

Water Right Number 1223-2

1. Considered JANUARY 22, 1970
2. Name of Applicant LEONARD ZIESLER
3. Post Office Address ST. CHARLES
4. Amount of water claimed 2.66
5. Source of water supply SQUAW CREEK (417 ACRE FEET)
6. Water to be used for IRRIGATION
- Acres to be irrigated 211.3
7. Water to be diverted and used in GREGORY County
about 10W, 4S Miles of BONESTEEL
8. Proof of Publication Received 12-20-70
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

Leonard Ziesler
Edgar Tech

①

②

Leonard Zosler 24 Manning

Pump. Hollow Hopt Headline
H.P. 80 RPM 1760 - Rotor 11.

ID # Q9487-00-1E-651 C.

US Govt head.

Pump. National Pump Co.

Serial # 675-232

Model 16 x 8

5 Boole.

1100 GPM. Pumped 27 750 gpm.

Engin. IT Case. 6 Cyl. diesel.

Serial # 52232939

RPM - 2200

Model # 504 BD

Engine # 2576445

8" pipe up to y. then 6" to small 8" to
large system. all buried PVC pipe.

Leonard Zosler

Center point = 80 to system 2nd point

Valley 8 Acres

Headline

Model # 1260 Serial # 15776

Center Point 1934 to system

Valley 11 Acres - 1500' - 1500'

Model 1260 Serial # 15776

160' in from hole to hole line

Leonard Zosler

Map

1033-2 Map # 874-2 Appl 1007-2
allowed 88.5 Acres to be
irrigated. The vertical cross
lot is the total acre that will
be irrigated 187.2 Acres. This
includes the 88.5 acres which
amounts to an additional acreage
of 98.7125 to be added to Appl.
1007-2. This is now shown on
map # 103-2 which is used
for appl # 1223-2

Note to Jones

Leonard or Dennis Jester - Application

1-14-76

by Mr. Murphy. This application combines application 1007-2 and 1223-2 and combines the averages of the two. app. 1007-2 called for 1.26 cfs for 88.5 acres. app. 1223-2 " " 2.66 cfs for 211.3 acres. A final inspection was given on both applications and 1223-2 overlaid some acreage 1007-2. 1007-2 did not include an area of approx 70 acres that is gravity or sprinkler irrigated that was not listed on the application.

Jester has an 1100 gpm pump for app. 1223-2 a 500 gpm pump for app. 1007-2 and also has a 600 gpm pump that is also used for app. 1008-2. Therefore he has a total of 2200 gpm or 4.89 cfs. pump to irrigate a total acreage of 369 acres. On this proposed application $369 \div 70 = 5.27 \text{ cfs}$

The original two applications called for $(1.26 + 2.66) = 3.92 \text{ cfs}$

Using any final inspected figures 4.89 cfs would be what should be advertised which is 0.97 cfs more than the original amounts.

№ 124302

Map No. 1033-2 Water Division No. 2 PONCA CREEK
(Blanks to be Filled by the Engineer for the W. R. C.)

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

RECEIVED
NOV 18 1974
9:35

APPLICATION FOR PERMIT

STATE WATER RIGHTS CO
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable)

1. Name of Applicant Leonard Zeisler

Postoffice address St. Charles Mo 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 Squaw Creek Reservoir

4. Amount of water claimed (cubic feet per second) 2.66

5. Source of water supply Squaw Creek

6. Location of point of diversion SE 1/4 NE 1/4 Sec. 28 T95N R70 W. of the 5th P.M.

Gregory, R. A. County South Dakota

7. Annual period or periods during which water is to be used Spring - Summer

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 211.3

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each

Section	Land Description	No. Acres Irr.	Section	Land Description	No. Acres Irr.
SE-1/4	Section 22	25.9	SW-1/4	Section 27	8.0
SW-1/4	Section 22	25.4	NE-1/4	Section 28	40.0
NE-1/4	Section 27	23.5	NW-1/4	Section 28	23.8
NW-1/4	Section 27	39.0	SW-1/4	Section 28	9.6

Attach sheet if more space is needed **SECRET** Section 28 16.1

10. Time required to complete construction of water supply system One years. Additional time required to complete application of water to the proposed beneficial use Five years.

11. Choice of newspaper for Notice of Intent to Appropriate Water publication: Bonesteel Enterprise
Bonesteel, South Dakota

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

De m

B. Works proposed to transport water to place of use.

Pine

C. Works proposed to apply water to beneficial use.

Center Pivot.

Estimated Total Cost \$ 50,000

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 Gregg

Leonard Zeisler

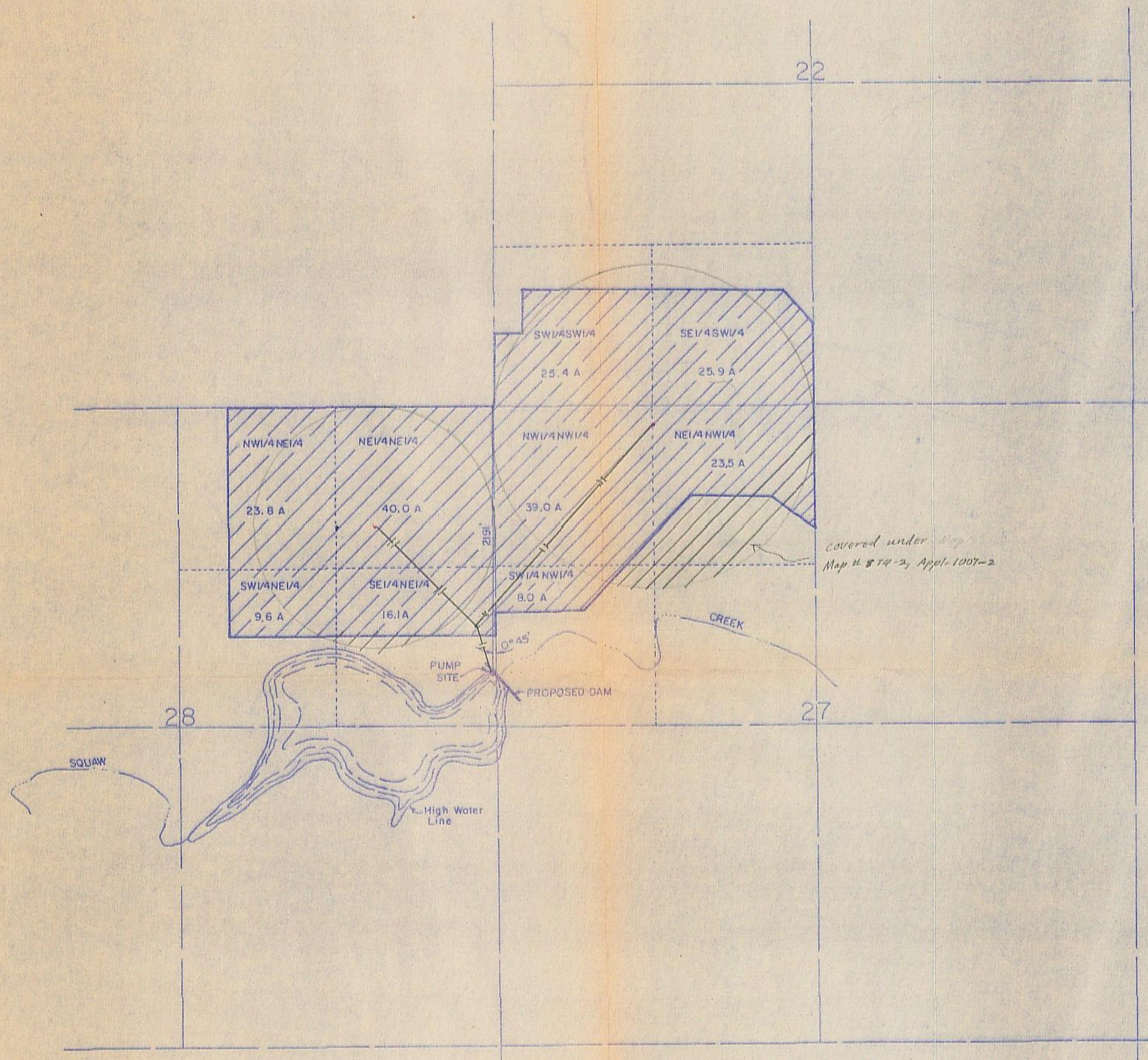
1. Leonard Zeisler the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Signed Alvin Karpis

