

Water Right Number 1059-1

1. Considered JULY 24, 19 75
2. Name of Applicant MARCUS LESMEISTER
3. Post Office Address MOBRIDGE
4. Amount of Water claimed 3.14
5. Source of Water supply OAK CREEK
6. Water to be used for IRRIGATION
- Acres to be irrigated 220
7. Water to be diverted and used in CORSON County
about 4 W, 10 N miles of MOBRIDGE
8. Proof of Publication Received 6-30-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

10-9-1

Marion Leamaster by Her

10-31-77

John brought trap in and the dam
into which the pump was not in the
operation at the time I saw it in
July 25-77. B. Jones felt this was
part of the system and should be called
a regulating reservoir.

Will find inspection the next time
we are in the Moberly area.

1-25-77

Leamaster

Mike Yarrow should see the side of
the Moberly well. They are about
1/2 mile from Pump, the
5 wells - all about 20 ft deep.

Pump from 10 to 15 gpm

Get Mr. Laughlin, Local Chairman
Moberly Rock. They take

Concern of this well is not
to recharge the wells. No
done in creek by Leamaster.

Wabash (pump) a pipe line
from Pump to Leamaster. They take
with them the pit

had Yarrow info from Leamaster
app. 10-31-77. He must be in property.

No. 1059-1Map No. 873-1 Water Division No. 1 GRAND RIVER

(Blanks to be Filled by the Engineer for the W. F. C.)

RECEIVED
APR 15 1975STATE WATER RIGHTS COM
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Marcus Lesmeister
 Postoffice address Mobridge State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work Lesmeister Diversion
4. Amount of water claimed (cubic feet per second) 3.14 cfs
5. Source of water supply Oak Creek
6. Location of point of diversion NE1, SW1, SW1, NE1, Sec 27, T20N, R29E
NW1NE4
- County Corson
7. Annual period or periods during which water is to be used May - October
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use, Total number of acres to be irrigated 220

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.	Land Description	No. Acres Irr.
<u>See attached sheet</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Mobridge Tribune
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Pump
- B. Works proposed to transport water to place of use.
Pipeline
- C. Works proposed to apply water to beneficial use.
Sprinkler

Estimated Total Cost \$ 100,000

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 Corson

I, Marcus Lesmeister 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.

Subscribed and sworn to before me this 11th day of April 1975

KENNETH R. ZANDSCH
 Notary Public, South Dakota

My Commission Expires Aug. 18, 1979

Signed Marcus Lesmeister

Kenneth R. Zandisch
 Notary Public (or other qualified officer)

22-11-1959
DEM

by David H. H. H.
Soil Conservation Service

15/14
22/23

14/13
23/24

own all LAND in this Red

line

N

23/24
23/24
23/24

23/24
23/24
23/24

To B. H. H. H.

23/23
23/23

23/23
23/23

23/23
23/23

San Stirling SC
Soil Conservation Service

DAM SITE

23/24
23/24

MAP NO 873-1
(APPL NO 1059-1)

South

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1059-1
MARCUS LESMEISTER MOBRIDGE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57601 With the following modifications:
 (State)

Date of first receipt of application APRIL 15 19 75
 Date of return to applicant for correction, amendments or changes required APRIL 18 19 75
 Date of receipt of corrected application MAY 23 19 75
 Approved JULY 24 19 75 Recorded in Book 13 Page 325

WATER RIGHT PERMIT NO. 1059-1

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1059-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 15 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24 19 78
3. The whole of said work is to be completed on or before JULY 24 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24 19 80
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 3.14 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 the irrigation purposes said appropriation must be limited to not more than 3 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 JULY 24 19 80 water to be used during the following described annual period: MAY - OCTOBER

