

796-1

1. Considered May 17, 1963
2. Name of Applicant Robert Kressly
3. Post Office Address Lemmon
4. Amount of water claimed 46.6
5. Source of water supply Flat Creek
6. Water to be used for irrigation
Acres to be irrigated 3264.8
7. Water to be diverted and used in Perkins County
about 85 miles 40 of Lemmon.
8. Proof of Publication
Received May 8
Not Received _____
9. Publication
Approved ✓
Subject to Recommutation
Not Approved _____
Action deferred Investigation

10. Remarks:
Protest

No. 296-1Water Division No. 1 Grand River District
(Blanks to be filled by the Engineer for the W. R. C.)

MAR 20 1967

8:10 am

STATE WATER RESOURCES COMMISSION
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 Robert Kressly
Postoffice address Lemmon, S.D., County Parkins, State S. Dak.

I. If a corporation None

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Employment of others(b) Cash on hand, \$ Adequate(c) Treasury stock, \$ None(d) Bonds to be issued, \$ None(e) Other resources, \$ USDA2. Name of diversion work Pump Stands3. Amount of water claimed 116.6 cfs 24.9 Approved cubic feet per second4. Source of water supply Flat Creek5. Location of point of diversion See back of formOn Flat Creek bank Flat Creek County.6. Annual period or periods during which water is to be used when available

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Waterspreading(a) Number of acres to be irrigated 3261.8 1744.6 Approved acres.(b) Legal subdivisions to be irrigated See attached sheets

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None

Name any of the above uses claimed

(b) Amount of power to be generated None horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

Map 4-66A-1

3. Estimated cost of work:

(a) Head Gates, \$----- (b) Pumping plant, \$2000.00
 (c) Fluming, \$----- (d) Canal-earth, \$1,000.00 Rock, \$-----
 (e) Other structures Drainage & Dikes \$15,000.00 Total, \$2000.00

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Centrifugal pumps

II. Dimensions of works.

(a) Dam: Height-----feet; length at bottom-----feet; length at top-----feet; thickness at bottom-----feet; thickness at top-----feet; slope at front water face-----; slope at back face-----

material used in construction-----

(b) Reservoir: Capacity when filled-----acre feet. Surface area at highwater mark-----acres.

Total 104 11.41

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY

(c)* Head gate: Width-----feet; height-----feet;
 Material-----

(d) Canal: Total length 3.6 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
At ----- Mile	1.5 feet	10.0 feet	13.0 feet	5.2 feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet
At ----- Mile	----- feet	----- feet	----- feet	----- feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work 5 years.

11. Time required for complete application of water to the proposed beneficial use 5 1/2 years.

12. Choice of newspaper for publication of notice of intention to appropriate-----

Bison Courier Bison, S. Dak.

STATE OF SOUTH DAKOTA

County of Perkins ss.

I, Robert Kressly, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Robert Kressly

Subscribed and sworn to before me this 22 day of March 1917

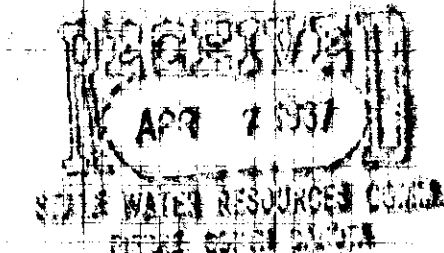
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.

R 15 E
T 21 N 4 33 T 22 N
3 34

21 16
22 15

SCALE 1"=800'

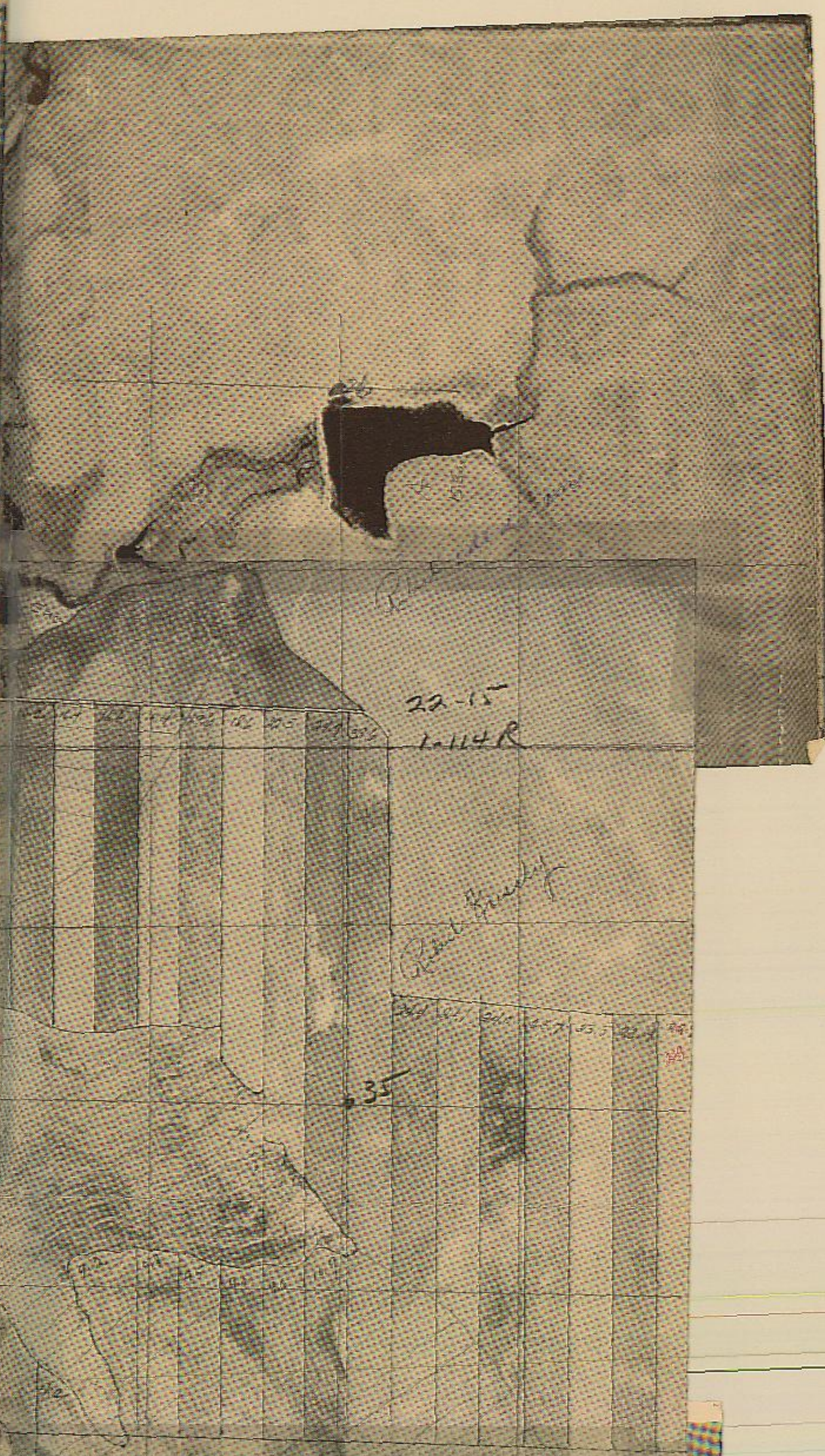
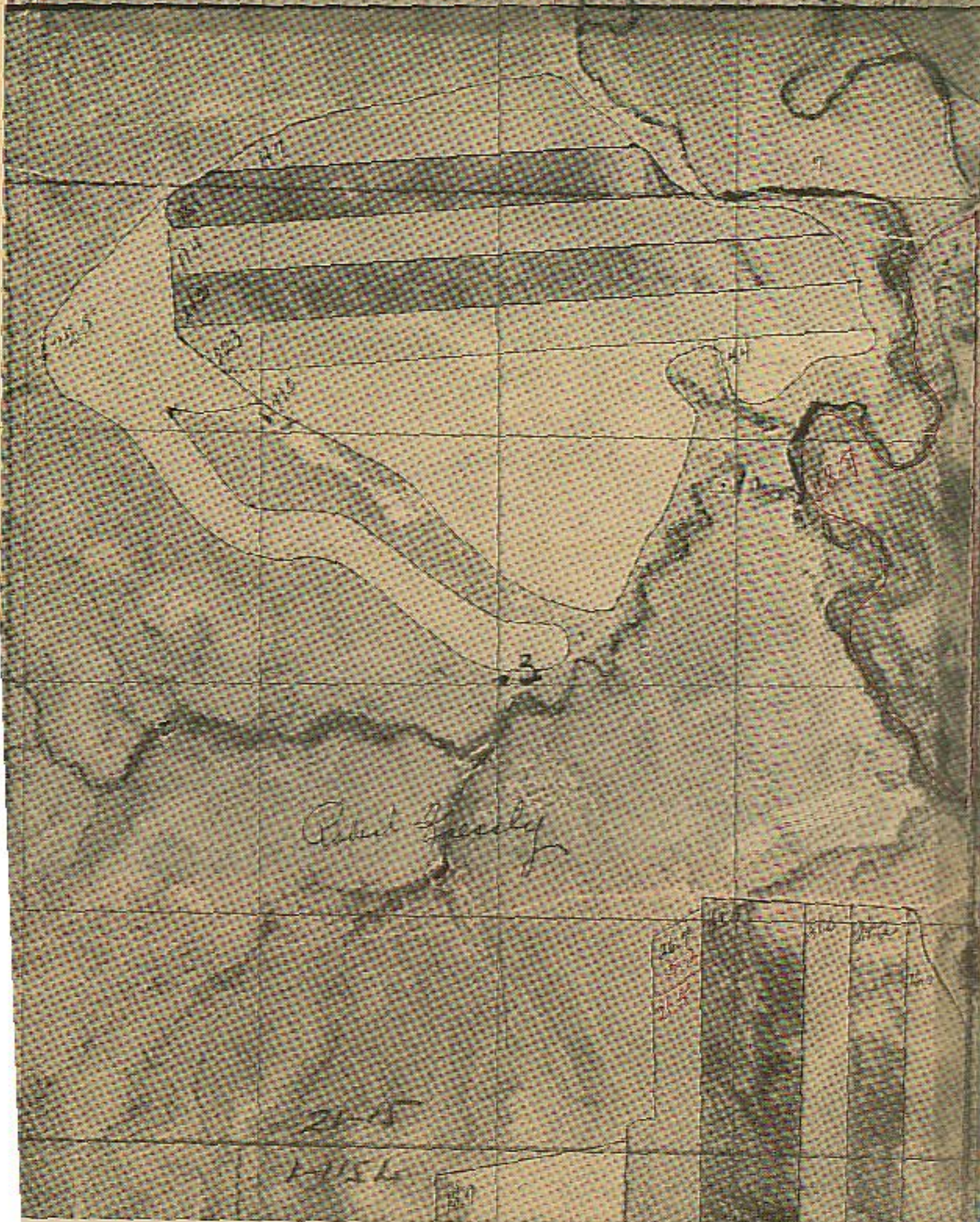
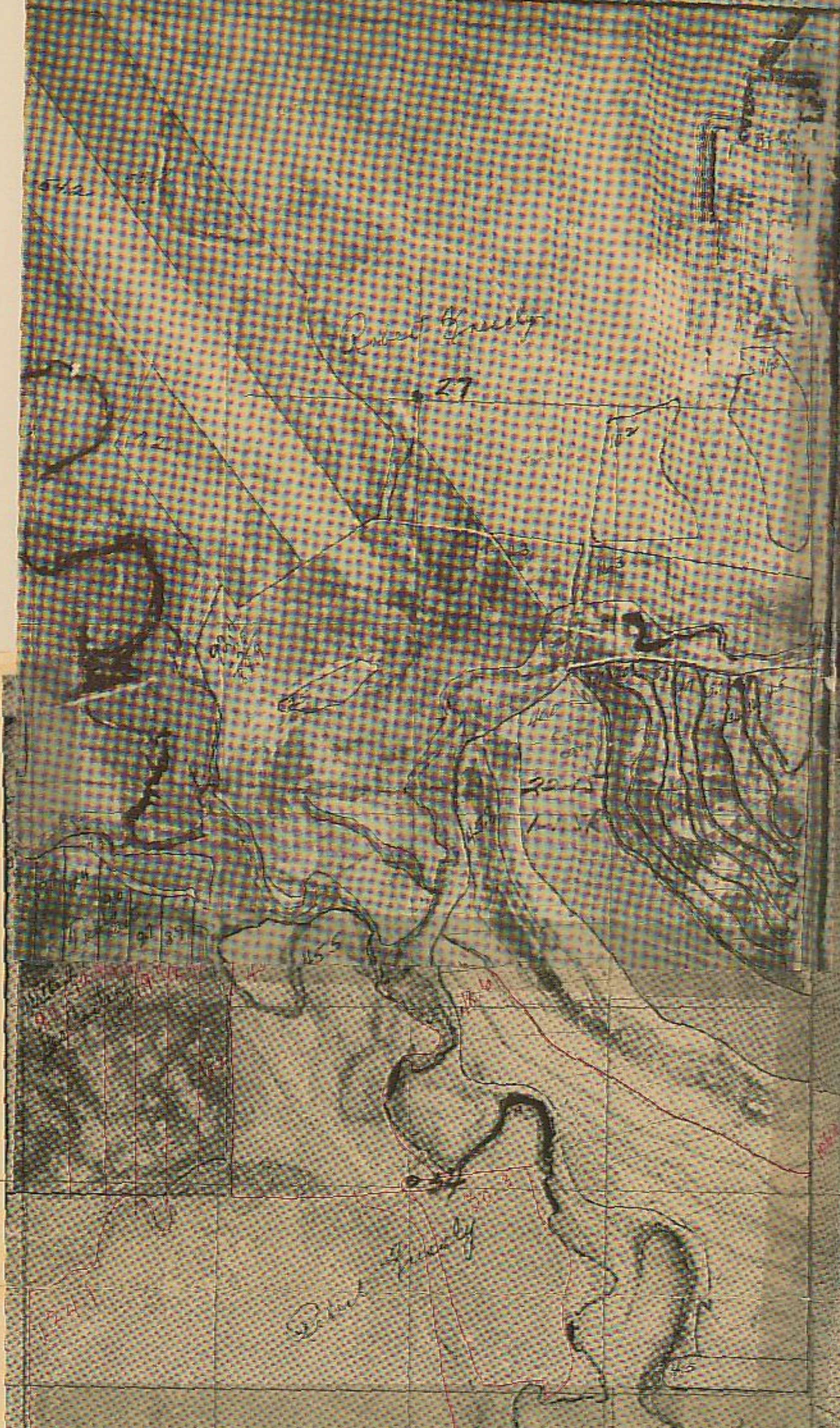


