

No. 82-1

Water Division No. 1

Grand River Water District.

(Blanks to be filled by the State Engineer.)

APPLICATION FOR A PERMIT To appropriate Water Within the State of South Dakota

COPY

(Note: Draw a line through items not applicable.)

1. Name of applicant P. M. BonniwellPostoffice address Reyn, County Harding, State S.D.

I. If a corporation:

(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 the work. (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion works Bonniwell Pipe Line3. Quantity of water claimed 4 cubic feet per second.4. Source of water supply Spring5. Location of point of diversion See map

on _____ bank.
(Right or left bank looking down stream.)

6. Annual periods during which water is to be used yearly

7. To be used for: Domestic purpose.

I. Irrigation or domestic use: Domestic

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated

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.) Dwelling house, horses and cattle.

II. Mining, power, manufacturing, transportation, or other purposes:

(a) Nature of use Domestic.

(b) Amount of power to be generated _____ horse power.

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

8. Estimated cost of works:

(a) Head gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures..... \$..... Total, \$.....

9. Description of diversion works:

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

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 of front (water) face.....; slope of back face.....; material used in construction.....

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

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH.....FEET OF DEPTH AT OUTLET-ACRES	CAPACITY- ACRE-Feet

(c) Head gate: Width.....feet; height.....feet;
 Material.....

(d) Canal: Total length.....miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER LINE	GRADE PER MILE
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.....years.

11. Time required for complete application of water to the proposed beneficial use.....years.

12. Choice of newspaper for publication of notice of intention to appropriate.....
 Plaindealer, Whitewood, South Dakota

STATE OF SOUTH DAKOTA

County of { ss

I, P.M. Bonniwell, 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 and foregoing statement, and 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 P.M. Bonniwell

Subscribed and sworn to before me this 18 day of AUG. 1900

(SEAL)

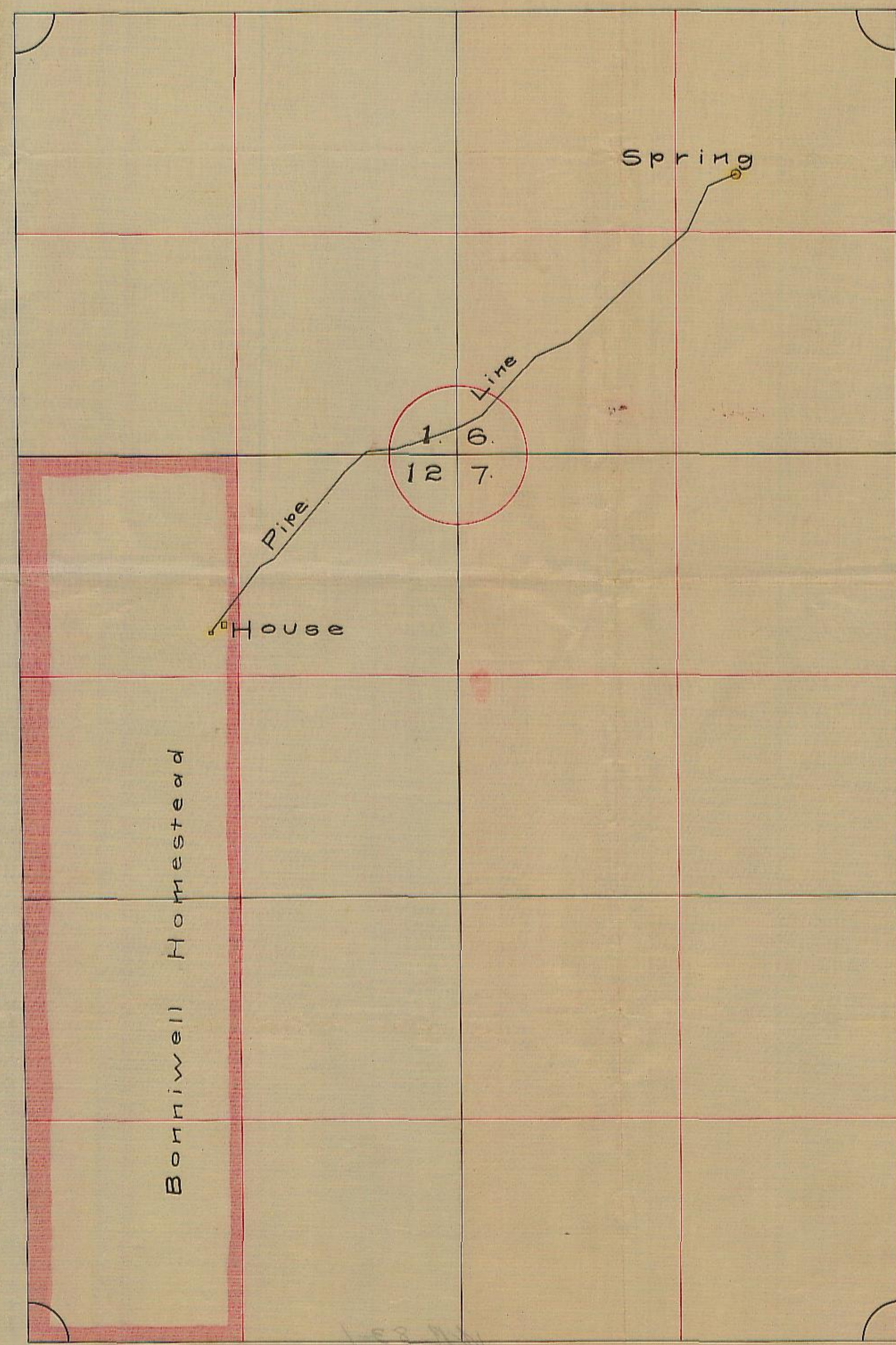
Ben S. Denman
 Notary Public (or other qualified officer.)