Subscribed and sworn to before me this 13 day of November 19 71.

Notary Public (or other qualified officer)

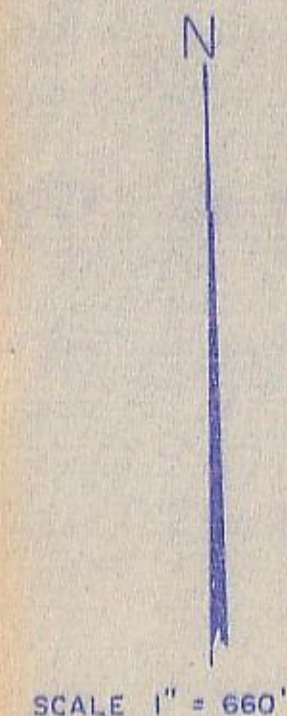
MAP No 1033-2 App No 1223-2



Note: See Aerial Map
for Acreage for license
3-21-79

LOCATION	SECTION	TWP	RANGE	ACRES
SE 1/4 SW 1/4	22	95	70	25.9
SW 1/4 SW 1/4	22	95	70	25.4
NE 1/4 NW 1/4	27	95	70	23.5
NW 1/4 NW 1/4	27	95	70	39.0
SW 1/4 NW 1/4	27	95	70	8.0
NE 1/4 NE 1/4	28	95	70	40.0
NW 1/4 NE 1/4	28	95	70	23.8
SW 1/4 NE 1/4	28	95	70	9.6
SE 1/4 NE 1/4	28	95	70	16.1
TOTAL				211.3

213.0 Ac



LAND TO BE IRRIGATED

App No 1223-2

SURVEYOR'S CERTIFICATE

I, DONALD PETTIGREW, A SOUTH DAKOTA REGISTERED LAND SURVEYOR NUMBER 2402, CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT DELINEATION OF AN IRRIGATION PUMP SITE LOCATED IN THE SE 1/4 NE 1/4 SEC. 28 T95N R70W 5th P.M. GREGORY COUNTY, SOUTH DAKOTA. THE ABOVE DESCRIBED LAND BEING OWNED BY LEONARD ZEISLER

DATED: Nov. 12, 1974



ACKNOWLEDGEMENT

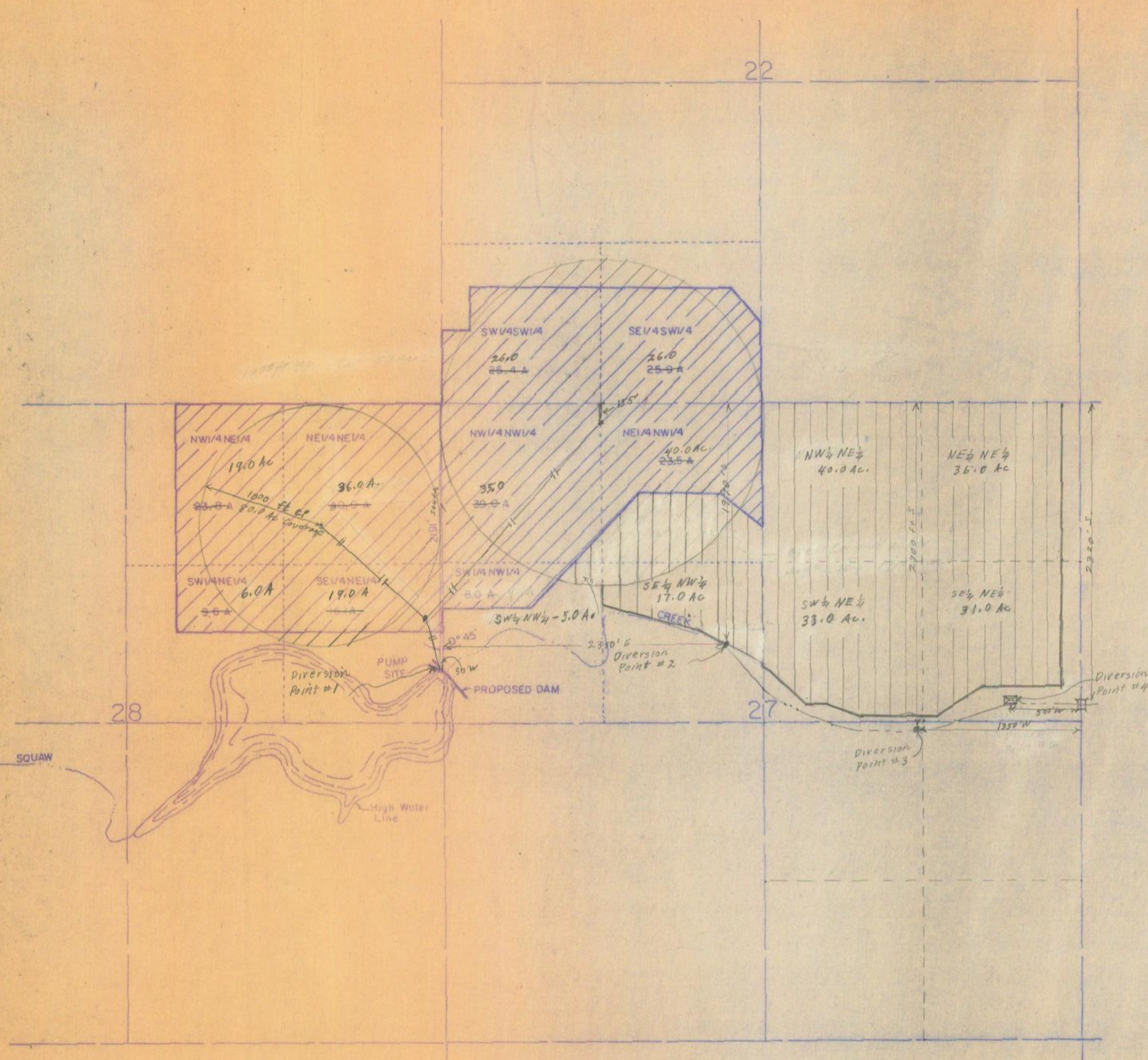
STATE OF NEBRASKA)
COUNTY OF CHERRY)