ROBERT KRESSLEY WATERSPREADING Perkins Co. S. Dak.			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed	Date	Approved by	
Drawn	RLB 12/66	Title	
Traced	RLB 3/67	Title	
Checked		Sheet No.	Drawing No.
		of	

MAP# 668-1 Appl# 776-1

NOT TO SCALE

796



Remarks by State Water Resources Commission:

---- This permit is approved for irrigation of a specific 1744.6
---- acres, being that acreage shown on water right map No. 668-1
---- which is located east of the north-south centerlines of Sections
---- 27 and 34, T22N, R15E. This permit authorizes a diversion rate
---- of 24.9 c.f.s. plus the storage of 104 acre feet of water annually
---- Low flows as needed for downstream domestic use, including live-
---- stock watering and prior water right use are to be by-passed.

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, July 21, 1967

This is to certify that the foregoing application was received by the Commission at 8:10 o'clock
A m. upon the 23rd day of March, 1967.

State Water Resources Commission

By: Richard D. Schuyler
For Chief Engineer, Executive Officer

Number of permit 796-1

Date of first receipt of application March 23, 1967

Date of return to applicant for correction, amendments or changes required as follows: March 23, 1967

Date of receipt of corrected application April 7, 1967

Date from which applicant may claim right March 23, 1967

Approved July 19, 1967, Recorded in Book 9 Page 300

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before January 19, 1970

2nd. The whole of said work is to be completed on or before July 19, 1972

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

July 19, 1972 (EXTEN: 12-1-74)

4th. The water appropriated shall be used for the purpose of irrigation

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 24.9 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 19, 1972; said water to be used during the following described annual period:

April 1st through November 1st

Witness my hand this 21st day of July, 1967.

State Water Resources Commission

By: Richard D. Schuyler
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____.

Water License Issued _____, 19____.

Remarks by the Applicant:

Points of Diversion

No.	Location				
1	1130 ft	N39°15'E	NE Cor. Sec 29	T22N	R15E
2	2630 ft	N35°40'E	NE Cor. Sec 29	T22N	R15E
3	320 ft	N77°5'E	NE Cor. Sec 27	T22N	R15E
4	3140 ft	N59°25'W	NE Cor. Sec 35	T22N	R15E
5	480 ft	N 9°20'W	NE Cor. Sec 11	T21N	R15E

Robert Kressley - Lemmon, S. Dak.

Description	Acres
NW1/4 Sec 21 T22N	40.0
NE1/4 Sec 21 T22N	40.0
NW1/4 Sec 21 T22N	15.1
SW1/4 Sec 21 T22N	40.0
SE1/4 Sec 21 T22N	40.0
SW1/4 Sec 21 T22N	39.7
SE1/4 Sec 21 T22N	8.8
NW1/4 Sec 21 T22N	40.0
NE1/4 Sec 21 T22N	40.0
NW1/4 Sec 21 T22N	40.0
NE1/4 Sec 21 T22N	31.5
NW1/4 Sec 22 T22N	3.4
SW1/4 Sec 21 T22N	40.0
SE1/4 Sec 21 T22N	40.0
SW1/4 Sec 21 T22N	40.0
SE1/4 Sec 21 T22N	40.0
SW1/4 Sec 22 T22N	27.6
NE1/4 Sec 28 T22N	40.0
NW1/4 Sec 28 T22N	40.0
NE1/4 Sec 28 T22N	40.0
NW1/4 Sec 27 T22N	40.0
NW1/4 Sec 27 T22N	19.2
SW1/4 Sec 28 T22N	40.0
SE1/4 Sec 28 T22N	40.0
SW1/4 Sec 28 T22N	40.0
SE1/4 Sec 28 T22N	40.0
SW1/4 Sec 27 T22N	40.0
SE1/4 Sec 27 T22N	40.0
SW1/4 Sec 27 T22N	23.8
SE1/4 Sec 27 T22N	5.2
SW1/4 Sec 26 T22N	0.9
NW1/4 Sec 28 T22N	40.0
NE1/4 Sec 28 T22N	40.0
NW1/4 Sec 28 T22N	40.0
NE1/4 Sec 28 T22N	40.0
NW1/4 Sec 27 T22N	40.0
NE1/4 Sec 27 T22N	40.0
NE1/4 Sec 27 T22N	40.0
NW1/4 Sec 26 T22N	1.2
NE1/4 Sec 26 T22N	1.9
SW1/4 Sec 28 T22N	12.8
SE1/4 Sec 28 T22N	21.0
SW1/4 Sec 2 T21N	40.0
NE1/4 Sec 3 T21N	9.7
NE1/4 Sec 2 T21N	40.0
NE1/4 Sec 2 T21N	40.0
SW1/4 Sec 2 T21N	18.7
SW1/4 Sec 2 T21N	40.0