Witness my hand this 28TH day of July 19 75

WATER RESOURCES COMMISSION

By: Wm W. Burdick
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 _____

Water License Issued _____ 19 _____

Marcus Lesmeister Irrigation

S $\frac{1}{2}$, SE $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 23, T20N, R29E	(10 acres)
S $\frac{1}{2}$, SW $\frac{1}{4}$, NE $\frac{1}{4}$, Sec 23, T20N, R29E	(10)
W $\frac{1}{2}$, SW $\frac{1}{4}$, NW $\frac{1}{4}$, Sec 23, T20N, R29E	(10)
W $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(10)
W $\frac{1}{2}$, NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(5)
W $\frac{1}{2}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(5)
NE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(40)
NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 23, T20N, R29E	(40)
NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec 23, T20N, R29E	(40)
E $\frac{1}{2}$, NE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(5)
E $\frac{1}{2}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(5)
SE $\frac{1}{4}$, SW $\frac{1}{4}$, Sec 23, T20N, R29E	(40)

220 acres

to be attached to permit # 1057-1

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter _____, Depth _____

(2) Casing, Type _____ Diameter _____ Thickness _____
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type _____, Diameter _____, Length _____

(4) Gravel Pack, Thickness _____, Length of gravel pack _____

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout.

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

(G.) Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Height of fill - 10'

maximum water depth - 33'

surface area - 8 acres

storage capacity - 243.31 acre feet

located on NE 1/4, NW 1/4 26-20-28 in

Corson Co.

Wm. J. P. Smith

Signature of Applicant

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

No. 1059-1

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Walworth) ss.

I, Dorothy Horn hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Mobridge Tribune

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

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

June 19, 1975

June 26, 1975

Dorothy Horn
(Signature)

Burton F. Jones
(Title)

6/23/75
(Date Signed)

Local man seeks irrigation permit for Oak Creek

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501
June 6, 1975

Notice is hereby given that Marcus Lesmeister whose post office address is Mobridge, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.14 cubic feet of water per second of time from Oak Creek through the Lesmeister Diversion, the point of diversion of which is to be located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Twp. 20N, Range 29E. Said water is to be used for the purpose of providing irrigation on all or portions of the following described land: S $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, all in Section 23, T20N, R29E.

This application No. 1059-1 will be considered by the Water Rights Commission at the North Lounge, Surbeck Center, S. D. School of Mines Rapid City, S. D. upon the 24th day of July, 1975, at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By: Burton F. Jones,

Water Rights Specialist

619-626

RECEIVED
JUN 30 1975

STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Form 6. - Notice of Intent to Appropriate Water

No. 1059-1

Publish first publication, on or before

July 10, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 6, 1975

Notice is hereby given that Marcus Lesmeister

whose post office address is Mobridge, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 3.14 cubic feet of water per

second of time from ~~the~~ Oak Creek through the Lesmeister Diversion, the point of diversion of which is to be located in the

NW 1/4 NW 1/4

of Section 27, Twp. 20N, Range 29E. Said water to be used for the purpose of providing irrigation on the following described land:
all or portions of

SW 1/4 NE 1/4, SW 1/4 NW 1/4, SW 1/4, N 1/4 SE 1/4, all in Section 23, T20N, R29E

This application No. 1 will be considered by the Water Rights Commission at the North Lounge, Carback Center, S.D. School of Mines Rapid City, S.D. upon the 24th day of July, 1975 at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/LW

cc:

Marcus Lesmeister, Mobridge, S.D. 57601



Department of Natural Resource Development

Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

August 1, 1977

Mike Yavarow
Public Health Service
Mobridge, SD 57601

Dear Mr. Yavarow:

Upon my return to Pierre, I checked on Marcus Lesmeister's Permit number 1059-1. Lesmeister's permit is for 3.14 cubic feet per second to irrigate 220 acres. He can pump from May to October. However his permit does not allow for him to store any water in a reservoir. The South Dakota law states that low flows must be by-passed for downstream domestic and livestock use and prior water rights.

I talked to Marcus Lesmeister on the phone and he said he would obtain a permit to store water in the reservoirs.

Sincerely,

LeRoy Mernaugh
Water Resources Engineer

ML/JY

1059-1

6-27-77

4:40 PM.

CALL FROM:

7554
858-725

MIKE YAVAROW
PUBLIC HEALTH SERVICE
MOBRIDGE, S.D.