MAP
of
Bonniwell Pipe Line
Sec. 1. 6. 7. 12. T. 18. N. R. 7. 8. E.
B. H. M.
Narding ~~Butte~~ CO, SO, DAK.
Scale: 1 inch = 400 feet.

State of South Dakota } ss.
 County of Harding }
 I L. W. Shevlin, being duly sworn, upon my oath say,
 that I am the engineer of the Bonniwell Pipe Line; that the survey and
 map thereof, made by me, is true and correct, and that I have read the
 accompanying statement and know of my own knowledge that the
 statements therein made are true. This map was made from sketch
 furnished by me

L. W. Shevlin
 Engineer

Subscribed and sworn to before me this 27 day of Sept 1910
 O. O. Stokes
 NOTARY PUBLIC
 My Commission expires April 7th 1912



WR-83-1
 APPROVED
 Samuel H. Lee
 Map # 93-1
 RECEIVED
 WR-83-1
 Map # 93-1

Remarks by State Engineer:

This application is for the right to appropriate for domestic use the flow from certain springs in Harding County.

STATE OF SOUTH DAKOTA }
County of Hughes }

Pierre, South Dakota, January 19, 1901

This is to certify that the foregoing application was received at this office at nine o'clock a.m., upon the 12th day of August 1900 and that after examination it was found to comply with the provisions of the Water Code of South Dakota. Notice of intention to appropriate was published, proof of publication was duly filed, and a hearing was held in this office on January 7, 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

Number of permit 83-1

Date of first receipt of application August 12, 1900

Date of return to applicant for correction - - - - - 190 -

Date of receipt of corrected application - - - - - 190 -

Date from which applicant may claim right August 10, 1900

Approved January 9, 1901, Recorded in Book -1- Page 185

This is to certify that I have examined the foregoing application for a permit to appropriate water of the state of South Dakota, and I 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 July 9, 1901

2d. The whole of said work is to be completed on or before January 9, 1902

3d. The limit of time for proof of beneficial use of water appropriated in accordance herewith is January 9, 1902

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

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 four cubic feet of water per second of time; 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 10 - - - ; said water to be used during the following described annual periods.