ON THIS 12 DAY OF Nov. 1974, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED DONALD PETTIGREW WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME AND HE ACKNOWLEDGED THE SIGNING OF SAID SURVEYOR'S CERTIFICATE TO BE HIS VOLUNTARY ACT AND DEED, WITNESS MY HAND AND OFFICIAL SEAL THE AFORESAID DATE.

MY COMMISSION EXPIRES: 6-28-76



Jess B. Arganbright
NOTARY PUBLIC



N
SCALE 1" = 660'

===== LAND TO BE IRRIGATED

===== Land to be irrigated

Location	Section	TWP	Range	Acres
NE 1/4 NE 1/4	27	95	70	36.0
NW 1/4 NE 1/4	27	95	70	40.0
NE 1/4 NW 1/4	27	95	70	40.0
NW 1/4 NW 1/4	27	95	70	35.0
SW 1/4 NW 1/4	27	95	70	5.0
SE 1/4 NW 1/4	27	95	70	17.0
SW 1/4 NE 1/4	27	95	70	33.0
SE 1/4 NE 1/4	27	95	70	31.0
NW 1/4 NE 1/4	28	95	70	19.0
NE 1/4 NE 1/4	28	95	70	36.0
SW 1/4 NE 1/4	28	95	70	6.0
SE 1/4 NE 1/4	28	95	70	19.0
SW 1/4 SW 1/4	22	95	70	26.0
SE 1/4 SW 1/4	22	95	70	26.0
Total =				369.0

Above figures to be used to combine Appl. # 1007 and # 1223-2. # 1007 was irrigating land not under the application this map includes this area. The Appl. # 1007-2 + 1223-2 will be cancelled and a new one will be submitted covering both plus added area.

JJ Munnigh
Jan 23, 1977

LOCATION	SECTION	TWP	RANGE	ACRES	Average under center pivots
SE 1/4 SW 1/4	22	95	70	25.9	26.0
SW 1/4 SW 1/4	22	95	70	25.4	26.0
NE 1/4 NW 1/4	27	95	70	23.5	36.0
NW 1/4 NW 1/4	27	95	70	39.0	35.0
SW 1/4 NW 1/4	27	95	70	8.0	5.0 SE 1/4 NW 1/4 - 5.0
NE 1/4 NE 1/4	28	95	70	40.0	36.0
NW 1/4 NE 1/4	28	95	70	23.8	19.0
SW 1/4 NE 1/4	28	95	70	9.6	6.0
SE 1/4 NE 1/4	28	95	70	16.1	19.0
TOTAL				211.3	213.0 ac.

SURVEYOR'S CERTIFICATE

I, DONALD PETTIGREW, A SOUTH DAKOTA REGISTERED LAND SURVEYOR NUMBER 2402, CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT DELINEATION OF AN IRRIGATION PUMP SITE LOCATED IN THE SE 1/4 NE 1/4 SEC. 28 T95N R70W 5th P.M. GREGORY COUNTY, SOUTH DAKOTA. THE ABOVE DESCRIBED LAND BEING OWNED BY LEONARD ZEISLER

DATED: Nov. 12, 1974



ACKNOWLEDGEMENT

STATE OF NEBRASKA)
COUNTY OF CHERRY)

ON THIS 12 DAY OF Nov. 1974, BEFORE ME, A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED DONALD PETTIGREW WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME AND HE ACKNOWLEDGED THE SIGNING OF SAID SURVEYOR'S CERTIFICATE TO BE HIS VOLUNTARY ACT AND DEED, WITNESS MY HAND AND OFFICIAL SEAL THE AFORESAID DATE.

MY COMMISSION EXPIRES: 6-28-76



Jan B. Arganbright
NOTARY PUBLIC

Leonard Zeisler

MAP No 1033-2 (Appl No 1223-2)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1223.2

LEONARD FEISLER
(Applicant)

ST. CHARLES
(Post Office Address)

SOUTH DAKOTA 57571 With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

APPROVAL OF THIS PERMIT AUTHORIZES STORAGE OF 417 ACRE FEET OF WATER ANNUALLY

Date of first receipt of application NOVEMBER 18 19 74

Date of return to applicant for correction, amendments or changes required — 19 —

Date of receipt of corrected application — 19 —

Approved JANUARY 22 19 75, Recorded in Book 13 Page 139

WATER RIGHT PERMIT NO. 1223.2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1223.2 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 NOVEMBER 18 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 22 19 75
3. The whole of said work is to be completed on or before JANUARY 22 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 22 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 2.66 cubic feet per second; neither shall exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial use served; and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 actually and beneficially applied for irrigation on or before JANUARY 22 19 80; said water to be used during following described annual period: SPRING - SUMMER

Witness my hand this 24TH day of JANUARY 19 75

WATER RIGHTS COMMISSION

By:

Donald D. Daniel
Chief Engineer, Executive Officer

Certificate of Construction Issued NOVEMBER 6 19 79

Water License Issued NOVEMBER 6 19 79

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.

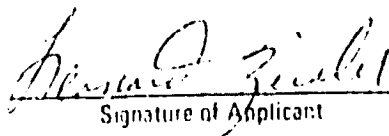
G. Water Storage Dams.