*Deleted As
Shown by Comm.
Action.*

Description	Acres
SW1/4 Sec 28 T22N	32.2
SW1/4 Sec 28 T22N	39.7
SW1/4 Sec 27 T22N	40.0
SE1/4 Sec 27 T22N	40.0
SW1/4 Sec 27 T22N	40.0
SE1/4 Sec 27 T22N	40.0
SW1/4 Sec 26 T22N	35.1
SE1/4 Sec 26 T22N	26.9
SW1/4 Sec 26 T22N	1.5
NE1/4 Sec 33 T22N	6.7
NW1/4 Sec 34 T22N	10.8
NE1/4 Sec 34 T22N	36.0
NW1/4 Sec 34 T22N	40.0
NE1/4 Sec 34 T22N	40.0
NW1/4 Sec 35 T22N	40.0
NE1/4 Sec 35 T22N	40.0
NW1/4 Sec 35 T22N	12.1
SE1/4 Sec 34 T22N	6.2
SW1/4 Sec 34 T22N	33.8
SE1/4 Sec 34 T22N	40.0
SW1/4 Sec 35 T22N	40.0
SE1/4 Sec 35 T22N	40.0
SW1/4 Sec 35 T22N	26.2
SE1/4 Sec 35 T22N	20.0
NW1/4 Sec 34 T22N	15.0
NE1/4 Sec 34 T22N	40.0
NW1/4 Sec 35 T22N	40.0
NE1/4 Sec 35 T22N	40.0
NW1/4 Sec 35 T22N	40.0
NE1/4 Sec 35 T22N	40.0
SW1/4 Sec 34 T22N	23.4
SE1/4 Sec 34 T22N	39.6
SW1/4 Sec 35 T22N	40.0
SE1/4 Sec 35 T22N	40.0
SW1/4 Sec 35 T22N	40.0
SE1/4 Sec 35 T22N	40.0
NE1/4 Sec 3 T21N	23.6
NW1/4 Sec 2 T21N	40.0
NE1/4 Sec 2 T21N	40.0
NW1/4 Sec 2 T21N	40.0
SE1/4 Sec 3 T21N	30.1
SW1/4 Sec 2 T21N	40.0
SE1/4 Sec 2 T21N	40.0
NE1/4 Sec 2 T21N	37.6
NW1/4 Sec 2 T21N	40.0
SE1/4 Sec 3 T21N	1.3
SE1/4 Sec 2 T21N	36.2
SE1/4 Sec 2 T21N	40.0

1744.6
2261.8 Acres

Affidavit of Publication

STATE OF SOUTH DAKOTA, }
County of Perkins } SS.

Adria B. Sudlow of the said County and State, being first duly sworn on her oath says: That THE BISON COURIER is a weekly newspaper of general circulation, printed and published in Bison, in said County and State, by the Bison Publishing Company, Inc., and has been such newspaper during the times hereinafter mentioned; and that I, Adria B. Sudlow, the undersigned, am Editor of the said newspaper in charge of the advertising department thereof, and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed

APPROPRIATION OF WATER Kressly

a printed copy of which is hereunto attached, was printed and published in the regular and entire issue of said newspaper, and not in a supplement, once each week for Four successive weeks, the first publication being made on the 13 day of April, 1967, and the last publication on the 4 day of May, 1967;

The first publication being made on the 13 day of April, 1967;

The second publication being made on the 20 day of April, 1967;

The third publication being made on the 27 day of April, 1967;

The fourth publication being made on the 4 day of May, 1967;

The fifth publication being made on the _____ day of _____, 196____;

The sixth publication being made on the _____ day of _____, 196____;

The seventh publication being made on the _____ day of _____, 196____;

The eighth publication being made on the _____ day of _____, 196____;

The ninth publication being made on the _____ day of _____, 196____;

The tenth publication being made on the _____ day of _____, 196____;

That said newspaper is a legal newspaper, and has a bona fide circulation of more than two hundred copies, and has been published in the English language within the said County of Perkins for more than one year prior to the first publication of said notice, and is printed in whole in an office maintained in Bison, South Dakota, the place of publication of said newspaper, That the full amount of the fee paid for the publication of the annexed notice is \$ 17.77,

which inures solely to the benefit of said publisher; that no agreement or understanding for a division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever.

Adria B. Sudlow

Subscribed and sworn to before me this 14 day of MAY, 1967.

Notary Public, Perkins County, S. D.

License South Dakota No. 444, expires 9-2-74

APPROPRIATION OF WATER

Office of State Water Resources Commission, Pierre, S. Dak.

April 10, 1967

Notice is hereby given that Robert Kressly whose postoffice address is Lemmon, 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 40.6 cubic feet of water per second of time from Flat Creek and tributaries through the Kressly #1, the points of diversion of which are located on both banks of said stream between a point in the SE1/4SE1/4, Section 2, T21N, R15E and the following upstream points: a point in the SW1/4SW1/4, Section 21; a point in the NE1/4SW1/4, Section 21; a point in the SW1/4SW1/4, Section 23; and a point in the NE1/4SW1/4, Section 26; all in T22N, R15E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 21; W1/2SW1/4, Section 22; S1/2, NW1/4 and S1/2NE1/4, Section 27; Section 28; NE1/4NE1/4, Section 33; E1/2, E1/2NW1/4, and NW1/4NW1/4, Section 34; SW1/4, Section 26; W1/2, SE1/4, W1/2, NE1/4, and SE1/4NE1/4, Section 35; all in T22N, R15E; Section 2; and E1/2NE1/4, E1/2SE1/4, Section 3; both in T21N, R15E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 PM. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission
By RICHARD D SCHMOYER
Water Right Specialist

Publication Fees \$ _____

Received Payment, _____

BISON PUBLISHING CO., Inc.

By _____

On or Before
(First Publication April 20, 1967)

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak.

April 10, 1967

Notice is hereby given that Robert Kressly whose postoffice address is Lermon, 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 46.6 cubic feet of water per second of time from Flat Creek and tributaries through the Kressly #1, the points of diversion of which are located on both banks of said stream between a point in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, T21N, R15E and the following upstream points: a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21; a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21; a point in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 23; and a point in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 26; all in T22N, R15E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Section 21; W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 22; E $\frac{1}{2}$, NW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 27; Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33; E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34; SW $\frac{1}{4}$, Section 26; W $\frac{1}{2}$, SE $\frac{1}{4}$, W $\frac{1}{2}$, NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 35; all in T22N, R15E; Section 2; and E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 3; both in T21N, R15E.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of May, 1967, at 2 PM. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:

RICHARD D. SCHMOYER
Water Right Specialist

CC: Adria B. Sudlow, Publisher
Bison Courier
Bison, S.D.

APPLICATION FOR EXTENSION OF TIME

TO: **WATER RIGHTS COMMISSION**
State Office Building No. 2
Pierre, South Dakota 57501

Date _____

Dear Sirs:

In Water Right Permit No. 796-1 it is specified that the water diversion system is to be completed by July 19, 1972 and that the water is to be put to the limit of beneficial use by July 19, 1972.

I hereby request that the date for completing the diversion system be extended to _____, 19____ and that the date for putting the water to the limit of beneficial use be extended to July 19, 1976.

The extension of time for the completion of these works is requested for the following reasons: _____
Did not request sufficient time at the time of application.

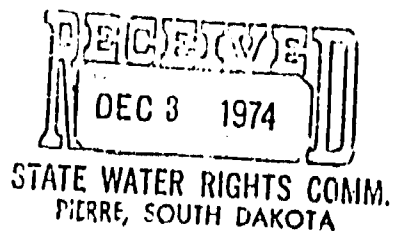
Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

Robert A. Kestry
(Signed)
Holder of Permit No. 796-1

APPROVED:

WATER RIGHTS COMMISSION

By:



SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS

NETTING DATA SUMMARY

Date July 17, 1961

Name of Lake Flat Creek Dam County Perkins

Location 12 mi. South of Lemmon, South Dakota

Purpose of Netting Rescue work

Type of Gear Used Seine Mesh size 1/2 & 3/4 Length 120 Ft.

No. of sets or pulls 4 pulls Depth of sets

Sq. ft. of seine pull Location of sets

Depth of Lake (Max.) 30ft. Water level Average 4 ft.

Aquatic vegetation None

Disposition of Fish Hauled good fish to Shade Hill Dam

	Number	Size	Condition
Bluegill	1	8 in.	Good
Bullhead	37	4 to 8 in.	Poor
Buffalo			
Carp	7	3 to 9 lbs.	Good
Crappie	2703	4 to 9 in.	Poor thin
L.M. bass			
Rock bass			
N. pike	1	10 in.	Good
Perch	60	3 to 5 in.	Small
Sucker	105	1 to 3 lbs.	Poor
Walleye			
Catfish	1	5 inch	Small

Remarks: I think we should poison this lake out. Bury all rough fish.

Operator

EVALUATION OF TEST NETTING
FLAT CREEK LAKE
1964

Prepared by
Robert L. Krumm

Flat Creek Dam is located 12 miles south of Lemmon in Perkins County. The dam was constructed by the W.P.A. in the 1930's. It has a maximum surface area of 184 acres with a maximum depth of 30 feet.. The watershed consists of approximately 16 square miles in South Dakota with an estimated 16 miles in North Dakota..

Soil in the watershed varies from a sandy loam to gumbo and shale, with a vegetative covering of prairie grasses, cactus, weeds, and sage. Most of the land is utilized for pasture or prairie hay, with scattered tracts under cultivation. The terrain varies from near flat to steep slopes. Flat Creek is dependent upon runoff waters from snow and rains in the watershed. Siltation from runoff is thought to be minor except under severe flooding conditions. Since the lake is dependent upon runoff the water level fluctuates and tends to decline most years.

