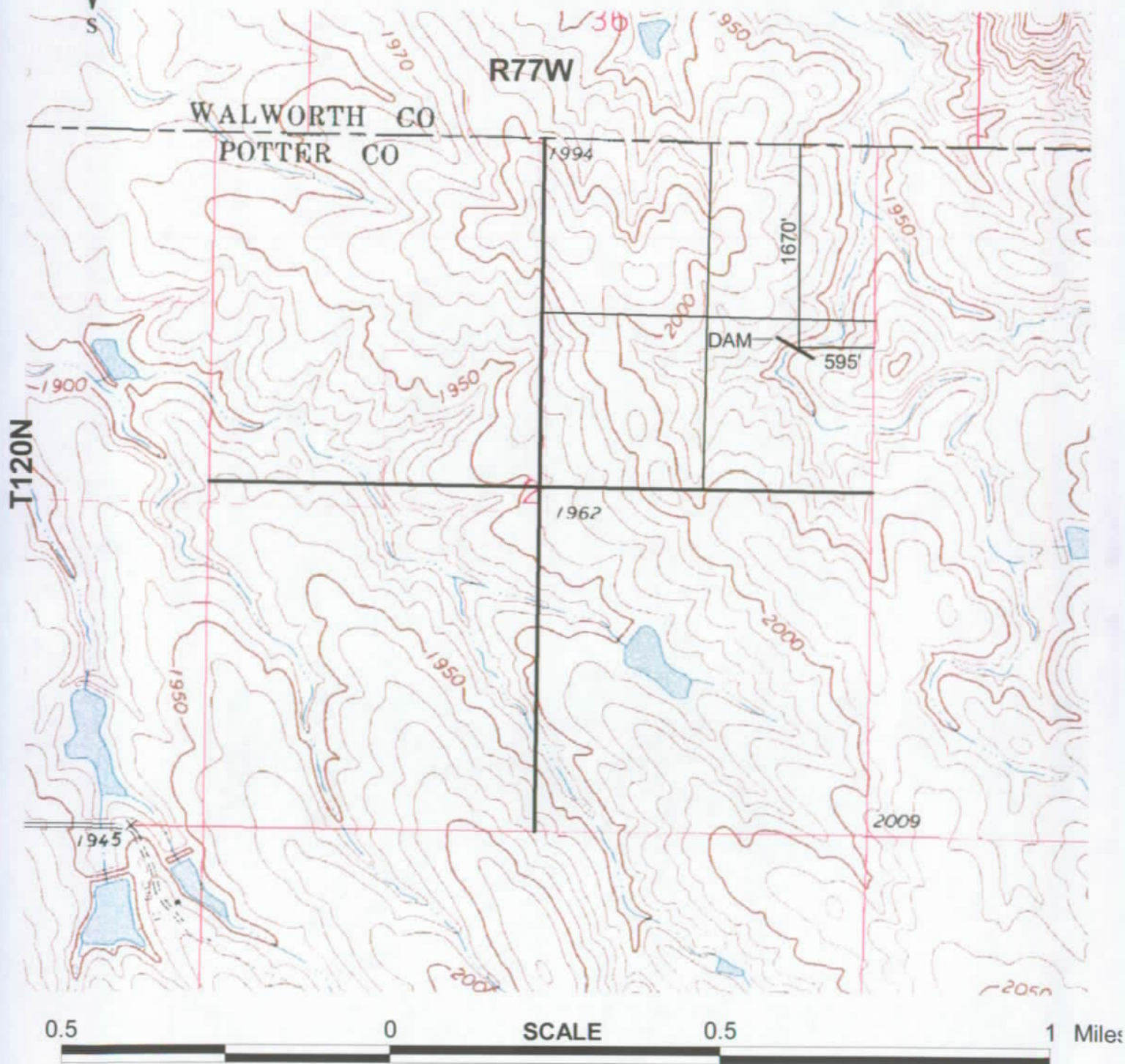
DAM INFORMATION:

- 1) Height to crest 13 feet
- 2) Height to primary spillway 8 feet
- 3) Height to secondary spillway 10 feet
- 4) Crest width 12 feet
- 5) Crest length 311 feet
- 6) Spillway length 100 feet
- 7) Spillway width 40 feet
- 8) Approx. storage 39 ac-ft
- 9) Approx. Storage to crest ac-ft
- 10) Date constructed: 1993
- 11) Outlet tubes:
 - a) diameter 24 inches
 - b) type cmp
 - c) valved no
 - d) valve type na
 - e) location on structure 20' N of emergency spillway at S. end of dam
- 12) Category of Dam 3
- 13) Inspection Sheet Completed no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes

WATER RIGHT NO. 5788-3



Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
November 12, 1999



South Dakota Department of
Environment and Natural Resources



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5788-3

(1) Vogel/Sautner and Sons Partnership, Rt 1 Box 55A, Hoven SD 57450 made Application No. 5788-3, August 31, 1993 for a water permit to impound 39 acre-feet of water from runoff, Potter County, South Dakota for livestock water and domestic purposes. Permit No. 5788-3, with a priority date of August 31, 1998 was approved October 18, 1993 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before October 18, 1998 and for the application to beneficial use of said water on or before October 18, 2002.

(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 storage dam and is entitled to impound 39 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dam is 1,670 feet south and 595 feet west of the northeast corner of Section 2-T120N-R77W (SE ¼ NE ¼)

(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 Vogel/Sautner and Sons Partnership, Rt 1 Box 55A, Hoven SD 57450 the holder and/or owner of Water Right No. 5788-3 is issued a license to appropriate water, the right to impound 39 acre-feet of water from runoff with sufficient water annually to maintain the water level to the outlet elevation with a priority date of August 31, 1993 from the location specified in (2) of this license. for livestock water and domestic. This license is subject to any limitations or qualifications listed in Water Right No. 5788-3 and subject to South Dakota State Law.



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

JUN 05 2000

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 05 2000

5788-3

Vogel/Sautner and Sons Partnership
%Dan Vogel
Rt 1, Box 55A
Hoven, SD 57450

Dear Mr. Vogel:

Enclosed is Water License No. 5788-3 and Receipt No. 416517 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5788-3 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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

ks
enclosures