

WATER PERMIT NO. 7034-3

Name of Applicant: **Vogel & Sautner Farms & Cattle Feeding Operation**

Address: **14957 308th Ave, Hoven SD 57450** Phone: **605 765-2122**

Amount of Water Claimed: **0.123 cfs** Total Acres: **NA**

Source of Water Supply: **groundwater (one well)**

Water to be used for: **commercial** County: **Potter**

Type of Waste Disposal System:

Location: **10 miles south west of Hoven**

PRIORITY Date Received: **5-19-08**

Application/License Fee: **\$200**

Corrected Application Received: **5-21-08**

Period of Annual Use: **Jan 1 – Dec 31**

Remarks: **cattle feedlot operation**

Diversion Point: **NW ¼ NW ¼ Sec 15-T120N-
R76W**

Land to be Irrigated: **NA**

Depth of Well: **2380 feet deep**

Well Driller: : **Huron Drilling, Inc.**

Remarks:

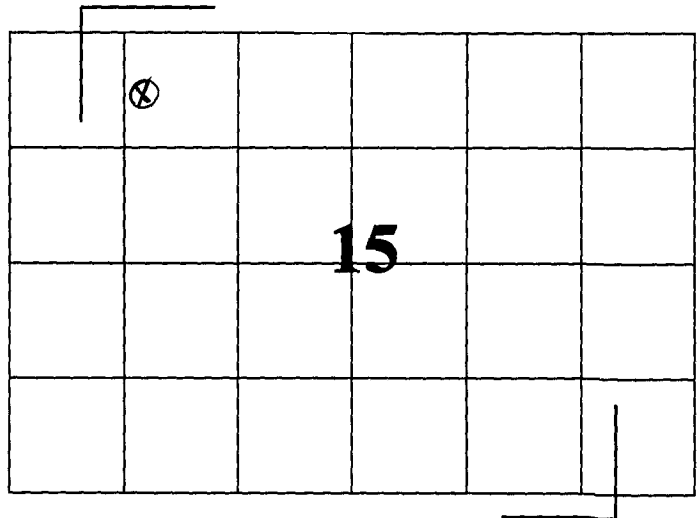
Type of Map: **topo**

Prepared by: **Gregory G Grabs, PE**

Reviewed and the Number Assigned on: **5-21-08**

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



SD EForm - 1585 V2
FORM 2: Application for uses other than irrigation
(type or print)

Mail to: Water Rights Program Joe Foss Building 523 E. Capitol Pierre, SD 57501-3181 (605) 773-3352	No. <u>7034-3</u> (office use only) Hydrologic Unit <u>10130105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Hoven Review PO Box 37</u>
	<u>605-948-2110</u> <u>Hoven 57450</u>

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MAY 19 2008

WATER RIGHTS
PROGRAM

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

Check use(s) of water:

- | | | | |
|---|---|--|--|
| ☐ Municipal | ☐ Suburban Housing | ☐ Recreational | ☐ Institutional |
| ☐ Rural Water System | ☐ Commercial | ☐ Fish & Wildlife | ☐ Geothermal Heat |
| ☐ Domestic (over 18 gpm) | ☐ Industrial | ☒ Other <u>Livestock</u> | |

Type of Application: ☐ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
(check one) ☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant Vogel & Sautner Farms & Cattle Feeding Operation Phone (605) 765-2122
(check one) ☐ Owner ☐ Tenant/lessee
Mailing Address 14957 308th Avenue Hoven State SD 57450
(Street, RR, or Box and City) (Zip Code)
2. Amount of water claimed 0.123 *CFS or 55.6 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)
3. Source of water supply ground water (DNE well)
4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) County Potter
NW 1/4, NW 1/4, Section 15, T 120 N, R 76 W
5. County or counties where water will be used Potter
6. Annual period during which water is to be used Year round Jan 1 - Dec 31
7. Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Application for existing well to serve a 4,000 head beef feedlot

STATE OF SOUTH DAKOTA)
County of Potter SS

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Daniel L. Vogel, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature Daniel L. Vogel

Subscribed and sworn to before me this 9th day of May 20 08

Lilac K. Henricks

Notary Public signature

SOUTH DAKOTA
WATER PERMIT NO. 7034-3

Date of first receipt of application May 19, 2008.

Date of return to applicant for corrections, amendments or changes May 19, 2008.