Data available on Flat Creek Lake is limited to the stocking record. Conversations with interested sportsmen indicates that in the early years the lake had an excellent walleye and bass fishery.. In the later years rough fish entered the lake and the game fish population declined. By the fall of 1960, the water level had declined and the lake contained not over ten surface acres with a depth of eight feet. In 1961 the lake and that portion of the Flat Creek drainage in South Dakota was eradicated.. Toxaphene was utilized on the lake and Potomac on the small dams on the watershed. In the spring of 1962 the lake once again filled and was restocked with channel catfish, bluegill, largemouth bass, and Northern pike fry.*

The lake was netted during August 17-19, 1964 in an attempt to measure the success of the 1962 stocking and the reproductive success

of all species. The netting was conducted with the utilization of six overnight frame net sets and four overnight gill net sets. Results of the netting are listed in the following table:

Species	Total No.	Average Length	Average Weight	Percentage By No.	Percentage By Wt.
Bluegill	1,223	5.2	.10	41.3	6.2
Bullheads	1,070	7.6	.31	36.2	18.0
Channel Suckers	494	12.1	.80	16.7	47.4
Crappie	131	7.0	.22	4.4	16.3
Largemouth bass	29	8.7	.42	1.0	7.0
Perch	7	6.7	.11	.2	.5
Catfish	4	11.3	.42	.1	1.0
Northern pike	1	*	*	—	3.6
	2,958			99.8%	100.0%

* Only 1 fish in sample
 — Less than .1%

Bullheads comprised 36.2% by number and 18.0% by weight of the total catch. They ranged in length from 4.6 to 10.0 inches and in weight from 0.05 to 0.57 pounds.. The bullheads were sampled nearly equally by both hill and frame nets and appeared to be evenly distributed in the lake. A length frequency chart prepared for the species indicates two age groups present in the sample.* A small year class in the 4.5 to 6.0 inch range and the large year class in the 6.5 to 10.0 inch range.

At the present time most of the bullheads are too small (average length 7.6 inches) to provide much to the creel or lake fishery. The bullheadspopulation is thought to be quite large (based on the numbers sampled during the netting) and with successful reproduction, overpopulation and stunting may occur.

The debris and weeds near the shore prohibited shoreline seining for young of the year fishes and the reproductive success of the species remains unknown. The source of the bullheads is thought to have been from a small dam near Hettinger, North Dakota.

Bluegills comprised 41.5% by number and 6.2% by weight of the total catch. They ranged in length from 3.5 to 9.5 inches and in weight from 0.05 to 0.61 pound. Nearly all of the bluegills were sampled by frame nets.. The catch per unit of effort was much greater in the upper shallow areas of the lake. Scale analysis of 25 bluegills revealed three age groups present in the sample. The two and three year old bluegills in the 3.5 to 6.5 inch range and the six year old fish in the 9.1-9.5 inch range.. A length frequency chart prepared for the species indicated only two age groups.* One group in the 9.1-9.5 inch range and the other group in the 3.5-6.5 inch range, however, the lower group contained the two and three year old bluegills.. Usually some overlapping of age groups within the inch groups can be expected however due to the overlapping of the bluegills it was impossible to determine any definite break for age groups in this range.

The lake was stocked with 600 adult bluegills in 1962. With successful reproduction each year the present population should consist of the adult brood fish, 2 year old, 1 year old, and young of the year fishes. Due to the small size, the young-of-the-year and one year old fish were not sampled by the test nets, but they were observed in the shallow areas. Since it is not possible for the three year old bluegills to be the result of reproduction in the lake, these three year old fish and probably some of the two year old were thought to be the results of a dam overflowing in the upper area of the watershed. The incoming bluegills plus the natural reproduction has resulted in

* Appendix Page 1

an extremely large population of bluegills.. A close check should be kept on the lake for any indication of overpopulation. Additional predators and shoreline or partial treatment may be necessary to hold the population in check.

Common suckers comprised 16.7% by number and 47.4% by weight of the total catch. They ranged in length from 8.1 to 15.5 inches and in weight from 0.25 to 1.26 pounds. Frame nets sampled 77% of the suckers with gill nets sampling the remaining portion. A length frequency chart established for the species indicates six year classes in the sample.* Scale analysis of the suckers revealed six year classes present in the sample.. It is suspected that the suckers came from the overflowing dam in North Dakota which is on the Flat creek drainage.. The population is thought to be fairly large and can be expected to increase. It is doubtful whether the present predator population is large enough to attempt to control the reproductive success of the species..

Crappies comprised 4.4% by number and 16.3% by weight of the total catch.. They ranged in length from 3.6 to 11.0 inches and in weight from 0.04 to 0.72 pounds. Nearly all of the crappies were sampled by frame nets and the distribution appeared to be nearly equal in all parts of the lake. A length frequency chart prepared for the species indicates three age groups in the sample. ^{1/} Scale analysis revealed four age groups present in the sample, the one, two, three and four year old fish. The one year olds in the 4.0 to 6.0 range, the two year olds in the 5.6 to inch range overlapped with both the one and three year olds, and the three year old fish in the 7.7 to 8.6 inch range with the four year olds in the 9.3 to 10.6 inch range.

* Appendix Page 2
1/ Appendix Page 2

Channel catfish comprised 0.1% by number and 1.0% by weight of the total catch. They ranged in length from 10.2 to 12.2 inches and in weight from 0.32 to 0.50 pounds. The catfish sampled are thought to be from the stocking of 3,150 fingerlings in 1962.. The growth rate of the catfish has been fair to good although additional growth will be needed before the catfish are of a desirable size to the fishermen. While the population probably will make a small contribution to the creel it will add variety and in future years it may add a few trophy catfish.

Only one Northern pike was sampled during the netting period. It is assumed that the stocking of 39,560 fry in 1963 was less successful than had been anticipated.. It is recommended that Northern pike fingerlings or adults be stocked in the lake in an attempt to control the reproduction of most forage species. Spawning habitat is available and once the population is established, natural reproduction should be able to maintain the species.

Discussion and Recommendations

The channel catfish are growing at an average rate and should be large enough within 5 years to enter the creel. While they are not expected to make a large contribution to the fishery they will add variety and may add an occasional trophy.

Largemouth bass are the only established predator species in the lake. The growth and reproduction success of the species is deemed adequate. However, due to the large populations of other species in the lake another predator species is necessary in an attempt to control reproduction success of the panfish and rough fish.

The population at the present time is thought to be adequate. Reproduction of the species should be from fair to good on an average and the species should be observed to note any tendency toward overpopulation.. As with the bullheads, suckers, and some of the bluegills, the crappies are probably the result of an overflowing dam on the watershed.

Largemouth bass comprised 1.0% by number and 7.0% by weight of the total catch. They ranged in length from 6.6 to 13.2 inches and in weight from 0.14 to 1.66 pounds. Nearly 80% of the bass were sampled by the frame nets.. Scale analysis of 18 or 62% of the bass sampled revealed three year classes in the sample. The one year olds in the 6.6 to 9.0 inch group, the two year olds in the 9.5 to 11.0 inch group and the three year olds in the 13.1-13.5 inch group. It is highly probable that the one and two year olds were from reproduction of the 404 adults and the three year olds were thought to be the fingerlings stocked in 1962. The bass population is thought to be adequate based on the small numbers sampled in the netting period. Bass are the only established predator species in the lake. It is doubtful whether the bass will be able to control the reproductive success of the rough and certain game fish species. Perch comprised 0.2% by number and 0.5% by weight of the total catch. They ranged in length from 6.2 to 8.4 inches and in weight from 0.09 to 0.19 pounds. While only seven perch were sampled in the nets, all were adults, two and three years old as revealed by scale analysis. The present population is thought to be quite small, however due to the prolific nature of the species we can expect the population to increase rapidly. The source of the perch is unknown, however, they probably entered the lake from the above watershed..

The bluegill population has increased beyond our expectations. This is the combination of natural reproduction and considerable numbers entering the lake from the watershed. Overpopulation and stunting of the species may occur in the near future.

The entry of four species into the lake (bullheads, crappies, common suckers, and perch) presents a problem. With the exception of the perch, all of these have large established populations. The prolific nature of these species combined with successful reproduction may result in an overpopulation and stunting of all or any of the species..

The stocking of 39,500 Northern pike fry in 1963 was not as successful as anticipated. In an attempt to control the reproduction of the forage and rough fish it is recommended that Northern pike fingerlings or adults be stocked. It is hopeful that the species will maintain itself by natural reproduction after a population is established.