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 aerial right map.

height - 30. ft.

maximum water depth - 20 ft.

surface area storage capacity - 417.2 acre- feet


Signature of Applicant

Permit No. 1223-2Water Diversion No. 2 Ponca Creek Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leonard and Denice Zeisler

_____ the holder^s of
Permit No. 1223-2, issued upon Application No. 1223-2, bearing date of priority of October 16, 1969
and November 18, 1974 authorizing the diversion of 3.92 cu. ft. per second of the waters of Squaw Creek,
dugout and Squaw Creek / Reservoir County of Gregory, State of South Dakota at X
Point #1-2190'S & 30'W of NE corner, Sec. 28; Point #2-1970'S & 2350'E of NW corner,
Sec. 27; Point #3-2700'S & 1350'W of NE corner, Sec. 27; Point #4-2320'S & 500'W of
NE corner, Sec. 27, all in ~~xx~~ T95N, R70W for Irrigation

_____ have complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 4.90 cu. ft. per second of water

Date November 6, 1979

JOHN HATCH, Chief Engineer
Water Rights, WMD

WATER LICENSE NO. 1223-2

(1) WHEREAS, On the 18th day of November A. D. 19 74
Leonard and Denice Zeisler

made Water Right Application No. 1223-2 for a permit to use 2.66 cubic feet per second of the waters of Squaw Creek Reservoir

County of Gregory State of South Dakota for Irrigation

purposes; and

(2) WHEREAS, On the 22nd day of January A. D. 19 75

Permit No. 1223-2 with a date of priority of November 18, 1979

was issued to said applicant for the diversion of said water and provided for the completion of construction of the water supply system therein described on or before the 22nd day of January A. D. 19 76 and for the application to beneficial use of said water on or before the 22nd day of January A. D. 19 80

WHEREAS, upon inspection the applicable portions of Permit No. 1007-2, in the name of Leonard and Denice Zeisler, were incorporated into this Water License No. 1223-2 and Permit No. 1007-2 has been placed in a cancelled status. The priority dates are 1.26 cfs for October 16, 1969 and 2.66 cfs for November 18, 1974,

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 3.92 cubic feet per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent,

to irrigate portions of the following described land all in T95N, R70W;

Section 22 SW $\frac{1}{4}$ SW $\frac{1}{4}$ 26 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 26 "

Section 29 NW $\frac{1}{4}$ NE $\frac{1}{4}$ 19 "

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 36 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 6 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 19 "

Section 27 NW $\frac{1}{4}$ NW $\frac{1}{4}$ 35 "

NE $\frac{1}{4}$ NW $\frac{1}{4}$ 40 "

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 5 "

SE $\frac{1}{4}$ NW $\frac{1}{4}$ 17 "

NW $\frac{1}{4}$ NE $\frac{1}{4}$ 4 "

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 4 "

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 33 "

SE $\frac{1}{4}$ NE $\frac{1}{4}$ 31 "

TOTAL 301 acres

(3) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Leonard and Denise Zelsler

of St. Charles
the holder S and owner S of said permit No. 1223-2 a water right, dating from October 16, 1969
and November 18, 1974 to use of 3.92 cubic feet per second of the waters
of Squaw Creek, dugout and Squaw Creek Reservoir

in the County of Gregory and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at Point #1-2190'S & 30'W of NE corner, Sec. 28;
Point #2-1970'S & 2550'E of NW corner, Sec. 27; Point #3-2700'S & 1350'W of NE corner,
Sec. 27; Point #4-2320'S & 500'W of NE corner, ~~xxxx~~ Section 27, all in T95N, R70W

and conduct to and upon portions of land in Sections 22, 27 and 28, T95N, R70W more fully
described on the face of this License

for the purpose of Irrigation

Subject to any limitations listed in Water Right Permit No. 1223-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 6th day of November A. D.
Nineteen Hundred and seventy-nine

Board of Water Management

By:

John Hatch
Chief Engineer

JOHN HATCH

 **Department of
Water & Natural Resources**
Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

November 6, 1979

Leonard & Denice Zeisler
St. Charles, SD 57571

Dear Mr. & Mrs. Zeisler:

Enclosed herewith are, Water License No. 1223-2 and Certificate of Construction.

Water License No. 1223-2 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, WMD

JH:9Y

enclosures

NOTE: We are enclosing a copy of the map showing the lands to be irrigated. Also the applicable portions of Permit No. 1007-2 have been incorporated into Water License No. 1223-2 and Permit No. 1007-2 has been placed in a cancelled status. Your receipt No. 4 7107 in the amount of \$12.00 is also enclosed.

Equal Opportunity Employer

Form 5 - Notice of Intent to Appropriate Water

No. 1223-2

Publish first publication, on or before January 8, 1975

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 2, 1974

Notice is hereby given that Leonard Seidler
whose post office address is St. Charles, 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

2.66 cubic feet of water per second of time from the Squaw Creek through the
Squaw Creek Reservoir, the point of diversion of which is to be located in the

SE 1/4

of Section 26, Twp. 95N, Range 70W. Said water to be used for the purpose
of providing irrigation on the following described land:

S 1/2 SW 1/4, Section 22; N 1/2 NW 1/4, Section 27; NW 1/4, Section 28, T95N, R70W

This application No. 1223-2 will be considered by the Water Rights Commission at its office at
Pierre upon the 22nd day of January, 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/bw

cc: Leonard Seidler, St. Charles, S.D. 57571

Affidavit of Publication

STATE OF SOUTH DAKOTA.
COUNTY OF GREGORY

D. R. Sabalka of said county, being first duly sworn, on oath says, that he is Publisher of the Honesteel Enterprise a weekly newspaper printed and published in the City of Honesteel in said County of Gregory and has full and personal knowledge of the facts herein stated; that said newspaper is a legal newspaper and has a bona-fied circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained

at said place of publication; that the Notice
intent to appropriate
water

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this affidavit, was published in said newspaper at least

once in each week Two successive weeks, on the day of each week on which said newspaper was regularly published, to-wit:

December 12	1974
December 19	1974
	19
	19
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	19

that the full amount of the fee charged for the publication of said Notice inures to the benefit of the publisher of said newspaper; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever and that the fees charged for the publication thereof are

\$ 10.49

Dean R. Sabalka

Subscribed and sworn to before me, this 13

day of December A. D. 1974

Betty Sabalka
Notary Public.