Date of receipt of corrected application May 21, 2008.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 7034-3 to Vogel & Sautner Farms & Cattle Feeding Operation, 14957 308th Ave, 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. 7034-3 appropriates 0.123 cubic feet of water per second from one existing well completed into the Inyan Kara Aquifer (2,380 feet deep) located in NW ¼ NW ¼ Section 15-T120N-R76W.
2. The water appropriated shall be used for the purpose of commercial use in a cattle feedlot operation and may not exceed the amount of water needed for beneficial use.
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. 7034-3 is August 11, 2008.
5. The date from which applicant may claim right is May 19, 2008.
6. One-fifth of the construction is to be completed on or before February 11, 2011.
7. All construction is to be completed on or before August 11, 2013.
8. Water is to be put to beneficial use on or before August 11, 2017.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 7034-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

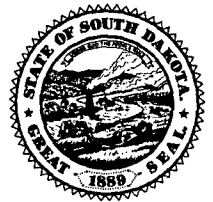
4. Permit No. 7034-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
- a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

WATER MANAGEMENT BOARD

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

SEP 17 2008

date



(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 _____ 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. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field) _____
- b) System Capacity (gallons) _____ Year Constructed _____
- c) Connected to the City of _____ Sanitary System

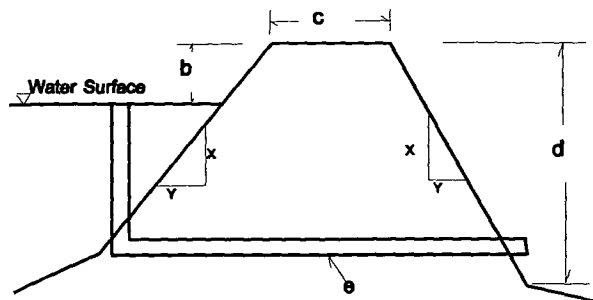
3. Dugout Information

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

4. Water Storage Dams

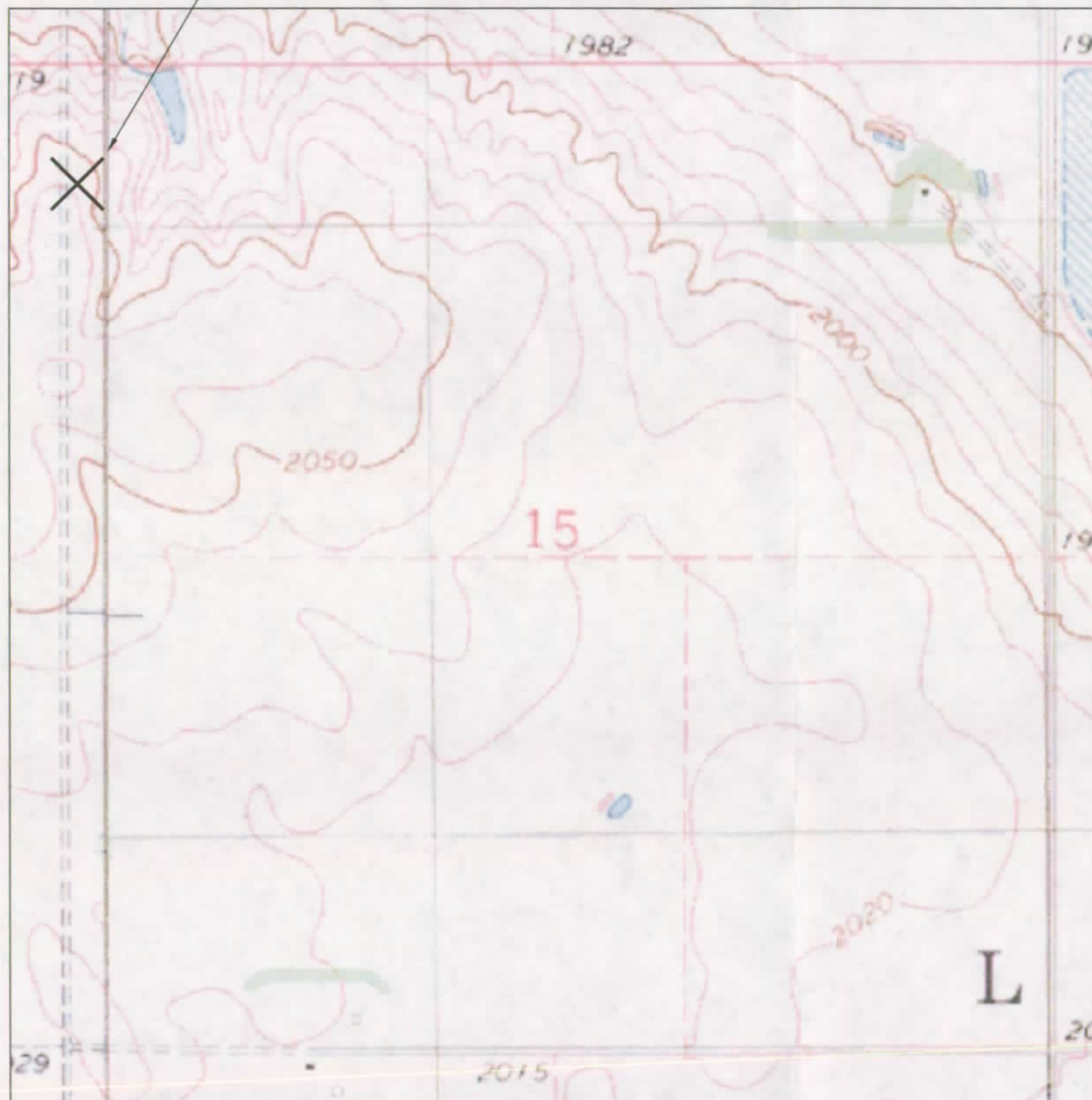
If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