SAYS LESMEISTER HAS
BEEN PUMPING FROM
OAK CREEK ABOVE
WAKPALA - CITY IS
(NOT PUMPING NOW)
HAVING PROBLEMS
GETTING WATER FROM
THEIR SWEELS ALONG
OAK CREEK - TOLD
HIM WE WOULD CHECK
IN & GET BACK TO HIM



No. 1059-1

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

July 29, 1975

Marcus Lesmeister
Hobridge
South Dakota 57601

Dear Mr. Lesmeister:

Enclosed herewith is your Water Right Permit No. 1059-1 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1059-1.

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 Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

P.S. This is to inform you that the office of the Solicitor, United States Department of the Interior in a letter dated July 17, 1975 contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use water within the exterior boundaries of an Indian Reservation.

Respectfully,

WATER RIGHTS COMMISSION

VERN MITLER

Acting Chief Engineer

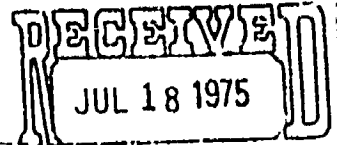
VB/BFJ/bw

Encl: As stated



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57401



JUL 17 1975

STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on July 24, 1975, at 2:30 p.m., a Hearing will be held by the Water Rights Commission at the North Lounge, Surbeck Center, South Dakota School of Mines, at Rapid City, South Dakota, on the application of Marcus Lesmeister, of Mobridge, South Dakota, for a permit to appropriate for beneficial use 3.14 cubic feet of water per second of time from Oak Creek, the point of diversion being the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of sec. 27, T. 20 N., R. 29 E., for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate water from Oak Creek within the boundaries of the Standing Rock Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A., Sec. 381; Winters v. United States, 207 U.S. 564, 28 S.Ct. 207; United States v. Powers, 94 F.2d 783; United States v. McIntire, 101 F.2d 650; and United States v. Alexander, 131 F.2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,


Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director, Aberdeen, South Dakota
Superintendent, Standing Rock Agency, Fort Yates, North Dakota
Mr. Parnell Hagen, Area Soil Conservationist, BIA, Aberdeen, S.D.
Mr. Marcus Lesmeister, Mobridge, South Dakota 57601



Department of Water & Natural Resources

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

January 29, 1988

MARCUS LESMEISTER
BOX 912
MOBRIDGE, SD 57601

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 1082-1B, 1059-1. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, 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(s), the Water Management Board can:

1. Amend Permit No(s). 1082-1B, 1059-1 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.

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

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.



Department of Water & Natural Resources

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

February 5, 1988

1059-1
1082-1B

Marcus Lesmeister
Box 912
Mobridge SD 57601

Dear Mr. Lesmeister:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the the requirement to submit the Irrigation Questionnaire(s) for Water Permit Nos. 1059-1 & 1082-1B and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,

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



1059-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

August 10, 2000

Marcus Lesmeister
1710 3rd Ave W
Mobridge SD 57601

Dear Mr. Lesmeister:

I am writing in response to my on-site inspection of your water permits on July 11, 2000. Thank you for taking a few minutes to show me your irrigation systems.

As you may recall, the purpose of the inspection was to license your water permits. Licensing of Permit No. 1059-1 and 1082-1B is the last step required to get a water right in South Dakota. One part of the inspection is to determine whether your irrigation project matches what your water permit allow you to do. As we discussed, there are a couple of issues that need to be corrected:

1. The water source for the acreage under the two pivots in the S $\frac{1}{2}$ section 26-20N-29E (see enclosed map) was to be the Missouri River. This water source was never developed and the portion of the pivot located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ was not included on Water Permit No. 1082-1B (a copy of No. 1082-1B is enclosed for your review.)
2. A portion of the acreage in the E $\frac{1}{2}$ section 23 (see blue area on enclosed map) was not developed for irrigation under Water Permit No. 1059-1. You indicated that you may want to irrigate this blue area in the future in addition to the green area which is being irrigated under Permit No. 1059-1.

Enclosed is a partially-completed application to allow irrigation of all the acreage section 26 from Oak Creek and the storage dam and to allow development of an additional 130 acres in the E $\frac{1}{2}$ section 23. This application also makes mention of use of the storage dam for irrigation of the green areas in sections 22 and 23 covered by Permit No. 1059-1. The storage dam was not mentioned on the application for Permit No. 1059-1.