Yearly.

Witness my hand this 19th day of January 1901.

Samuel H. Lee
State Engineer.

By B. B. Lee Deputy.

COPY

No. 83-1

Division No. 1

Grand River Water District

PERMIT

to appropriate water from
Spring

Harding County, South Dakota

Name of applicant

P. M. Bonniwell

Name of diversion works

Bonniwell Pipe Line

Date of first receipt at office of State
Engineer August 19, 1900

Returned to applicant for Correction

Corrected application received

Date of water right

August 19, 1900

Recorded in Book -1- Page 186
One-fifth of work to be completed

July 9, 1911

Whole work to be completed

January 9, 1913

Final proof of use of water

January 9, 1912

Approved January 9, 1911

Samuel H. Loebe
State Engineer

By B. B. Loebe
Deputy

STATE OF SOUTH DAKOTA
COUNTY OF HUGHES

I hereby certify that the within and
forgoing instrument is a true, correct and
complete transcript of an instrument which
it purports to be, as the same was filed for
record in the office of the State Engineer.

Witness my hand and official seal, given
at my office in Pierre, State of South Dakota
this 19 day of January, 1911.

Samuel H. Loebe
State Engineer

By B. B. Loebe
Deputy

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA } ss
County of Lawrence

Charles Heckendorn, being duly sworn, deposes and says the annexed printed copy of Notice Intention to appropriate Water was taken from the The Whitewood Independent, a newspaper which during the whole time of publication of said notice hereinafter stated, has been and is printed and published in the town of Whitewood, County of Lawrence, and State of South Dakota, That the said notice was published in said newspaper on the following dates:

December 10th., 1910, 17th., 24th., and 31st., 1910.

in each and every issue of the full number thereof, the first publication being made on the 10th day of December 1910 and the last publication on the 31st. day of December 1910, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Edr. and Pub. the printer and publisher of the said newspaper.

Charles Heckendorn

Subscribed and sworn to before me this 31st. day of December, 1910.

[Signature]
Notary Public Lawrence, County, S. D.

(First Publication Dec. 10, 1910.)
APPROPRIATION OF WATER.

Office of the State Engineer,
Pierre, S. D., December 8, 1910.

Notice is hereby given that C. M. Bonniwell whose postoffice address is Reva, Harding County, S. D., has made application in accordance with the provisions of the Irrigation laws of South Dakota for a permit to appropriate for beneficial use (four) cubic feet of water per second of time from Spring thru the Bonniwell Pipe Line, the point of diversion of which is to be located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 6, Township 18 N. range 8 E. B. H. M., said water to be used for the purpose of domestic uses and dwelling house, horses and cattle.

This application will be taken up by the state engineer at his office at Pierre for consideration and appropriate action upon the 7th day of January, 1911, at 9 a. m. at which time all persons who believe that prior rights would be injuriously affected, or that the allowance of the permit would be detrimental to the public welfare, and also parties making application, and to be benefited, are notified to be present either by sworn affidavits or in person for the purpose of presenting any relative testimony.

SAMUEL H. LEA,
State Engineer.

RECEIVED

JAN 2

OFFICE OF STATE ENGINEER,
PIERRE,

SEER,

August 28, 1984

George Lermeny
Box 724
Reva, South Dakota 57651

Dear Mr. Lermeny:

I talked to Jim Winterton of our office in Pierre regarding Water Permit No. 83-1. This is for a spring located on Forest Service Land in the SW $\frac{1}{4}$ of Section 6, T18N, R8E and piped to a farmstead in the NE $\frac{1}{4}$ of Section 12, T18N, R7E owned by you. The water to be used for domestic purposes.

Mr. Winterton contacted Dan Doyle of the Attorney General's Office. Mr. Doyle said that he would need a copy of the easement or lease between you and the Forest Service before he could advise you on the matter.