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



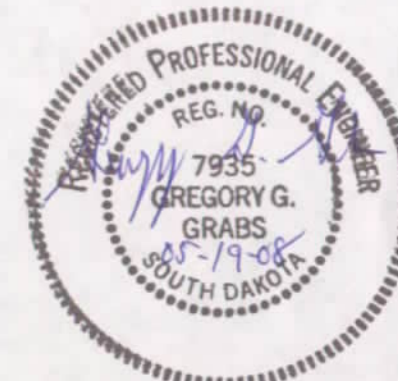
- b) Freeboard _____
- c) Crest Width _____
Crest Length _____
- d) Height _____
- e) Primary Outlet Capacity _____
If pipe, diameter _____
- f) Secondary Spillway Capacity _____
Spillway Width _____
- g) X & Y Slope _____
Upstream _____
Downstream _____
- h) Surface Area of Impoundment _____
- i) Storage _____ Acre Feet
- j) Drainage Area Above Dam _____ Acres

WELL LOCATED APPROXIMATELY 70' EAST &
650' SOUTH OF THE NW SECTION CORNER
OF SECTION 15, T 120 N, R 76 W, POTTER
COUNTY, SOUTH DAKOTA



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GENERAL NOTES



DeHaan, Grabs & Associates, LLC
Registration Number: C-1341

No.	Revision/Issue	Date

**DeHaan, Grabs
& Associates, LLC**
Consulting Engineers
PO Box 522, Mandan, ND 58554
(701) 663-1116, FAX: (701) 667-1356
www.dgaengineering.com

**VOGEL & SAUTNER
FARMS AND CATTLE
FEEDING OPERATION**

SECTION 15, T 120 N, R 76 W
POTTER COUNTY, SOUTH DAKOTA

WELL LOCATION USGS MAP

DATE:
MAY 5, 2008
SCALE:
NTS
DRAWN BY:
CAS
CHECKED BY:
DLD

SHEET:

4

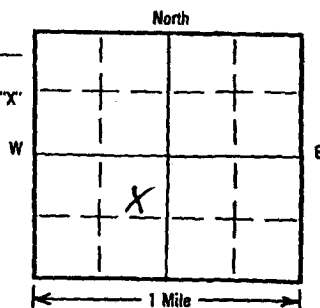
FILE NAME: SD PROJECT FILES/BEET/VOGEL/CPILES/PLAN

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

NW NW 15
Location Sec 15 1/4 Sec 75 Twp 12 Rg 76County Pottaw

Please mark well location with an "X"

Well Completion Date 10-5-94

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 1500 ft. from feed lot (identify source).