Please complete those portions of the application with red check marks and sign the application form in the presence of a notary public. The application fee based on 357 acres is \$325.00 plus the \$50.00 license fee for a total of \$375.00. Please refer to the instruction sheet attached to your application if you have questions as to how the fee is calculated. After completing your application, please return your application forms, the enclosed maps, and fee to the Water Rights Program. Please call me at (605) 773-3352 if you have any questions.

(continued)

Marcus Lesmeister
August 10, 2000
Page 2 of 2

One other issue I overlooked concerns safety of dams. Your dam is exempt from spillway size requirements provided there is no potential loss of life in the event your dam breaches. To determine whether the potential for loss of life exists, a risk assessment needs to be prepared. The risk assessment takes into consideration what structures, such as homes, are located downstream from your dam. The Natural Resources Conservation Service (NRCS) may be able to do this assessment for you. If you choose not to use the NRCS, then a South Dakota registered professional engineer can complete the assessment for you.

Thank you again for showing me your irrigation system. After completing the above items, we can start processing your application. Please don't hesitate to call if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", with a stylized, cursive script.

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 6, 2001

Marcus Lesmeister
1710 3rd Ave W
Mobridge SD 57601

Dear Mr. Lesmeister:

I am writing in response to receipt of your water permit application and application fee of \$375.00 received on August 29, 2000. This application was submitted in response to my inspection of your water permits on July 11, 2000. Please refer to the enclosed copy of my letter dated August 10, 2000 explaining why you needed to submit a new permit application.

Your application is complete except for one item. We have not been able to process your application because we have not received information addressing a safety of dams rule requirement. The second to the last paragraph in my August 10, 2000 letter explains that a risk assessment is needed to determine whether your dam is exempt from spillway requirements. As I noted in the letter, the Natural Resources Conservation Service (NRCS) may be able to do this risk assessment for you. If the NRCS has any questions about what needs to be included in a risk assessment, they can contact Tim Schaal (an engineer in our Water Rights Program) at (605) 773-3352 to get their questions answered.

After we get the risk assessment we can then proceed with processing your application. Please give me a call at (605) 773-3352 if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
Water Rights Program

enclosure

(3-147)

(3-326)

Edwin Reiger
(10-69)

4200 ft

5.6

26

63.7
62.2

706.8
- 79
106.3

Edwin Reiger
(10-69)

Edwin Reiger
(10-69)

20-29

115.5

12.5
12.2

Map # 873-1

(3-147)

(Appl # 1059-1)

ROAD ROAD ROAD

1059-1

Lesmeister

RECEIVED

From: <Genny.McMath@state.sd.us>
To: <cows@wildwestriv.com>
Sent: Thursday, November 18, 2010 7:48 AM
Subject: Ownership for Water Rights

NOV 29 2010

WATER RIGHTS
PROGRAM

Mr. Lesmeister,

I have received the irrigation questionnaires for Water Right Nos. 1059-1 and 1082-1B. I note on one of the forms a notation was made to change the name from Marcus to Keith Lesmeister. I have a couple questions - was the name added as a manager or as an owner of the property? Also, is the change for both water rights or just the one for land in Section 26?

A "Notice of Transfer of Ownership" will need to be filed if the change was for ownership purposes. I will partially complete a transfer form and get it in the mail to you. Please let me know if you want a form for both water rights.

Thanks!

Genny McMath
DENR
Water Rights Program
phone: 605 773-5455
fax: 605 773-4068

Please transfer all water right
because of change of ownership of land.
Thank you
Keith Lesmeister

11/21/2010

1059-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 7, 2011

1059-1
1082-1B

Keith Lesmeister
PO Box 664
Mobridge SD 57601 0664

Dear Mr. Lesmeister:

Thank you for taking the time to visit with me regarding the ownership changes for Nos. 1059-1 and 1082-1B and also the pending application Marcus Lesmeister started in 2000.

The ownership change you submitted for Water Permit No. 1082-1B has been completed. The water right formerly listed in the name of Marcus Lesmeister is now listed in your name. Enclosed for your records is Receipt No. 04680.

Enclosed is a partially completed transfer form for filing an ownership change on Water Permit No. 1059-1. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

The last item to go over with you is the pending application which was filed to get the irrigation systems under both permits into compliance by increasing acres, changing a water source and permitting of the dry draw storage dam to allow irrigation from it. I have attached a letter dated March 6, 2001 which stated the application was complete except for one item. All that is needed before the application can be processed is a risk assessment for the dam.