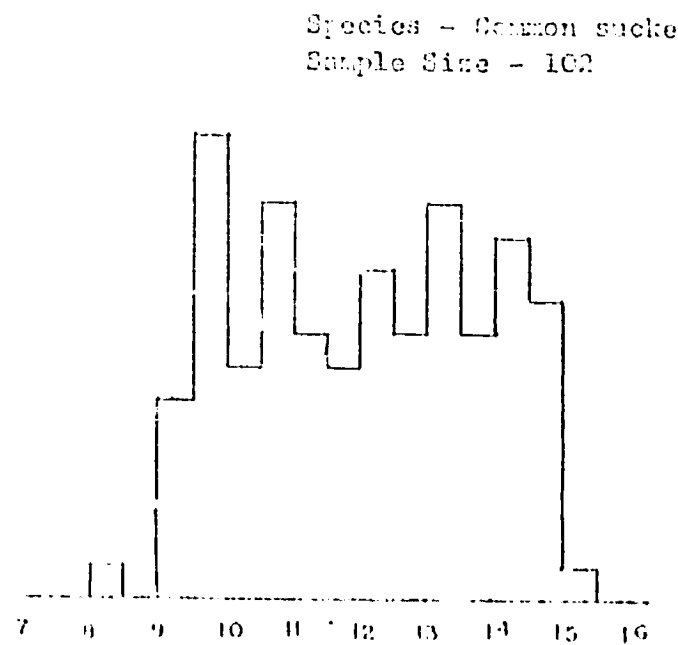
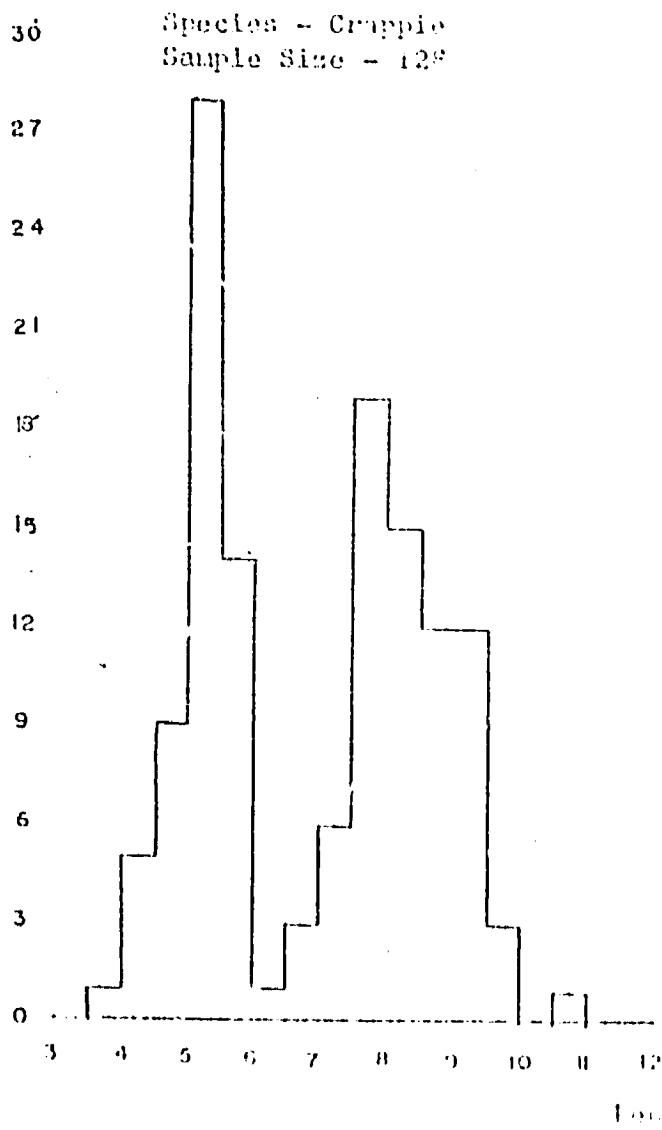
It is recommended that the netting be continued at frequent intervals to note any changes in species composition and numbers or any tendency toward overpopulation.

Removal of part of the bluegills, bullheads, suckers and crappies population by netting, seining, or partial eradication is recommended. It is also recommended that, when the time for a complete rehabilitation of the lake is required, that it is a cooperative project with North Dakota to prevent the reinfestation of undesirable species.

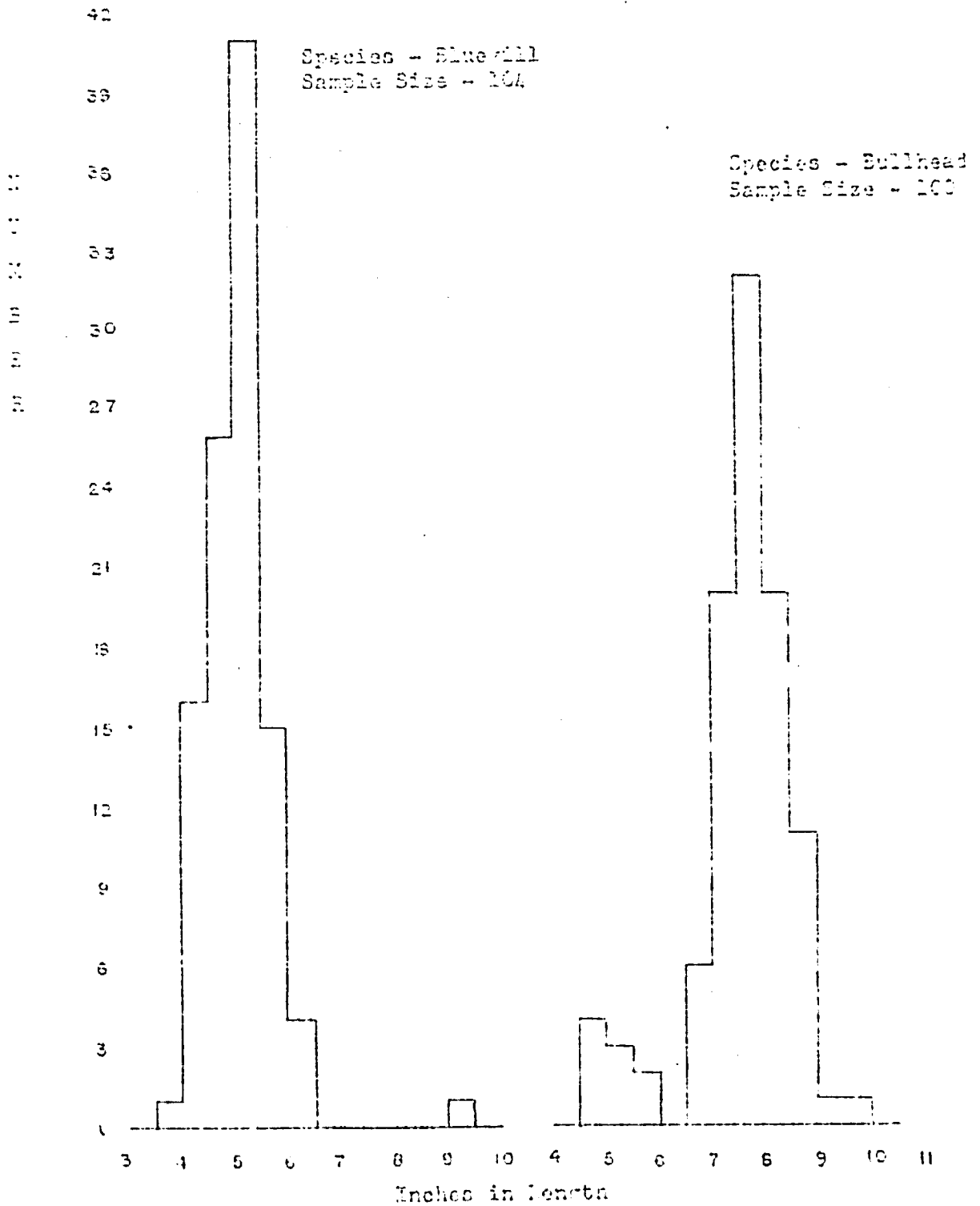
Stocking Record for Flat Creek after Rehabilitation in 1961.

Species	Size	Number	Year
Bluegill	A	600	1962
Largemouth bass	A	404	1962
	F	1,526	1962
Northern pike	Fry	39,560	1963
Channel catfish	F	3,150	1962
Walleye	F	4,450	1964

LENGTH FREQUENCY FOR FISHES
 SAMPLED AT FLAT CREEK
 AUGUST 17-19, 1967



LENGTH FREQUENCY FOR FISHES
 SAMPLED AT PLAT CROOK LAKE
 AUGUST 17-19, 1961



 **Department of
Water & Natural Resources**

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

May 26, 1988

Robert Kressly
HCR 78, Box 9A
Lemmon, SD 57638

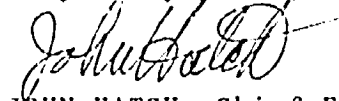
Dear Mr. Kressly:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 796-1.

South Dakota Codified Laws state that when any person fails to use water for the purpose for which it was appropriated for a period of three years, or abandons the use of the water, such unused water shall revert to the public. An exception to the law is when there is legal excuse for nonuse of water. Examples of legal excuse for nonuse of water are when water is not available or legal proceedings which prevent the use of water.

Since your permit(s) has (have) not been used for five years, the permit(s) may be subject to cancellation by the Water Management Board unless there is a legal reason for not using water. Please advise by June 17, 1988 if you still want to keep your water right and if there is a reason why water has not been used. Let us know, if you have any questions.

Very truly yours,


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



Permit no 796-1

Dear Sirs:

Flat Creek has not been running
enough to service my irrigation
& the alfalfa died in the drought.
we have remedied & would like
to irrigate but no water
I do not think I have renewed
the form to report this.
would you please send me
some.

Yours Truly

Robert A. Keeney

Box 78, Box 74

Leavenworth, KS





796-1

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 7, 1995

ROBERT KRESSLY
501 11TH ST
LEMMON SD 57638

NOTICE

RE: Violation of Requirement to Submit 1994 Irrigation Questionnaire

Our records indicate that the 1994 Irrigation Questionnaire has not been submitted for Permit No 796-1. The request for the Questionnaire was dated November 3, 1994. The Water Management Board has directed that owners of water permits who have not submitted the 1994 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:30 am, March 8, 1995, in the Crown Room, 3rd Floor, Kings Inn Best Western Convention Center, 220 S 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No 796-1 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 is received in this office on/or before March 3, 1995 your name will be deleted from the Board agenda.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
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, and 4a & b.
- 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.

796-1

ROBERT KRESSLY
501 11TH ST
LEMMON, SD 57638

4a. Article Number

P837692728

4b. Service Type

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

7. Date of Delivery

2/8/95

5. Signature (Addressee)

6. Signature (Agent)

Robert Kressly

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

PS Form 3811, December 1991

U.S. GPO: 1997-352-716

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.