PROPOSED USE:

☒ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Rotary

CASING DATA:

☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>250 LB/FT</u>	<u>5 IN</u>	<u>0 FT</u>	<u>300 FT</u>	<u>7 7/8 IN</u>
<u>#80 LB/FT</u>	<u>3 IN</u>	<u>0 FT</u>	<u>2180 FT</u>	<u>4 1/2 IN</u>
<u>#K LB/FT</u>	<u>3 IN</u>	<u>2180 FT</u>	<u>2380 FT</u>	<u>4 1/2 IN</u>

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Portland</u>	<u>25</u>	<u>lb./gal</u>	<u>0</u>	<u>300</u>
<u>Portland</u>		<u>lb./gal</u>	<u>0</u>	<u>2180</u>

Describe grouting procedure _____

SCREEN: ☒ Perforated pipe ☐ ManufacturedDiameter 3 IN Length 160 FEETMaterial CopperSlot Size 3/8 Set From 2220 Feet to 2380 Feet

Other information _____

WAS A PACKER OR SEAL USED? ☒ YES ☐ NOIf so, what material? RUBBERDescribe packer(s) and location? ABOVE FEEL

DISINFECTION:

Was well disinfected upon completion? _____ YES, How: _____

NO, Why Not? FlowingLaboratory sent to for water quality analysis Pierre, S. Dak.Well Owner Sutton - Vogel FarmsBusiness Name: 70 Don SuttonAddress: R.R. #1Box 55-AHoven, S. Dak

WELL LOG:

DEPTH

FORMATION	FROM	TO
Top Soil	0	5
Yellow Clay	5	20
Blue Clay	20	50
Shale	50	1740
Greenhorn	1740	1770
Shale	1770	1840
Dakota	1840	2170
Morrison	2170	2220
Seneca	2220	2380

STATIC WATER LEVEL _____ Feet

If flowing: closed in pressure 80 PSIGPM flow 150 through 3 inch pipeControlled by ☒ Valve ☐ Reducers ☐ Other _____Reduced Flowrate 15 GPMCan well be completely shut in? Yes

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed _____
☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

If pump installed, pump rate _____ GPM

REMARKS

This well was drilled under license # 94

And this report is true and accurate.

Drilling firm Green Drilling IncSignature of License Representative: [Signature]

Signature of Well Owner or Equitable Property Holder: _____

Date: 10-6-941/20/95

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/19, 2008

RECEIVED OF EMV Farm Inc 1506 Kennedy Memorial DR Mobridge SD 57601

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

Fee for Application for Permit No. <u>7034-3</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. <u>7034-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200 00

No.

03062

By

Michael Erbe
Chief Engineer



**DeHaan, Grabs
& Associates, LLC**

Consulting Engineers

www.dgaengineering.com

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MAY 19 2008

**WATER RIGHTS
PROGRAM**

SD Dept. of Natural Resources
Water Rights Program
523 East Capital
Pierre, SD 57501-3181

May 5, 2008

Dear Sir:

I have enclosed one copy of the *Application For Permit To Appropriate Water Within The State Of South Dakota*. The application is for Vogel & Sautner Farms & Cattle Feeding Operation located in Potter County, SD.

This Application is for Section 15, T 120 N, R 76 W, Potter County, SD. The Well Log incorrectly states the section as section ten.

Please review and process the enclosed documents accordingly.

Sincerely,

Greg Grabs, PE
Vice-President

Enclosures

cc: Daniel Vogel

I Called

North Dakota Office

P.O. Box 522
Mandan, ND 58554-0522
(701) 663-1116
Fax (701) 667-1356

Nebraska Office

4727 N. 26th St. Suite A
Lincoln, NE 68521-4706
(402) 742-4976
Fax (402) 742-4977

Subject: Re: Water Permit Application for Vogel & Sautner Farms

From: Greg Grabs <greggdga@btinet.net>

Date: Mon, 19 May 2008 13:36:40 -0500

To: Karen.Schlaak@state.sd.us

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PROGRAM

Karen;

Sorry about that!!

I will put a stamped/signed map in the mail to you today.

Thanks,

Greg Grabs

DeHaan, Grabs & Associates, LLC

Karen.Schlaak@state.sd.us wrote:

Greg,

We received the application you submitted on behalf of Vogel & Saunter Farms & Cattle Feeding Operation. The map submitted with the application needs to be signed by you or whoever prepared it. If you want me to mail the map back, I can or you can just resubmit the map with the required signature. Once we get the signed map, further processing of the application will continue.