You indicated to me that the Forest Service cancelled the easement or lease and then started charging for water. If you can send me a copy of the documents I will forward it to Mr. Doyle. If you can send in a copy of the cancellation of your easement or lease this would also be of value.

Mr. Doyle said the Forest Service cannot charge for water, however, they may charge for the use of the land for constructing and maintaining the system. Therefore it is imperative that he obtain a copy of the documents to see what is included in them.

Sincerely,

LeRoy J. Mernaugh
Water Resources Engineer

LJM:ms

Equal Opportunity Employer

DIVISION OF WATER RIGHTS
(605) 773-3352

August 28, 1984

George Lermen
Box 124
Reva, South Dakota 57651

Dear Mr. Lermen:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 83-1 has been completed. Your final water right document, the Water License can now be issued.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$12.00 fee from you, your Water License will be sent to you.

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until this \$12.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Genry McMath
Natural Resources Analyst

GH:ms
Enc.

NOTE: Also enclosed is a copy of Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50, making a total due of \$14.50 with the above license fee. On form of payment, please include the number of water permit. This insures proper handling of the fee.

RECEIPT

Division of Water Rights

No 4 9781

South Dakota Department of Water and Natural Resources

Pierre, October 3, 1984, 19

RECEIVED OF George Lermany, Box 124, Reva, South Dakota 57651

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. 23-1	12	00
Fee for Filing Transfer Form 83-1	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	14 50

By

Chief Engineer

JOHN HATCHER (ms)

NO. 83-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 10-1-84

Water Permit

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

A spring located in SW $\frac{1}{4}$ Section 6, T18N, R8E and piped to deeded land in
NE $\frac{1}{4}$ Section 12, T18N, R7E.

formerly owned by P. M. Bonniwell

has been transferred to George Lermenv, Box 124, Reva, South Dakota 57651

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 83-1 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of HARDING) ss.

I, George Lermenv being first duly sworn on my oath depose and say: "That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true."

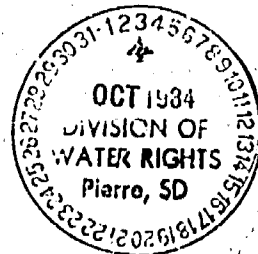
George Lermenv
(Signed)

Subscribed and sworn to before me this 1st Day of October, 1984.

Co. J. L.
(Notary Public)

Exp 5-31-96

WNR-820-9/83
Notice of Transfer of Water Permit



State of South Dakota
Water License No. 83-1

(1) P. H. Bonniwell
of Reva, South Dakota 57651
made Application No. 83-1 August 19, 1910 for a water permit to appropriate
4.00 cubic feet per second of water from Springs
Harding County, South Dakota for domestic purposes.
Permit No. 83-1, with a priority date of August 19, 1910
was approved January 9, 1911 and issued to applicant(s) for diversion of water with construction of the described
water supply system to be completed on or before January 9, 1912 and for the application to beneficial use of said
water on or before January 9, 1912.

On October 3, 1984, Water Permit No. 83-1 was transferred to George Lermeny, Box 124,
Reva, South Dakota 57651.

and

(2) It is certified that the application has complied with the provisions of South Dakota State Law relating to completion of
the construction of the water supply system and is entitled to divert 0.011 cubic feet per second of water
for beneficial use. The location of the diversion point(s) is 1400'N and 2200'E of the SW Corner of
Section 6, T18N, R8E

and

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to the following extent, ground water collection system, in SW 1/4 Section 6, T18N, R8E
conveyed to ranch located in the NE 1/4 Section 12, T18N, R7E.

(4) Pursuant to §16-5-30.1 George Lermeny

of Box 124, Reva, South Dakota 57651

the holder(s) and/or owner(s) of Water Permit No. 83-1 is issued a license to appropriate water, the right to use
.011 cubic feet per second of water from a Spring with a priority date
of August 19, 1910 from the location specified in (2) of this license. The water to be
conducted to and upon lands specified in (3) of this license for the purpose of domestic and livestock use

This license is subject to any limitations or qualifications listed in Water Permit No. 83-1 and subject
to South Dakota State Law.