Public Notice

NOTICE
INTENT TO APPROPRIATE
WATER

Pierre, South Dakota 57501

December 2, 1974
Notice is hereby given that Leonard Zels, whose last office address is St. Charles, 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 2.80 cubic feet of water per second of time from Squaw Creek through the Squaw Creek Reservoir, the point of diversion of which is to be located in the SE1/4 NE1/4 of Section 28, Twp. 95N, R. 70W. Said water to be used for the purpose of providing irrigation on portions of the following described land:
SW1/4 Section 22, T. 94N, R. 70W, NE1/4 SW1/4 Section 27, NE1/4 Section 28, T. 95N, R. 70W.

This application No. 1213-2 will be considered by the Water Rights Commission at its office at Pierre upon the 22nd day of January, 1975 at 2:30 P.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: BURTON F. JONES
Water Rights Specialist
D12-19

RECEIVED
DEC 20 1974

STATE WATER RIGHTS COMMISSION
PIERRE, SOUTH DAKOTA

Permit No. 1223-2Water Division 2 Ponca Creek Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Leonard & Denise Ziesler of St. Charles, South Dakota. 57571 holder of Permit No. 1223-2, bearing date of priority of October 16, 1969 November 18 1974 authorizing the diversion of 3.92 cu. ft. per second of the waters of Squaw Creek, Dugout and Squaw Creek Reservoir for Irrigation purposes, in Gregory County.

I have to report on the condition of the same as follows: (continued on Reverse Side)

The Water Use System consists of,

A. Works used to divert the water:

Engine: J I Case 6 Cyl. Diesel, Ser# 52232839, 2200 RPM
 Model: 504 B D. Engine # 2576445
 Pump: National, Ser# 675-232, Model 18x5, 5 Bowls - Max. 1100 gpm

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

PVC Pipe buried - 8" dia to Y - 450 ft. Y to large C.P. 8" dia.
 and 2200 ft long. Y to small C.P. 1100 ft of 6" dia.

C. Works used to apply water to beneficial use.

Small C.P. = Valmont, 8 tower, 1100 ft Water drive;
 Model # 1260, Ser # 15176, 80 Ac. coverage.
 Large C.P. = Valmont, 11 tower, 1280 ft. Water drive.
 Model # 1260, Ser # 15292, 133 Ac coverage.

The system is in the following condition: Good

The point of diversion is located Point #1 = 2199' S + 30' W of the NE Cor. of Sec. 28;
Point #2 = 1970' S and 2350' E of the NW Cor. of Sec 27, Point #3 = 2700' S and
1350' W of the NE Cor. of Sec. 27; Point #4 = 2320' S and 500' W of the NE Cor Sec. 27
all in T95N, R70W

The works are capable of diverting and conveying to the place of use 4.90cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: In Sec. 22, T95N R70W.

SW 1/4 SW 1/4 - 26 Ac; SE 1/4 SW 1/4 - 26 Ac; In Sec. 28, T95N R70W,
NW 1/4 NE 1/4 - 19 Ac; NE 1/4 NE 1/4 - 36 Ac; SW 1/4 NE 1/4 - 6 Ac; SE 1/4 NE 1/4 - 19 Ac;
In Sec. 27, T95N R70W, NW 1/4 NW 1/4 - 35 Ac; NE 1/4 NW 1/4 - 40 Ac; SW 1/4 NW 1/4 - 5 Ac;
SE 1/4 NW 1/4 - 17 Ac; NW 1/4 NE 1/4 - 4 Ac; NE 1/4 NE 1/4 - 4 Ac; SW 1/4 NE 1/4 - 33 Ac.
SE 1/4 NE 1/4 - 31 Ac.

comprising a total of 301 acres of land.Reservoir - Dam.Height = 30 ft.Max Water depth = 20.0 ftSurface Area = 52.2 Ac.Storage = 417.2 Ac. Ft.Dugout120 ft x 60 ft x 14 ft depth.

License for 3.92 cfs
 Also advised by [illegible]

Date March 21, 1979

Leroy J. Mernaugh
 (Signature)

A. Works used to divert the water: (Con't)

Pump. Berkeley, Model B3 JO BM CIV - BM# 3201
Ser # 7064085, Imp. dia. $13\frac{1}{2}$ " Est. 500 gpm

Engine. Perkins, 6 cyl. diesel. 90 HP.

B. Works used to transport water to place of use: (Con't)
2180 ft 6" dia. aluminum mains

C. Works used to apply water to Beneficial Use: (Con't)
2000 ft gated aluminum pipe, 30 inch spacing

Note: Pump, motor, pipes and sprinklers used for
permit # 1008-2 will also be used to supplement
equipment for this application. This equipment
will divert 600 g.p.m.

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7107

PIERRE, November 5, 1973

RECEIVED OF Denise Zeisler, St. Charles, SD 57571

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

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1223-2		
Fee for inspecting Beneficial Use, and issuing Water License No. 1223-2		12.00
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL		12.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH SY



Department of Natural Resource Development

WATER RIGHTS COMMISSION

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

February 26, 1979

Leonard & Denice Zeisler
St. Charles SD 57571

Dear Mr. & Mrs. Zeisler:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Permit No. 1008-2 has been completed. Your final water right document, the Water License can now be issued to you.

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

You will also receive the Certificate of Construction as required by statute.

Also, on February 7, 1977 we sent you a letter (copy enclosed) regarding an additional application for 70 acres not included on your permit Nos. 1007-2 and 1223-2. As of this date we have not received the application. The fee for filing the application has been increased from \$8.00 to \$225.00.

If you have any questions feel free to contact this office.

not using this.

Sincerely,

A handwritten signature in cursive script that reads "Betty Westlund".

BETTY WESTLUND
Water Right Specialist

BW:kjv

enclosure



1007-2

February 7, 1977

Leonard & Denice Zeisler
St. Charles, SD 57571

Dear Mr. & Mrs. Zeisler:

Enclosed you will find an application Form 2 & 2a which our office has completed for you. Please check it over for any additions or corrections and sign and return with an \$8.00 filing fee.

The reason for this application is that during our final inspections on March 26, 1976, on your applications 1007-2 and 1223-2 we found that you had been irrigating approximately 70 acres of land, some by gravity and some by sprinkler, that was not included in either of the two applications. In order to simplify the situation we are including all of the land that you are irrigating as per applications 1007-2 and 1223-2 and also that which was not included in either application. After the new application has been processed we will cancel application Nos. 1007-2 and 1223-2 with the applicable priorities included in the new permit and then we will need only to maintain the one application. The new application will be asking for 4.89 cfs which is the pumping rate of your three pumps, but only 0.97 cfs more than what was asked for in applications 1007-2 and 1223-2 combined.