Karen Schlaak
Water Rights Program
605 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 7034-3, Vogel & Sautner Farms and Cattle Feeding Operation**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 7034-3, Vogel & Sautner Farms and Cattle Feeding Operation, c/o Daniel L. Vogel, 14957 308th Avenue, Hoven SD 57450.

The Chief Engineer is recommending APPROVAL of Application No. 7034-3 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) it is in the public interest with the following qualifications:

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
3. Permit No. 7034-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.
4. Permit No. 7034-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions

See report on application for additional information.

Garland Erbele, Chief Engineer
July 15, 2008

REPORT ON WATER PERMIT APPLICATION NO. 7034-3
For Vogel & Sautner Farms and Cattle Feeding Operation
June 27, 2008

Application No. 7034-3 proposes to appropriate 0.123 cfs (56 gpm) from an existing well approximately 2,380 feet deep and located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 15, T120N R76W in Potter County.

AQUIFER – INYAN KARA (INKR)

The Inyan Kara is a buried white to light-gray or tan sandstone and siltstone that contains beds of gray to black and reddish to buff shale (Kume, 1987). The aquifer is under artesian conditions and does free flow at the land surface. The aquifer is overlain by the Skull Creek shale and underlain by the Sundance Formation which is also considered an aquifer in this area. For all practical purposes these two units are considered one and the same for purposes of this report. The total thickness estimated by Kume for both units would range from 115 to 245 feet in Walworth County which is located just to the north of the application. This aquifer is areally extensive into all the counties surrounding Walworth County. The Inyan Kara underlies 898 square miles and contains an estimated 7.5 million acre-feet of recoverable water in storage in Potter County (Hedges, 1982).

The well log filed with the application indicates the top of the aquifer was encountered at a depth of 2220 feet and continued to a total depth of 2,380 feet. The completed well had a closed in pressure of 80 psi and was capable of free flowing 150 gpm. The driller completed this well in accordance with the “slim hole” standard ARSD 74:02:04:36. This standard does not apply to any well for commercial use and would not be an acceptable completion technique for this permitted use. This is an existing well and has been in use since 1994.

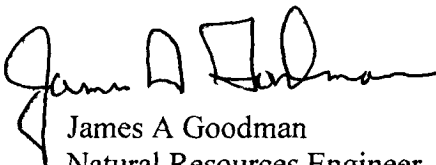
The Water Rights Program does not monitor any Inyan Kara observation wells in this area. The nearest Water Right observation from the Inyan Kara is at ED-85B located about 65 miles to the east of this site. The water level data for that observation would not be representative for this area but there is a hydrograph for this observation well included with this report (Water Rights, 2008). A well site located about three miles south of this application was monitored by the USGS (Winter, 1994) from 1976 until 1989. Water levels declined about 40 feet during that period of record. This is not that unusual because this was also a flowing well and probably was allowed to discharge continuously for the period of record.

REVIEW OF EXISTING WATER PERMITS/RIGHTS

There are no other permitted water users in this area from the Inyan Kara aquifer. Interference is not expected to be a concern. This is a flowing well and can be regulated to produce the amount of water needed.

CONCLUSIONS

1. Water is available from the Inyan Kara aquifer.
2. The aquifer is under artesian conditions. This existing well does free-flow the amount of water requested by this application. The well must be maintained and regulated in order to prevent the waste of water.
3. Interference is not a concern. There are really no other nearby users from this source of water.
4. This well is not constructed in accordance with SD Well Construction Standards. This well was built in accordance with ARSD 74:02:04:36 which is an exception to the well construction rules only allowed for domestic or wells which do not require permitting.
5. Normally a facility of this size would have a backup water supply such as rural water or another well. The applicant does not indicate if there is another supply of water for this facility.
6. Plans and specifications for this facility have been submitted to and approved by the Department.