I would encourage you to take care of the ownership change for Water Permit No. 1059-1 and the risk assessment needed for the application as soon as possible. If you have any questions, please contact us.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

OCT 19 2011

WATER RIGHTS
PROGRAM

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

No. 1059-1

Date: 10-17-11

I/We request that Water Permit No. 1059-1

formerly owned by: Marcus Lesmeister

be transferred to: (name & address) Keith Lesmeister, PO Box 664, Mobridge SD 57601

Telephone No. 605 845 7154

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

220 acres located in Section 23, T20N, R29E

I/We understand that the validity of Water Permit No. 1059-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Keith Lesmeister, the new owner, certify that the above information is true and correct.

Keith Lesmeister
(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date October 19, 20 11

RECEIVED OF Keith Lesmeister, PO Box 664, Mobridge SD 57801

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	50	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 <u>Water Permit No. 1059-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50.00

No. **05047**

By Garland Erbeley
Chief Engineer KS



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 21, 2011

1059-1

Keith Lesmeister
PO Box 664
Mobridge SD 57601 0664

Dear Mr. Lesmeister:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring Water Permit No. 1059-1.

The ownership change has been completed. The permit formerly held by Marcus Lesmeister is now listed in your name.

Enclosed for your records is Receipt No. 05047 in the amount of \$50.00. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosure



1059-1
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2013

NOTICE

TO: KEITH LESMEISTER, PO BOX 664, MOBRIDGE, SD 57601 0664

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

SUBJECT: Reporting Requirement for 2012 Irrigation Questionnaire(s)

Our records indicate that the 2012 Irrigation Questionnaire has not been submitted for Permit No(s) 1059-1 & 1082-1B as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 12, 2012. The Water Management Board has directed that owners of water permits who have not submitted the 2012 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **8:30 am, March 7, 2013**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1059-1 & 1082-1B to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2013**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

1059-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 25, 2013

1059-1
1082-1B

Keith Lesmeister
PO Box 664
Mobridge SD 57601 0664

Dear Mr. Lesmeister:

I am writing to acknowledge receipt of your 2012 irrigation questionnaires.

You may disregard the January 18, 2013, "Notice" concerning reporting requirements for Water Permit Nos. 1059-1 and 1082-1B. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

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

1059-1



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 24, 2014

NOTICE

TO: KEITH LESMEISTER, PO BOX 664, MOBRIDGE, SD 57601 0664

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2013 Irrigation Questionnaire(s)

Our records indicate that the 2013 Irrigation Questionnaire has not been submitted for Permit No(s) 1059-1 & 1082-1B as required by administrative rule 74:02:01:14.02. The request for the Questionnaire was dated October 18, 2013. The Water Management Board has directed that owners of water permits who have not submitted the 2013 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at **9:00 am, March 6, 2014**, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1059-1 & 1082-1B to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office on/or before **March 3, 2014**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

Note: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

February 4, 2014

1059-1
1082-1B

Keith Lesmeister
PO Box 664
Mobridge SD 57601 0664

Dear Mr. Lesmeister:

I am writing to acknowledge receipt of your 2013 irrigation questionnaires. Based on our phone conversation, I edited your questionnaires to reflect no irrigation took place in Section 23 as authorized under No. 1059-1.

You may disregard the January 24, 2014, "Notice" concerning reporting requirements for Water Permit Nos. 1059-1 and 1082-1B. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Another issue that needs to be taken care of is the pending application we have on file in Marcus Lesmeister's name. The application was filed to bring the existing systems into compliance by increasing acres, changing a water source and permitting the dry draw storage dam. The application is complete except for submission of a risk assessment for the dry draw dam. I believe the Corson County NRCS is located McIntosh SD. The phone number for the McIntosh Service Center is 605 273-4506 and is located at 175 Main Street in McIntosh SD.

We would like to work with you to get the permitting in place to bring your irrigation systems into compliance. If you have questions on the risk assessment and what is involved in it, please contact Tim Schaal with our program at 605 773-3352.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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