Because of our increased work load we have not been able to assemble the information on this application sooner.

Application No. 1008-2 is not included in the new application and will remain as is.

Sincerely,

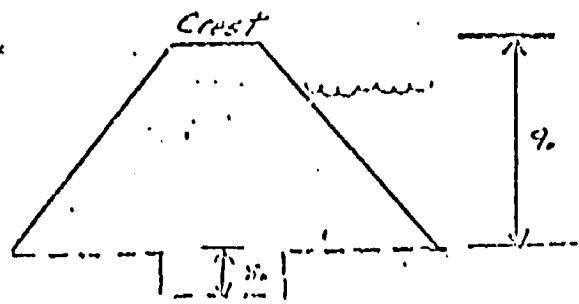
LoRoy J. Mernaugh
Water Resources Engineer

LJM/nf
enclosures

Gregory Co.

SAFETY OF DAMS QUESTIONNAIRE NR 1223-2

1. Name of dam - *Leonard Zeisler No. 2*
2. Popular name -
(if different from above)
3. Name of impoundment - *Squaw Creek Reservoir*
(official name of reservoir)
4. River or stream - *Squaw Creek*
5. Type of dam - *earth*
(earth, concrete, etc.)
6. Year completed - *1974 (cont. of Exam)*
7. Use (Irrigation, etc.) -
- * 8. Trench depth - *10'*
(if part of design)
- * 9. Hydraulic height - *30'*
10. Impounding acre feet:
a. maximum -
b. normal - *417*
11. Crest length - *580 ft.*
(includes spillway(s))
12. Spillway
a. type - *earthcut*
b. width - *100 ft.* *Assumed* $Q = 6200 \text{ cfs/sec}$ $S = .003$ $Q = 550$ *side slope*
13. Volume of dam - *76,000*
(in cubic yards)
14. Owner - *Leonard Zeisler*
15. Designed by - *owner*
16. Construction by - *owner*
17. Legal description - *SE NG 28-95N-72W*
(location - township - range)



12\"/>

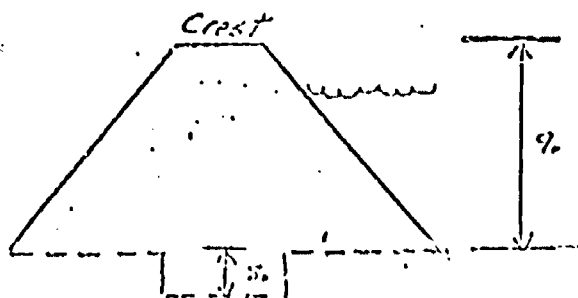
6150 16

SAFETY OF DAMS QUESTIONNAIRE

NR 1223-2

1. Name of dam - Leonard Zister No. 2
2. Popular name -
(if different from above)
3. Name of impoundment - Squaw Creek Reservoir
(official name of reservoir)
4. River or stream - Squaw Creek
5. Type of dam - earth
(earth, concrete, etc.)
6. Year completed - 1974
7. Use (Irrigation, etc.) - I
- * 8. Trench depth - 10'
(if part of design)
- * 9. Hydraulic height - 30'
10. Impounding acre feet
a. maximum - 417
b. normal - 417
11. Crest length - 580
(includes spillway(s))
12. Spillway
a. type - uncontrolled
b. width - 100
13. Volume of dam - 76,000
(in cubic yards)
14. Owner - Leonard Zister 654-2363
15. Designed by - L. Zister
16. Construction by - L. Zister
17. Legal description - SE NE 28 - 35 N - 70 W
(section - township - range)

NR0 NNNN 02 FEB 79



Form 10.

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office

St. Charles S.D. 57571

Date

July 1 - 75

TO: **WATER RIGHTS COMMISSION**

State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

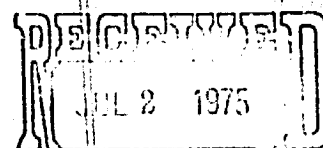
This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1223-2.

Water Right Permit No. 1223-2 states that the diversion system is to be constructed by July 22, 1975 and that the water is to be put to beneficial use by Jan 22, 1980.

The diversion system was completed on Jan. 4, 1975. Applying the water to beneficial use was completed on June 28, 1975.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Norman Trish
(Signature)



STATE WATER RIGHTS COM.
PIERRE, SOUTH DAKOTA

**South Dakota Department of
Water & Natural Resources**

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

February 9, 1990

LEONARD ZEISLER
BOX 6
ST CHARLES, SD 57571

NOTICE

RE: Violation of Requirement to Submit 1989 Irrigation Questionnaire

Our records indicate that the ~~1989~~ 1989 Irrigation Questionnaire has not been submitted for Permit No(s). 1008-2, 1223-2. The request for the Questionnaire was dated October 13, 1989. The Water Management Board had directed that owners of water permits who have not submitted 1989 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 8:30 am, March 7, 1990 at the Howard Johnson's, Jefferson-Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

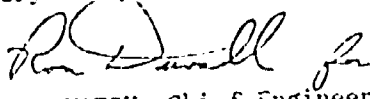
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 1008-2, 1223-2 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.

If the questionnaire(s) is received in this office before the March 7th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,


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

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

February 16, 1990

1008-2
1223-2

Leonard Zeisler
Box 6
St. Charles SD 57571

Dear Mr. Zeisler:

I am writing to acknowledge receipt of your 1989 irrigation questionnaire for Water Permit No. 1008-2 and 1223-2. You may disregard the February 9, 1990 Notice of failure to submit the 1989 irrigation questionnaire. Your questionnaire was received prior to the March Water Management Board meeting and your name was deleted from the agenda pertaining to the hearing.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Bon Duvall /ks

RON DUVALL
Natural Resources Engineer
Water Rights Division



1223-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 29, 1993

NOTICE

TO: LEONARD ZEISLER
BOX 6
ST CHARLES SD 57571

FROM: Ron Duvall, Natural Resources Engineer IV
for JOHN HATCH, Chief Engineer
Water Rights Division

RE: Violation of Requirement to Submit 1992 Irrigation Questionnaire

Our records indicate that the 1992 Irrigation Questionnaire has not been submitted for Permit No(s) 1003-2 & 1223-2. The request for the Questionnaire was dated October 16, 1992. The Water Management Board has directed that owners of water permits who have not submitted the 1992 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 3, 1993, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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(s) 1008-2 & 1223-2 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. Prior to February 22, 1993, contact the Water Rights Division, 523 E Capitol, Pierre SD 57501-3181 (605 773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

NOTE: If the questionnaire(s) is(are) received in this office before the March 3rd hearing date, your name will be deleted from the Board agenda.