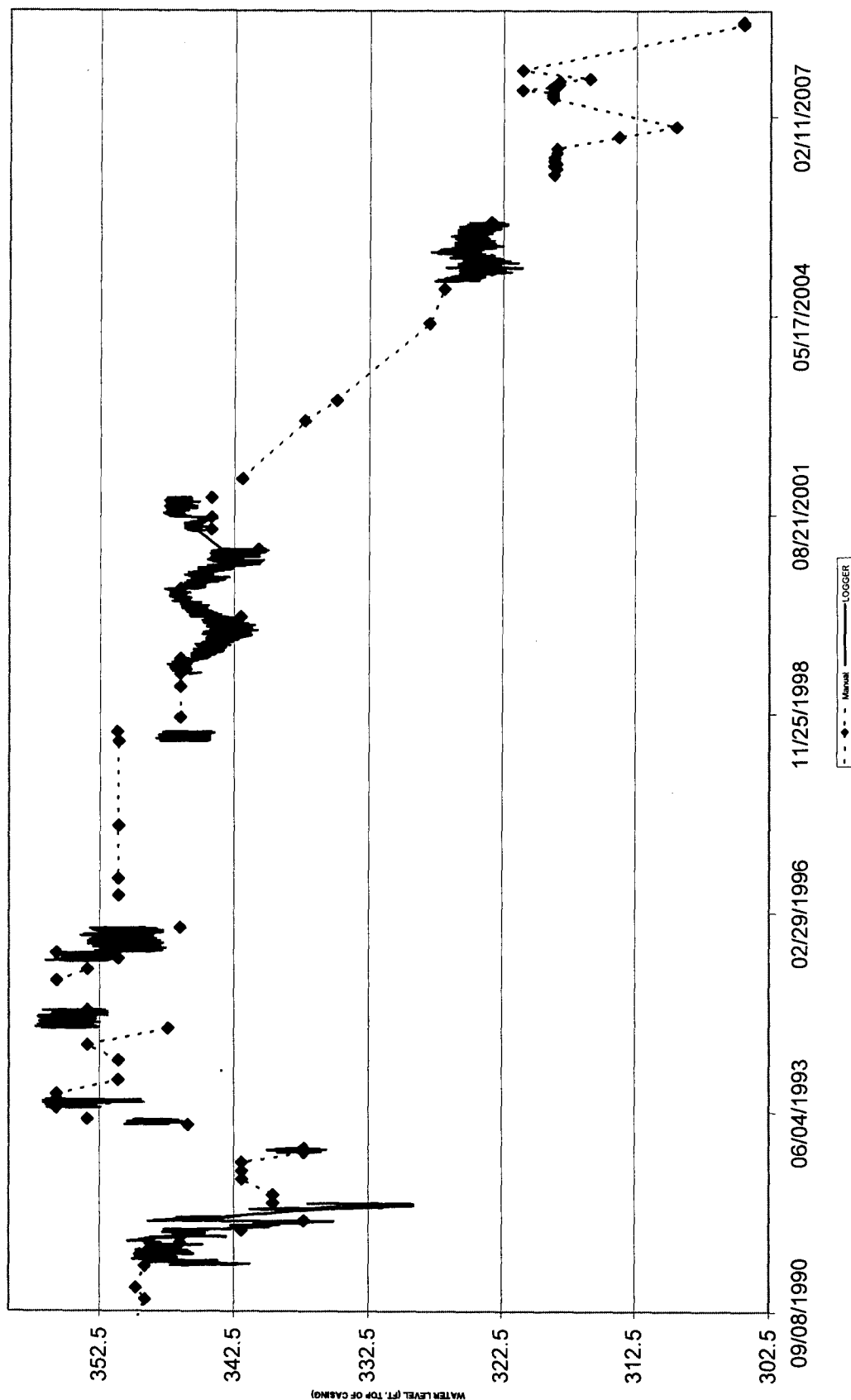


James A Goodman
Natural Resources Engineer

BIBLIOGRAPHY

- Hedges, L.S., and others, 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.
- Kume, J., 1987, Water Resources of Walworth County, South Dakota, Water Resources Investigation Report 85-4015, USGS, Huron, SD, 57350.
- Water Rights, 2008, Unpublished Observation Well Data for the Inyan Kara Aquifer, SD DENR, DES, Water Rights Program, Pierre, SD, 57501.
- Winter, D.R., 1994, Water Levels Through 1989 in Bedrock Aquifers in South Dakota, Open-File Report 94-320, USGS, Rapid City, SD, 57702.

**WATER RIGHTS' OBSERVATION WELL
ED-85B**



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AUG - 4 2008

WATER RIGHTS
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AFFIDAVIT OF PUBLICATION
STATE OF SOUTH DAKOTA
COUNTY OF POTTER

NOTICE OF APPLICATION

NOTICE OF APPLICATION NO. 7034-3 to Appropriate Water

Notice is given that Vogel & Sautner Farms & Cattle Feeding Operation, c/o Daniel Vogel, 14957 308th Ave, Hoven SD 57450 has filed an application for a water permit to appropriate 0.123 cubic feet of water per second from one existing well completed into the Inyan Kara Aquifer (2,380 feet deep) located in NW 1/4 NW 1/4 Section 15-T120N-R76W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7034-3 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 this 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 this 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 Program, 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 August 11, 2008.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

(Published in The Hoven Review
July 24 and July 31, 2008.)