796-1

**Water Rights Division -DENR
Conversation or File Documentation**

NAME OF PERSON OR FILE: Kathy Zorc

ADDRESS: HCR 66, Box 9A, Lemmon, SD 57638

COUNTY: Perkins

DATE: February 9, 1995

TELEPHONE: (605) 374-5306

RE: Irrigation Questionnaire and Status of Water Permit No. 796-1

COMMENTS:

Mrs. Zorc called with reference to the certified letter they received concerning the 1994 irrigation questionnaire. The letter had been sent to Robert Kressly - her father. Mrs. Zorc stated that her father passed away in the spring of 1993.

She stated that they do not irrigate and have not irrigated in the eleven years they have been on the place. She indicated her husband, Joe did not think the land had been irrigated in the last 20 years.

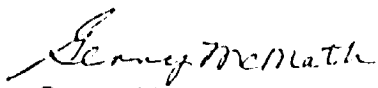
I asked whether or not irrigation had not been done due to lack of water etc, and she said "they don't irrigate because they do not want too". I told her that we would be scheduling the permit for cancellation consideration. She stated this was fine.

I called back to ask about the storage dam and Joe indicated that the dam had been constructed and is in the middle of their pasture. It is used for livestock watering only.

I told them that we would schedule the irrigation portion of the water permit for cancellation purposes and we would have to decide whether or not the "storage" portion of the permit would be left intact or cancelled - I would get in touch with them about that.

Send all notices and/or correspondence to:

Robert Kressly Estate
% Joe & Kathy Zorc
HCR 66 Box 9A
Lemmon, SD 57638


Genny McMath
Environmental Scientist

*See map - permit is for
a series of dams - (4)*
Don

796-1



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 28, 1995

796-1

Robert Kressly Estate
% Joe & Kathy Zorc
HCR 66 Box 9A
Lemmon, SD 57638

Dear Mr. & Mrs. Zorc:

I am writing to acknowledge receipt of the 1994 irrigation questionnaire for Water Right No. 796-1. A questionnaire was completed for you based on my telephone conversation with Kathy Zorc on February 9th. You may disregard the February 7, 1995, Notice of Violation of the Requirement to Submit the 1994 Irrigation Questionnaire.

The questionnaire was completed and 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,

Geny Math
Environmental Scientist
Water Rights Division
(605) 773-3352

Conversation or File Documentation

NAME OF PERSON OR FILE: ROBERT KRESSLEY (JOE ZOCK)ADDRESS: HCK 66 Box 9A LEMMON, SD COUNTY PERKINSDATE: 6/24/93 TELEPHONE 374-5306RE: WATER PERMIT INSPECTION

COMMENTS:

I CALLED MR. ZOCK (ROBERT KRESSLEY'S SON-IN-LAW) HE
SAID MR. KRESSLEY PASSED AWAY. HE SAID THAT THERE IS
NO IRRIGATION ON THE RANCH AND THAT THE PERMIT CAN
BE CANCELLED.

7/9/93 I called + spoke with Mrs. Zock -
she said Joan Kressley (wife of Robert)
will own land after Estate is settled.
Send all correspondence to:
Joan Kressley, Administrator
501 W 11th
Lemmon SD 57638

GM

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

Permit No. 796-1
Grand 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, June 19, 1995, made a thorough examination of the water use system owned by Joe and Kathy Zorc of HCR 66, Box 9A, Lemmon, SD 57638 holder of Permit No. 796-1 bearing the priority of March 23, 1967 authorizing the diversion of 24.9 cu. ft. per second and the storage of 104 acre-feet of the waters of surface water for irrigation* purposes, in Perkins County.

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

The system is in the following condition Good. The point of diversion is located Dam No. 1: SW1/4 SW1/4 Section 23; Dam No. 2: NW1/4 SE1/4 Section 26, All in T22N-R15E. The works are capable of storing 104 acre-feet of water which is used for stockwatering.

The license should be issued for 104 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date Report Completed: 7/12/1995

M. Rassool Ahadi
M. Rassool Ahadi
Natural Resources Engineer
DENR, Water Rights Program

* The dams are used only for stockwatering.

REPORT ON INSPECTION OF PERMIT NO. 796-1

DATE OF INSPECTION: 6/19/1995

NAME & ADDRESS OF PERMIT HOLDER: Joe and Kathy Zorc, HCR 66, Box 9A, Lemmon, SD 57638

DIVERSION POINT LEGAL LOCATION: Dam No. 1: SW1/4 Section 23, T22N-R15E

DAM INFORMATION: ***

- 1) Height to crest 30 feet
- 2) Height to primary spillway 25 feet
- 3) Height to secondary spillway 28 ft
- 4) Crest width 15 feet
- 5) Crest length 300 feet
- 6) Spillway length 75 feet
- 7) Spillway width 16 inches
- 8) Approx. storage 35 ac-ft
- 9) Approx. storage to crest 42 ac-ft
- 10) Date constructed: 1951

OUTLET TUBES

- 1) Diameter, 16 inches
- 2) Type Steel
- 3) Valved Y (Y/N)
- 4) Valve Type Screw
- 5) Location on the structure
Middle bottom
- 6) Category of dam II
- 7) Inspection sheet completed N (Y/N)
- 8) Name of contractor Unknown

PERMIT QUALIFICATIONS AND REGULATIONS:

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

*** All the measurements are estimates

REPORT ON INSPECTION OF PERMIT NO. 796-1

DATE OF INSPECTION: 6/19/1995

NAME & ADDRESS OF PERMIT HOLDER: Joe and Kathy Zorc, HCR 66, Box 9A, Lemmon, SD 57638

DIVERSION POINT LEGAL LOCATION: Dam No. 2: S1/2 Section 26, T22N-R15E

DAM INFORMATION: ***

- 1) Height to crest 30 feet
- 2) Height to primary spillway 25 feet
- 3) Height to secondary spillway 28 ft
- 4) Crest width 10 feet
- 5) Crest length 350 feet
- 6) Spillway length 75 feet
- 7) Spillway width 16 inches
- 8) Approx. storage 53 ac-ft
- 9) Approx. storage to crest 62 ac-ft
- 10) Date constructed: 1952

OUTLET TUBES:

- 1) Diameter 16 inches
- 2) Type Steel (CMP)
- 3) Valved Y (Y/N)
- 4) Valve type Screw
- 5) Location on structure
Bottom middle
- 6) Category of dam III (I,II,III)
- 7) Inspection sheet completed N (Y/N)
- 8) Name of contractor Unknown

PERMIT QUALIFICATIONS AND REGULATIONS:

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

*** All measurements are estimates

RECEIPT

Division of Water Rights

415304

South Dakota Department of Environment and Natural Resources

Pierre, _____ March 3, 1997

RECEIVED OF Carr & Pluimer, P.C., P.O. Box 580, Belle Fourche, SD 57717-0580

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. <u>796-1</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch (97)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 14, 1997

796-1

Robert Kressly Estate
c/o Joe & Kathy Zorc
HCR 66 Box 9A
Lemmon SD 57638

Dear Mr. & Mrs Zorc:

The investigation of Water Permit No. 796-1 was conducted during the summer of 1995. Phone conversations with Genny McMath of this office, indicated that the two storage dams located in Section 23 and 26-T22N-R15E and covered under the permit were no longer used for irrigation. Even though irrigation is no longer done, a permit is still required for the stock dams because they store in excess of 25 acre-feet of water. We delayed the water right process until legislation was passed that allowed adding stock watering to the your water use system without requiring additional publication.

The 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.

Also, if the permit is no longer listed under the estate, a *Notice of Transfer of Ownership* form needs to be completed. Please contact this office and the required form will be sent to the current owner.

Please remit fee to:

Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 575 11-3181

Sincerely,

Karen Schlaak

Karen Schlaak
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.

Water Rights Program - File Documentation

NAME: Robert Kressly Estate

ADDRESS: Lemmon

DATE: 3-25-97 **COUNTY:** Perkins **TELEPHONE:**

RE: License and transfer

COMMENTS:

873-4383

Tom Carr, attorney called concerning my March 14, 1997 letter to Joe and Kathy Zorc regarding the licensing of No. 796-1. Mr. Carr stated the land in question is in the Robert Kressly QTIP Trust. It may be up to a year until the estate is settled. I faxed Mr. Carr a transfer form. He said at the time the estate is settled, Kathy Zorc will inherit the land where the dams are located. I told Mr. Carr that the Notice of Transfer should be submitted at that time.

Mr. Carr further stated he would have a check sent, for the water license fee. I told him the water license would be issued as the Robert Kressly Estate, c/o Joe and Kathy Zorc.

Karen Schlaak

Karen Schlaak
Environmental Scientist

CARR & PLUIMER, P.C.

LAWYERS

907 STATE STREET

P.O. BOX 580

BELLE FOURCHE, SOUTH DAKOTA 57717-0580

TELEPHONE (605) 892-5383

FAX (605) 892-6386

THOMAS E. CARR •
RICHARD A. PLUIMER

OFFICE MANAGER
DONNA BRADLEY

• ALSO ADMITTED IN WYOMING

ENCLOSURE MEMO

TO: Karen Schlaak, Water Rights Program, Dept. of Environment and Natural Resources

FROM: XX Tom Carr Dick Pluimer

DATE: April 2, 1997

RE: Robert R. Kressly, Water Permit No. 796-1



The following information is enclosed:

Check #22995 in the amount of \$50.00 payable to the South Dakota Water Right Program. The enclosed check is for Water Permit #796-1 to be made out to the Robert R. Kressly Estate. Please process the enclosed accordingly and issue your water license. If you have any questions, please be sure to contact our office. Thank you for your assistance in this matter.

This information is:

XX Per your request. To keep you advised.
 Per our conversation. For filing.
 For your information
 Other: _____

Please advise if you have any questions or comments.