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:

1223-2

LEONARD ZEISLER
BOX 6
ST CHARLES SD 57571

4a. Article Number

P 906 560 056

4b. Service Type

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

7. Date of Delivery

5. Signature (Addressee)

Leonard Zeisler

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

6. Signature (Agent)

PS Form 3811, December 1991 * U.S.G.P.O. : 1992-307-530

DOMESTIC RETURN RECEIPT

Thank you for using Return Receipt Service.



1223-2

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 5, 1993

1008-2
1223-2

Leonard Zeisler
Box 6
St Charles, SD 57571

Dear Mr. Zeisler:

I am writing to acknowledge receipt of your 1992 irrigation questionnaires for Water Right Nos. 1008-2 and 1223-2. You may disregard the January 29, 1993, Notice of "Violation of the Requirement to Submit the 1992 Questionnaire".

The questionnaires were 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,

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

1223-2



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 16, 2002

NOTICE

TO: LEONARD ZEISLER, BOX 6, ST CHARLES, SD 57571

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

SUBJECT: Reporting Requirement for 2001 Irrigation Questionnaire(s)

Our records indicate that the 2001 Irrigation Questionnaire has not been submitted for Permit No(s) 1008-2 & 1223-2. The request for the Questionnaire was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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 10:00 am, March 13, 2002, in the Visitor Center (west bank of Capitol Lake), 650 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) 1008-2 & 1223-2 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 8, 2002, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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

January 31, 2002

1008-2
1223-2

Denice Zeisler
HCR 60 Box 6
St Charles SD 57571

Dear Ms. Zeisler:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right No. 1008-2 and 1223-2 originally sent to Leonard Zeisler. The information was received in our office prior to the Water Management Board meeting and has been deleted from the agenda.

On January 30th, I spoke with you regarding ownership of the water rights. I will address future irrigation questionnaire letters to Brandon Zeisler as renter of the property. Enclosed as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights. Please review the forms and make any necessary corrections or additions. Once complete, please sign them in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the filing fee can be made payable to the "Water Rights Program".

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

May 16, 2002

1008-2

1223-2

Denice Zeisler
HCR 60 Box 6
St Charles SD 57571

Dear Ms. Zeisler:

I am writing as a reminder that we have not yet received the Notice of Transfer of Ownership forms from you for Water Right Nos. 1008-2 and 1223-2. On January 30th, I spoke with you regarding ownership of water rights listed in the name of Leonard Zeisler. You indicated at that time that the water rights should be listed solely in your name.

In the event you no longer have the original forms, I am enclosing another set of partially completed "Notice of Transfer of Ownership" forms. Please review the forms and make any necessary corrections or additions. Once complete, please sign them in the presence of a notary public and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the filing fee can be made payable to the "Water Rights Program".

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 16, 2002

1008-2
1223-2

Denice Zeisler
HCR 60 Box 5
St Charles SD 57571

Dear Ms. Zeisler:

I am contacting you in regard to ownership of Water Right Nos. 1008-2 and 1223-2. During our January 30th, you indicated the water rights should be listed solely in your name. On January 31st and May 16th, 2002, I forwarded "Notice of Transfer of Ownership" forms to you, however to date, we have not received them from you.

In the event you no longer have the original forms, I am enclosing another set of partially completed "Notice of Transfer of Ownership" forms. Please review the forms and make any necessary corrections or additions. Once complete, please sign and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the filing fee can be made payable to the "Water Rights Program".

If you have any questions, please contact me.

Sincerely,

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

enclosures

7-145 Martha Zeisler

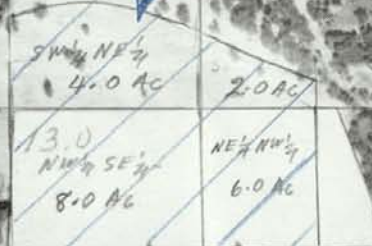
95-70

(3-214)

Permit # 1008-2

SE $\frac{1}{4}$ NE $\frac{1}{4}$

7.4



518

SW $\frac{1}{4}$ SW $\frac{1}{4}$ -22

26.0 Ac

SE $\frac{1}{4}$ SW $\frac{1}{4}$ -22

26.0 Ac

95-70

Map # 1033-2 App 1223-2

Top

7-261 Leonard & Denise Zeisler

(3-216)

108.4

NE 1/4 NE 1/4-28
36.0 Ac

NW 1/4 NE 1/4-28
19.0 Ac

SW 1/4 NE 1/4-28
6.0 Ac

SE 1/4 NE 1/4-28
19.0 Ac

Diversion pt #1
Dam

Reservoir

95-70

16.1 (3-216)

41.2

26.0

81.4

SW 1/4 SW 1/4-27
26.0 Ac

SE 1/4 SW 1/4-27
26.0 Ac
7-261

Same to Denise

NW 1/4 NW 1/4-27
35.0 Ac

NE 1/4 NW 1/4-27
40.0 Ac

NW 1/4 NE 1/4-27
4.0 Ac

NE 1/4 NE 1/4-27
4.0 Ac

24.0

SW 1/4 NW 1/4-27
5.0 Ac

SE 1/4 NW 1/4-27
17.0 Ac

SW 1/4 NE 1/4-27
33.0 Ac

SE 1/4 NE 1/4-27
31.0 Ac

Diversion Point #2

Diversion Point #3

Diversion Point #4

Dugout

22.8

41.5

26.1

99.0

95-70

37.3

60.2

47.1 (3-216)

38.1

9.7

Section - 27



1223-2

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 20, 2006

1008-2
1223-2

Brandon Zeisler
30155 354th Ave
St Charles SD 57571-5207

Dear Mr. Zeisler:

Thank you for the prompt return of your 2006 irrigation questionnaires for Water Right Nos. 1008-2 and 1223-2.

With regard to the notation you made on the forms as far as owning the land, I am sending along two "Notice of Transfer of Ownership" forms for use in filing the ownership changes. Please review and complete the forms as needed. Upon completion, please sign the forms and return them to our office with a required filing fee of \$2.50 each (total of \$5.00). The check or money order for the fee can be made payable to the Water Rights Program.

On the questionnaire you submitted for land irrigated by Ponca Creek (Water Right No. 1008-2), you checked both boxes "*no water available*" and "*use abandoned*". Have you discontinued irrigation from Ponca Creek altogether or have you not been able to irrigate due to unavailability of water in the creek? The reason I ask is because if you have abandoned the use altogether, there would be no need to have the water right transferred and it would be scheduled for cancellation. If you may use the site again depending on whether or not water is available, the water right should be transferred to your name.