TWILA GRIESE, OF SAID COUNTY BEING FIRST DULY SWORN, ON OATH SAYS THAT SHE IS A REPRESENTATIVE OF *THE HOVEN REVIEW*, A WEEKLY NEWSPAPER PRINTED AND PUBLISHED IN HOVEN IN SAID COUNTY OF POTTER AND HAS FULL AND PERSONAL KNOWLEDGE OF ALL THE FACTS HEREIN STATE: THAT SAID NEWSPAPER IS A LEGAL NEWSPAPER AND HAS A BONIFIDE CIRCULATION OF AT LEAST TWO HUNDRED COPIES WEEKLY, AND HAS BEEN PUBLISHED WITHIN SAID COUNTY FOR FIFTY-TWO SUCCESSIVE WEEKS PRIOR TO THE PUBLICATION NOTICE HEREIN MENTIONED, AND WAS AND IS PRINTED WHOLLY OR IN PART IN AN OFFICE MAINTAINED AT SAID PLACE OF PUBLICATION: that the

*Vogel & Sautner Farms & Cattle Feeding
operation*

A printed copy of which, taken from the paper in which same was published, is attached to this sheet, and is made in part of this Affidavit, was published in said newspaper at least once week, on the day of each week on which the newspaper was regularly published, to wit:

2 weeks

132 Lines x 0.391 =

That the full amount of the fee for the publication of the annex notice is

B 51.61

Twila Griese

Subscribed and sworn to for me this
1st day of *August*, 20*08*.

Ashley Schaefer

Notary Public

Walworth County, South Dakota

My commission expires *5-15-13*



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 16, 2008

Hoven Review
PO Box 37
Hoven SD 57450

ATTENTION: Legal Public Notice

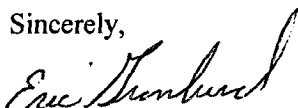
Enclosed is a Notice on Application No. 7034-3 to Appropriate Water to be published twice. Please publish the first notice on July 24, 2008 with the second publication 7 days later. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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 Vogel & Sautner Farms & Cattle Feeding Operation, c/o Daniel Vogel, 14957 308th Ave, Hoven SD 57450 (Ph # 605-765-2122).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

No. 7034-3

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Date _____

We are in receipt of your letter of July 16, 2008 enclosing Notice to Appropriate Water by Application No. 7034-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

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

July 16, 2008

Vogel & Sautner Farms & Cattle Feeding Operation
Daniel Vogel
14957 308th Ave
Hoven SD 57450

Dear Mr. Vogel:

Water Permit Application No. 7034-3 for livestock use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Publisher of the Hoven Review printed at Hoven SD (Ph # 605-948-2110). You will need to contact the newspaper and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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 and to arrange for payment. Early contact with the paper can eliminate delays. Upon receiving authorization, the publisher has been instructed to publish your notice once each week for two consecutive weeks. The newspaper has also 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

cc: DeHaan Grabs & Associates LLC, Greg Grabs, PO Box 522, Mandan ND 58554

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.

Instruction to Newspaper - Publish first Notice on July 24, 2008 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 7034-3 to Appropriate Water

Notice is given that Vogel & Sautner Farms & Cattle Feeding Operation, c/o Daniel Vogel, 14957 308th Ave, Hoven SD 57450 has filed an application for a water permit to appropriate 0.123 cubic feet of water per second from one well to be completed into the Inyan Kara Aquifer (2,380 feet deep) located in NW ¼ NW ¼ Section 15-T120N-R76W for commercial use in a cattle feedlot operation.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 7034-3 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 this 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 this 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 Program, 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 August 11, 2008.