Sincerely yours,

Michelle Schmidt

Michelle Schmidt, Secretary for
Tom Carr

Enclosures



Licensing of Irrigation Water Permit for Livestock Water

NAME: Robert Kressly Estate

ADDRESS: c/o Joe & Kathy Zorc, HCR 66 Box 9A, Lemmon, SD 57638

DATE: April 15, 1997 COUNTY: Perkins TELEPHONE: (605) 374-5306

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

REQUEST:

During an investigation of Water Permit No. 796-1 by M. Rassool Ahadi it was determined that irrigation was no longer being done. The storage dams are being used for livestock watering. Joe & Kathy Zorc requested that the permit be licensed for livestock watering

RECOMMENDED ACTION

Based on the above criteria, it is recommended that the water license be issued for livestock watering.


Delvin D. Brosz, PE
Natural Resources Engineer
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of livestock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for livestock watering may occur without application or publication pursuant to SDCL 46-2A-4.

 4-15-97
John Hatch, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

JUN 12 1997

796-1

Robert Kressly Estate
%Joe and Kathy Zorc
HCR 66, Box 9A
Lemmon, SD 57638

Dear Mr. and Ms. Zorc:

Enclosed is Water License No. 796-1 and Receipt No. 415304 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 796-1 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

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

ks
enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 796-1

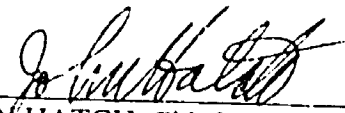
(1) Robert Kressly, Lemmon SD made Application No. 796-1, March 23, 1967 for a water permit to divert 24.9 cubic feet of water per second and storage of 104 acre feet annually from Flat Creek, Perkins County, South Dakota for irrigation purposes. Permit No. 796-1, with a priority date of March 23, 1967 was approved July 19, 1967 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 19, 1972 and for the application to beneficial use of said water on or before July 19, 1972.

An investigation of No. 796-1 found the irrigation use from the permitted storage dams had been abandoned and/or forfeited. Pursuant to 46-5-31.1, stock watering may be added as a water use to the license provided no diversion is made from the dams. The Chief Engineer makes a finding that adding stock watering use to the license will not impair existing water rights.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to store 104 acre-feet of water annually for beneficial use. The location of the diversion points are as follows: Dam No. 1 - SW 1/4 SW 1/4 Section 23 and Dam No. 2 - NW 1/4 SE 1/4 Section 26; all in T22N-R15E.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use for livestock watering.

(4) Pursuant to South Dakota Water Law 46-5-30.1 Robert Kressly Estate, c/o Joe & Katay Zorc, HCR 66 Box 9A, Lemmon SD 57638 the holder and/or owner of Water Permit No. 796-1 is issued a license to appropriate water, the right to store 104 acre-feet of water annually from Flat Creek with a priority date of March 23, 1967 from the locations specified in (2) of this license for the purpose of livestock watering. This license is subject to any limitations or qualifications listed in Water Permit No. 796-1 and subject to South Dakota State Law.


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

JUN 12 1997

date



NOT TO SCALE

796-1

8.6

38.9

Noel Mitchell
(ow)

Manley Nickelson (op)
Clara Nickelson (ow)

John Derack

11.0

13.4

4.8

22.6

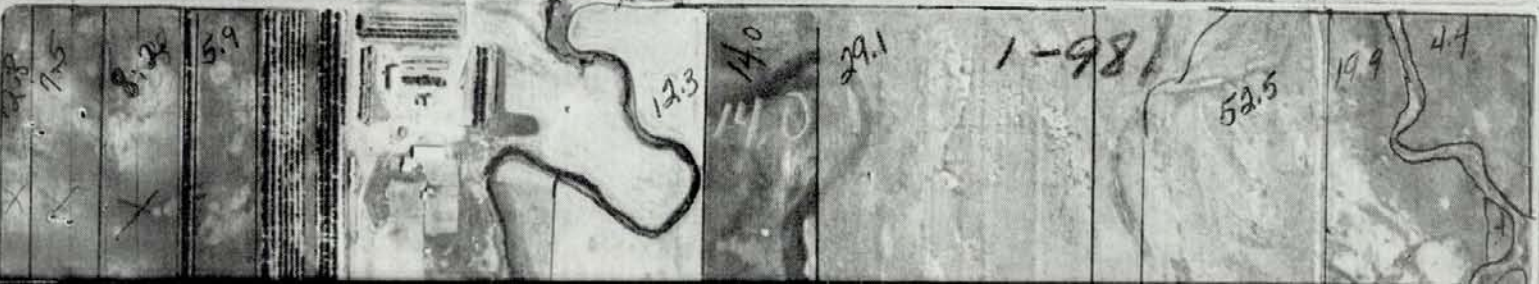
6.5

32.0

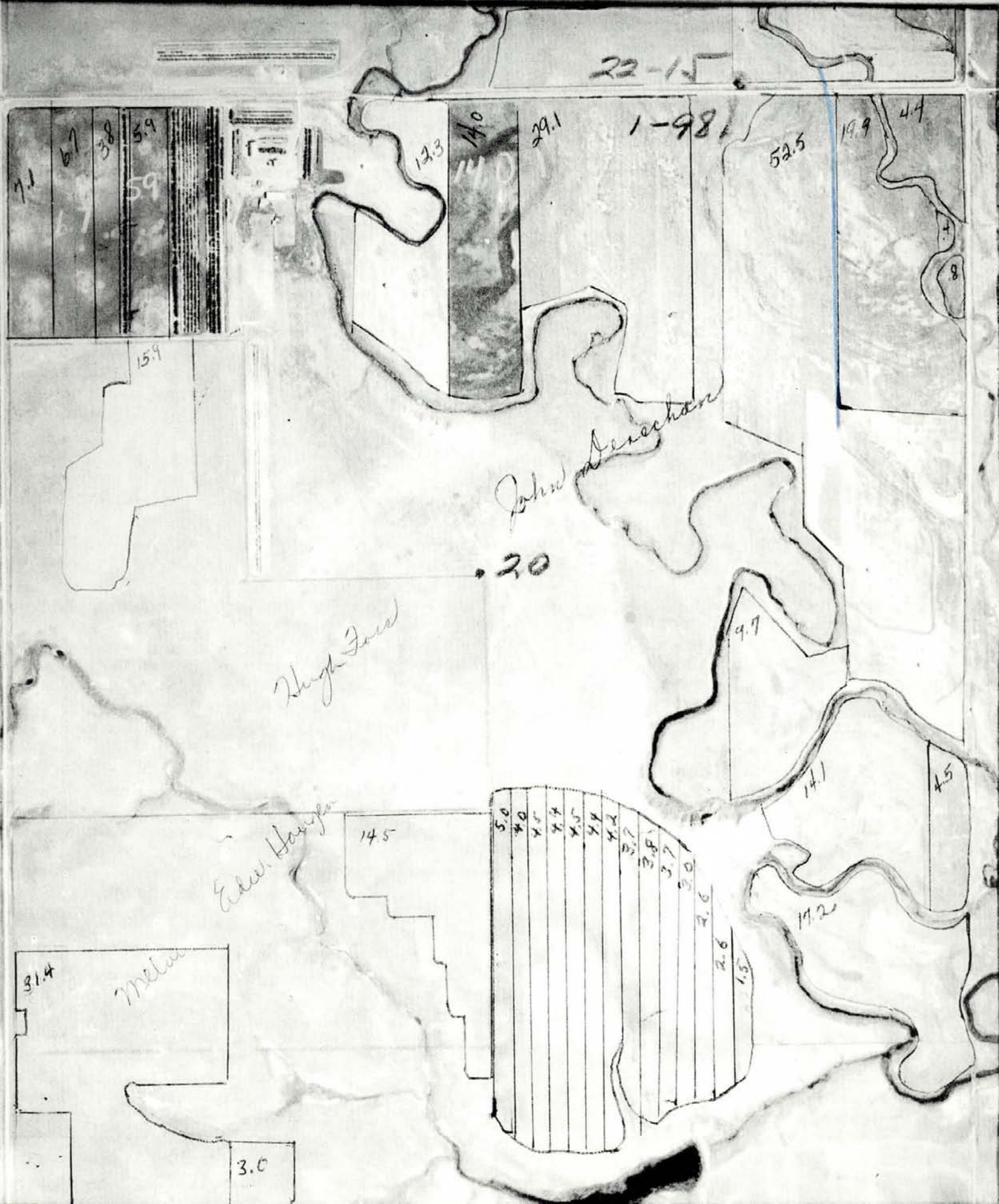
29.5

5.3

22-15



1990年 11月10日



NOT TO SCALE

22-15

1-99L

021

Robert Kressly

John Berchman

Sec 28
22-15
Sec 15

37.5

129.2

100.4

17.6

24.4

11.4

10.9

16.8

22.2

NOT TO SCALE

22-15

1-99L.