When returning the transfer forms, please let me know what you have decided to do with Water Right No. 1008-2 from Ponca Creek.

Thank you in advance for your help in updating the water rights.

Sincerely,

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1223-2

Date: 11-22-06

I/We request that Water Right No. 1223-2

formerly owned by: Leonard and Denice Zeisler

be transferred to: (name & address) BRANDON Zeisler

30155 354th Ave.

St. Charles S.D. 57571-5207

Telephone No. 605-654-2363
830-1007

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

301 acres - S ½ SW ¼ Section 22; NE ¼ Section 28; N ½ Section 27, T95N, R70W

I/We understand that the validity of Water Right No. 1223-2 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 BRANDON Zeisler, the new owner, certify that the above information is true and correct.



(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
DEC - 1 2006
WATER RIGHTS
PROGRAM

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date December 1, 20 06

RECEIVED OF Brandon Zeisler, Star Rt. Box 6, Saint Chares SD 57571

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>1223-2</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.

2656

By

Harland Elbe
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

December 20, 2006

1008-2
1223-2

Brandon Zeisler
30155 354th Ave
St Charles SD 57571-5207

Dear Mr. Zeisler:

Thank you for following up on the ownership changes for Water Right Nos. 1008-2 and 1223-2. The transfers have been completed. The water rights formerly held by Leonard and Denice Ziesler are now listed in your name.

Enclosed are your Receipt Nos. 02656 and 02657 in the amount of \$2.50 each. You may keep these for your records.

Thank you for the note concerning irrigation as it pertains to Water Right No. 1008-2 from Ponca Creek. I will include the information with the file that indicates you have not abandoned use of water from the creek and have not used the source due to unavailability of water.

If you have any questions, please contact me.

Sincerely,

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

enclosures

1223-2

WILES & RYLANCE
ATTORNEYS AT LAW
3 East Kemp - Suite 200
P. O. Box 227
Watertown, South Dakota 57201-0227
(605) 886-5881

FACSIMILE
(605) 886-3934

E-MAIL:
rdr@wilesandrylance.com

RECEIVED
MAY 15 2017
WATER RIGHTS
PROGRAM

John C. Wiles, P.C.
Raymond D. Rylance, P.C.
Amanda M. Jenson

May 11, 2017

PMB 2020
DENR – Water Rights Program
523 E Capitol Ave.
Pierre, SD 57501-3182

RE: 1223-2

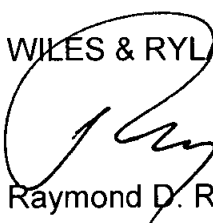
Dear Folks,

Please find enclosed the Notice of Transfer of Ownership in regards to Permit No. 1223-2. Also enclosed is a check in the amount of \$50.00.

If you have any questions, please do not hesitate to contact me.

Yours very truly,

WILES & RYLANCE



Raymond D. Rylance

RDR/jls
Enclosures
Cc. B. Zeisler

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/15, 20 17

RECEIVED OF Wiles & Rylance PO Box 227 Watertown SD 57201

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>1223-2</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____	50	00
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. **08249**

By

James Hoodman
Chief Engineer

Mail to: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1223-2Date: May 2, 2017

I/We request that Water Right/Permit No. 1223-2 formerly owned by:
Brandon Zeisler be transferred to:

New Owner Name: Marcel Thoene
Address: 710 Fairway Court
City, State, Zip Alton IA 51003 Telephone No. (712) 756-8877

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

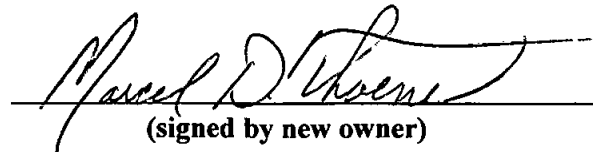
S1/2SW1/4 Section 22; NE1/4 Section 28; N1/2 Section 27 all in T95N, R70W

☒ I understand that the validity of Water Right/Permit No. 1223-2 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below.)

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Marcel Thoene, the new owner, certify that the above information is true and correct.


(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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 15, 2017

1223-2

Marcel Thoene
710 Fairway Court
Alton IA 51003

Dear Ms. Thoene:

I am writing to acknowledge receipt of the transfer form and filing fee submitted for changing ownership on Water Right No. 1223-2. The ownership change has been completed. Water Right No. 1223-2, formerly held by Brandon Zeisler is now listed in your name.

For informational purposes, each year our program sends out an irrigation questionnaire for reporting water use for that specific crop year. The questionnaires are mailed in mid-October and are due back by December 1st. I have included a copy of the 2016 questionnaire submitted by Brandon Zeisler to give you an idea of what type of information to keep track of during the irrigation season.

The receipt for the filing fee is being forwarded by copy of this letter to Wiles & Rylance Law Firm.

If you have any questions, please contact me.

Sincerely,

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

c: Raymond D Rylance, Wiles & Rylance, Attorney at Law

WATER LICENSE NO. 1223-2

DIVISION OF NO. 1223-2 INTO NOS. 1223A-2 & 1223B-2

Water Right No. 1223-2 authorizes diversion of 3.92 cfs from Squaw Creek, Squaw Creek Reservoir and a dugout for irrigation of 301 acres in portions of Section 22, 27 and 28, T95N, R70W. The water right included storage of 417 acre feet annually from the reservoir. Priority dates established under Water Right No. 1223-2 were: 1.26 cfs from October 16, 1969 and 2.66 cfs & 417 acre feet annually from November 18, 1974.

On May 25, 2017, Brandon Zeisler filed an ownership change for a portion of the land described in the water right.

Water License No. 1223-2 was divided and reissued to reflect separate ownership as follows:

- **No. 1223A-2: Marcel D Thoene, 710 Fairway Court, Alton IA 51003:**

Diversion of 2.98 cfs from Squaw Creek & Squaw Creek Reservoir to irrigate 229 acres located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 22, NE $\frac{1}{4}$ Section 28 and the NW $\frac{1}{4}$ Section 27, T95N, R70W.

Priority dates:

October 16, 1969 is retained for 0.32 cfs;

November 18, 1974 is retained for 2.66 cfs and storage of 417 acre feet annually in Reservoir.

- **No. 1223B-2: Brandon Zeisler, 30155 354th St, St Charles SD 57571:**

Diversion of 0.94 cfs from Squaw Creek and a dugout to irrigate 72 acres located in the NE $\frac{1}{4}$ Section 27, T95N, R70W.

Priority date: October 16, 1969