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

JOHN HATCH

October 11, 1984

Permit No. 83-1Grand River Water District 10130302**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by George HermenyBox 124, Revere, S.Dak. 57651 holder ofPermit No. 83-1, bearing the priority of August 19 19 10 authorizingthe diversion of 4.0 cu. ft. per second of the waters of Springfor domestic purposes, in Harding County.

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

A. Works used to divert the water:

30" dia. haydite culverts - 4 ft deep used as a collector.

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

1 1/2" and 1" diameter pipe from spring to farmstead.

C. Works used to apply water to beneficial use:

Collector Tank and then pipes to, house, barns etc.The system is in the following condition GoodThe point of diversion is located 1400' North and 2200' E of SW corner
of section 6, T18N R8EThe works are capable of diverting and conveying to (5 gpm) oil
cu. ft. per second of water which is to be used for oil and livestock.

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land and the license should be issued for _____ cfs

Applicable permit qualifications have been complied with X Yes _____ NoExceptions to compliance are: _____ Date August 15, 1984Libby J. Mernaugh
(signature)

No. 83-1

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

October 15, 1984

George Lermeney
Box 124
Reva, South Dakota 57651

Dear Mr. Lermeney:

Enclosed herewith is, Water License No. 83-1. This is the final water right document completing your process of obtaining a water right.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:

Enclosures

Receipt No. 9781 includes fees for License and Transfer. Our records now show you as the owner of this Water Right.

WNR-817 3/83
Transmittal of Water License



83-1

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

February 18, 1993

No. 83-1

George Lermeney
Box 124
Reva, SD 57651

Dear Mr. Lermeney:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 83-1. The water right is currently listed in your name.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

83-1

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



No. 83-1

Date: 3-3-93

I/We request that Water Right No. 83-1

formerly owned by: George Lermeney, Box 124, Reva, SD 57651

be transferred to: (name & address) Mark E. Lermeney, Box 86, Reva, SD 57651

(Telephone No) 605-375-3375

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

A spring located in the SW 1/4 Sec 6, T18N, R8E and piped to deeded land in NE 1/4 Sec 12, T18N, R7E

I/We understand that the validity of Water Right No. 83-1 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 at the Division of Water Rights, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Butte)

I/We Mark E. Lermeney being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Mark E. Lermeney
(Signed)

Subscribed and sworn to before me this 3 day of March, 1993.

Monica Thompson
(Notary Public) Exp. Date 4-8-00

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.



83-1

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 18, 1993

83-1

Mark E Lermeny
Box 86
Reva, SD 57651

Dear Mr. Lermeny:

This will acknowledge receipt of the "Notice of Transfer of Ownership" you submitted for Water Right No. 83-1. The form was completed properly, however it can not be filed for record without a required filing fee of \$2.50.

Please remit a total of \$2.50 as soon as possible. Upon receipt of the fee, Water Right No. 83-1 will be transferred to your name. If you have any questions, please contact me.

Sincerely,

Genny McMath

Genny McMath
Natural Resources Analyst
Water Rights Division
(605) 773-3352

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

83-1
413698

Pierre, March 24, 19 93

RECEIVED OF State of South Dakota, Dept. of Envt. & Nat. Resources

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 _____	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By [Signature]
Chief Engineer



83-1

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

March 29, 1993

No. 83-1

Mark E. Lermeney
Box 86
Reva, SD 57651

Dear Mr. Lermeney:

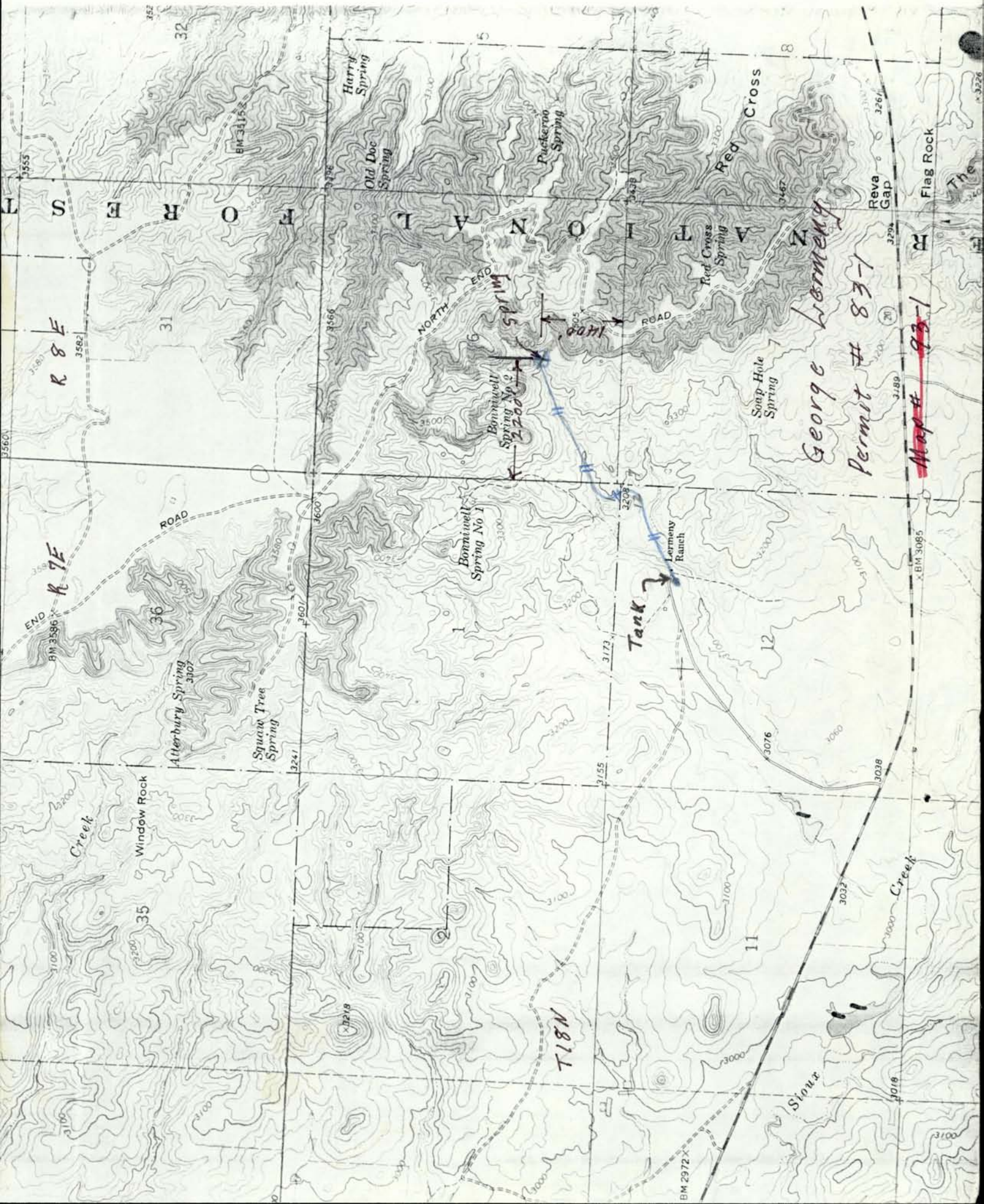
Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 83-1.

Our records now show you as the owner of Water Right No. 83-1.

Sincerely,

Cheryl F. Frost
Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

enclosure



8-15-84

30" dia Haydite

4' deep to water

1 1/2" pipe 1" pipe to house

5 gpm

Pipeline runs into a tank and it is isolated to house from etc
from there