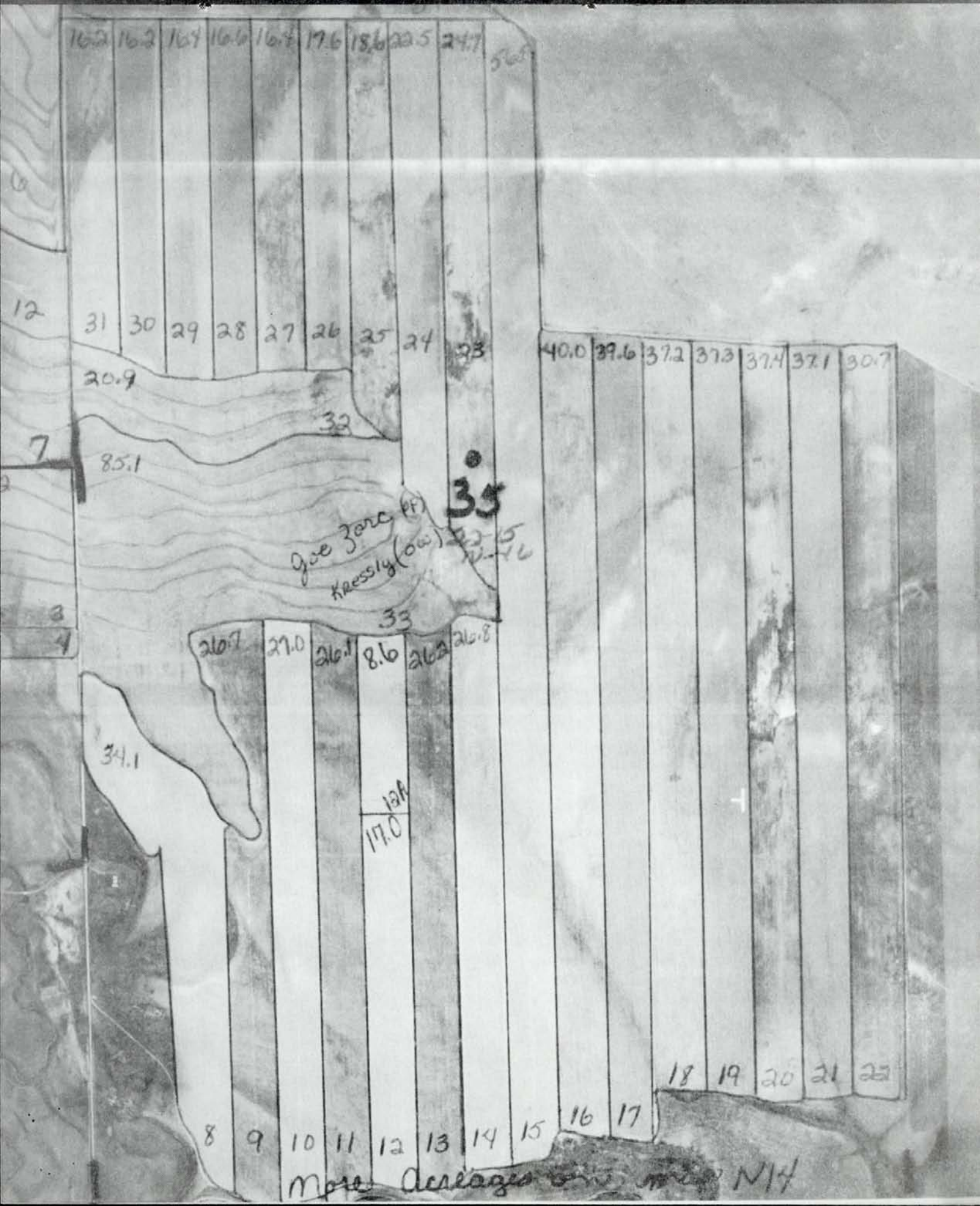
W6.1

0.22

Robert Gressley
103.9

NOT TO SCALE





NOT TO SCALE



NOT TO SCALE



NOT TO SCALE



NOT TO SCALE

T6850

Robert Kussly

22-15
N-46

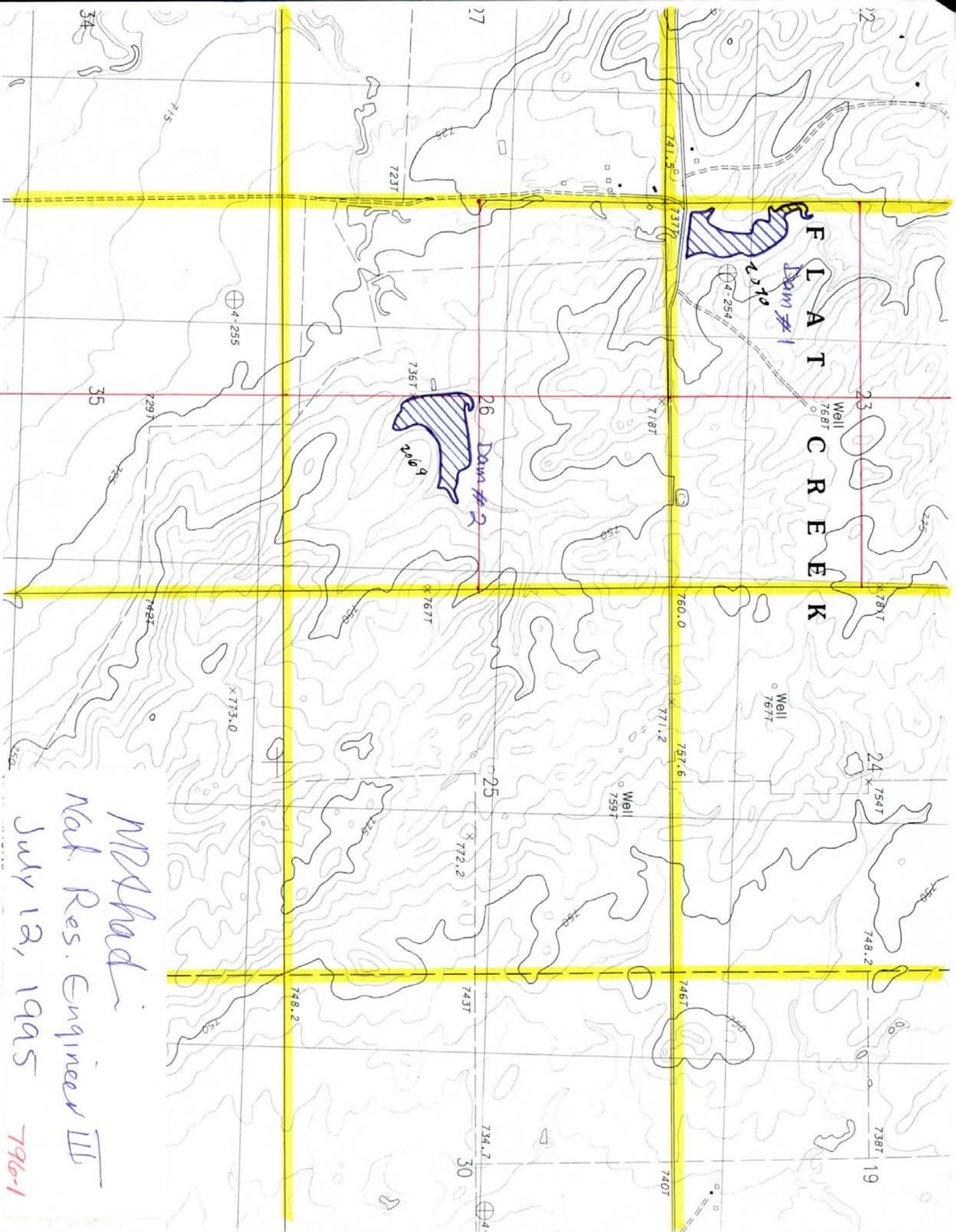
26

41.8 HEL

34

16.2	16.2	16.4	16.6	16.7	17.6	18.6	22.5	24.7	56.5
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Michael
Nat. Res. Engineer III
July 12, 1995
796-1

February 2, 2006

796-1

2005 South Dakota Water Use Questionnaire

To:

ROBERT KRESSLY ESTATE
HCR 66 BOX 9A
LEMMON SD 57638

Address correction requested:

Joe D. Zorc
18897 Flat Creek Rd
Lemmon, SD 57638

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 796-1. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

Water Source: FLAT CREEK
Aquifer: NOT APPLICABLE
Management Unit: NOT APPLICABLE

County: PERKINS
Pumping Pt. Legal: SEC 23-T022N-R15E
Type of Water Use: DOMESTIC

- 1) Please estimate your year 2005 water use from the above water source: 0 gallons
2) If no water use in 2005, please list the reason(s) why in the comments section.

Comments: Due to the drought we have experienced
the creek is dry, so there is no
water to use at the current time

Contact Person: Joe D. Zorc

Telephone No: 605-374-5206

Questions? Please call Mark Rath or Ron Duvall at 605 773-3352 for assistance.

Thank you for completing the 2005 water use questionnaire.

Water Rights on the Web: www.state.sd.us/dcnr/wr



RECEIVED

FEB 08 2006

WATER RIGHTS
PROGRAM



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 16, 2006

796-1

Joe E Zorc
18897 Flat Creek Rd
Lemmon SD 57638

Dear Mr. Zorc:

The 2005 SD Water Use Questionnaire which you recently returned to our office indicated a possible ownership/name change for Water Right No. 796-1. Enclosed is a partially completed "Notice of Transfer" form for filing an ownership/name change. The water permit is currently listed in the name of Robert Kressly Estate.

The transfer form should be completed, checked over for accuracy and signed by the new owner. Upon completion, return the form to our office with a required filing fee of \$2.50. Please let me know if no change is necessary. It is important for us to keep our records accurate.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a water permit or water right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosures

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date February 22, 2006

RECEIVED OF Joe Zorc, 18697 Flat Creek Rd, Lertton SD 57838

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use		
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>79601</u>	2	50
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	2.50

No.

02314

By

Darland Eubank
Chief Engineer *gm*

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 796-1

Date: _____

I/We request that Water Right/Permit No. 796-1

formerly owned by: Robert Kressly Estate

be transferred to: (name & address) Joe Zorc, 18897 Flat Creek Rd, Lemmon SD 57638

Telephone No. 605 374-5306

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

2 dams – SW ¼ SW ¼ Sec 23 and NW ¼ SE ¼ Sec 26; T22N-R15E

I/We understand that the validity of Water Right/Permit No. 796-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Two Dollars and Fifty Cents (\$2.50) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

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

Joe Zorc
(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.

RECEIVED
FEB 22 2006
WATER RIGHTS
PROGRAM



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 23, 2006

796-1

Joe Zorc
18897 Flat Creek Rd
Lemmon SD 57638

Dear Mr. Zorc:

Thank you for following up on the ownership change for Water Right No. 796-1. The transfer has been completed. The water right formerly listed in the name of Robert Kressly Estate is now listed in your name.

Enclosed is your Receipt No. 02304 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

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

enclosure