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 Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 17 2008

Vogel & Sautner Farms & Cattle Feeding Operation
14957 308th Ave
Hoven SD 57450

Dear Sirs:

Enclosed is Water Permit No. 7034-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

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

enclosures

Water Permit No. 7034-3
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, **November 23, 2015**, made a thorough examination of the water use system constructed by **Vogel & Sautner Farms & Cattle Feeding Operation** of **14957 308th Ave., Hoven, SD 57450** holder of Permit No. **7034-3**, bearing the priority of **May 19, 2008** authorizing the diversion of **0.123** cu. ft. per second of water from the **Inyan Kara Aquifer** for **Commercial use in a Cattle Feedlot Operation** purposes, in **Potter** County.

Inspection contact & relationship **Dan Vogel (765-4374)**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **2,380** feet
- 4) Well log is available **Y**

Casing:

- 1) Diameter **5 and 3** inches
- 2) Length **2,220** feet
- 3) Type **Plastic**

Screen:

- 1) Type **Copper**
- 2) Length **160** feet
- 3) Static water level **Free Flowing**

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

- 1) Type **PVC**
- 2) Size **2 and 3** inches

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by **Y**
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **NA**

3) Exceptions to compliance are: None

The system is in Good condition with the point(s) of diversion located as follows:

Well: Approximately 850 feet south and 40 feet east of the NW corner of Section 29-T119N-R77W

(N 45.21402, W -100.00120) (NW ¼ NW ¼).

The works are capable of diverting and conveying to the place of use 0.123 cu. ft. per second of water which is to be used for Commercial use in a Cattle Feedlot Operation.

The license should be issued for 0.123 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:

Water from the well is transported through PVC pipe to stock tanks at the cattle feedlot. The well is valved.



Mike DeFea

Natural Resources Engineer II
DENR, Water Rights Program

Date report completed: December 22, 2015

Vogel & Sautner Farms & Cattle Feed Operation

Water Permit No. 7034-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
December 22, 2015



South Dakota
Department of Environment
& Natural Resources
Protecting SD's Tomorrow... Today



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

FEB 23 2016

7034-3

Dan Vogel
Vogel & Sautner Farms & Cattle Feeding Operation
14957 308th Ave
Hoven SD 57450

Dear Mr. Vogel:

Enclosed is Water License No. 7034-3. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 7034-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 7034-3

(1) Vogel & Sautner Farms & Cattle Feeding Operation, 14957 308th Ave., Hoven SD 57450 made Application No. 7034-3, May 19, 2008 for a water permit to divert 0.123 cubic feet of water per second from ground water, one well (Inyan Kara Aquifer), Potter County, South Dakota for commercial purposes. Permit No. 7034-3, with a priority date of May 19, 2008 was approved August 11, 2008 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 11, 2013 and for the application to beneficial use of said water on or before August 11, 2017.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.123 cubic feet of water per second for beneficial use. The location of the diversion point is:

- approximately 850 feet south and 40 feet east of the NW corner of Section 29, T119N, R77W (NW $\frac{1}{4}$ NW $\frac{1}{4}$).

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

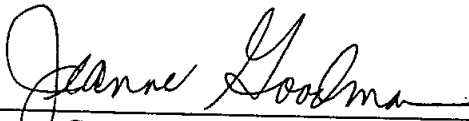
(4) Pursuant to South Dakota Water Law 46-5-30.1 Vogel & Sautner Farms & Cattle Feeding Operation, 14957 308th Ave., Hoven SD 5745 the holder and/or owner of Water Right No. 7034-3 is issued a license to appropriate water, the right to use 0.123 cubic feet of water per second from ground water, one well (Inyan Kara Aquifer) with a priority date of May 19, 2008 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 7034-3 and subject to the following qualifications:

- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well approved under this Permit shall be valved and the flow reduced to the amount needed or to a minimum when not being used. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with Water Management Board Rules, Chapter 74:02:04.
- Permit No. 7034-3 is subject to compliance with requirements of the Department's Water Pollution Control Permit issued pursuant to SDCL 34A-2-36 or 34A-2-112 for concentrated animal feeding operations.

continued

- Permit No. 7034-3 is subject to compliance with all existing and applicable Water Management Board Rules including but not limited to:
 - a) Chapter 74:54:01 Ground Water Quality Standards,
 - b) Chapter 74:54:02 Ground Water Discharge Permit,
 - c) Chapter 74:51:01 Surface Water Quality Standards,
 - d) Chapter 74:51:02 Uses Assigned to Lakes,
 - e) Chapter 74:51:03 Uses Assigned to Streams, and
 - f) Chapter 74:52:01 through 74:52:11 Surface Water Discharge Provisions



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 23 2016

date

