



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

JUN 19 2017

1223A-2

Marcel D Thoene
710 Fairway Court
Alton IA 51003

Dear Ms. Thoene:

Enclosed is Reissued Water License No. 1223A-2.

Based on an ownership change filed by Brandon Zeisler for a portion of the land described in Water Right No. 1223-2, the water license 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 and 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.
- **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.

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.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 1223A-2
DIVISION OF NO. 1223-2 INTO NOS. 1223A-2 & 1223B-2

(1) Leonard & Denice Zeisler were issued Water License No. 1223-2, November 6, 1979 for a water right to divert 3.92 cubic feet of water per second (cfs) from Squaw Creek, Squaw Creek Reservoir and a dugout located in Gregory County, South Dakota for irrigation purposes. Water License No. 1223-2, with priority dates of October 16, 1969 and November 18, 1974 was issued to the applicants for diversion of water with construction of the water supply system and the application of water to beneficial use completed. At the time of licensing, the applicable portions of Water Permit No. 1007-2 were incorporated into No. 1223-2.

Water Right No. 1223-2 authorizing irrigation of 301 acres in portions of Section 22, 27 and 28, T95N, R70W had the following ownership changes filed:

- December 1, 2006: Leonard & Denice Zeisler to Brandon Zeisler;
- May 15, 2017, Brandon Zeisler to Marcel D Thoene.

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 is being 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 and 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. A priority date of October 16, 1969 is retained for 0.32 cfs and a priority date of November 18, 1974 is retained for 2.66 cfs and storage of 417 acre feet annually in Squaw Creek 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. A priority date of October 16, 1969 is retained.

(2) It is certified that the water right holder has complied with the provisions of South Dakota State Law relating and is entitled to divert 2.98 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Reservoir: 2,190'S & 30'W of the NE corner of Section 28, T95N, R70W (SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27);
- Creek: 1,970'S & 2,350'E of the NW corner of Section 27, T95N, R70W (SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 27).

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

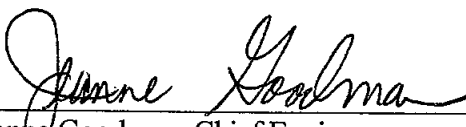
all in T95N, R70W					
Section 22	SW $\frac{1}{4}$ SW $\frac{1}{4}$	26 acres	Section 28	NW $\frac{1}{4}$ NE $\frac{1}{4}$	19 acres
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	26 acres		NE $\frac{1}{4}$ NE $\frac{1}{4}$	36 acres
Section 27	NW $\frac{1}{4}$ NW $\frac{1}{4}$	35 acres		SW $\frac{1}{4}$ NE $\frac{1}{4}$	6 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres		SE $\frac{1}{4}$ NE $\frac{1}{4}$	19 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	5 acres	Total 229 acres		
	SE $\frac{1}{4}$ NW $\frac{1}{4}$	17 acres			

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Marcel D Thoene, 710 Fairway Court, Alton IA 51003 the holder and/or owner of Water Right No. 1223A-2 is issued a license to appropriate water, the right to use 2.98 cubic feet of water per second from Squaw Creek and Squaw Creek Reservoir with priority dates of October 16, 1969 (0.32 cfs) and November 18, 1974 (2.66 cfs & 417 acre feet annually) from the locations specified in (2) of this license for irrigation purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1223-2 and subject to the following qualifications:

- Low flows as needed for downstream domestic use, including livestock water and prior water rights must be bypassed.
- Approval of this permit authorizes storage of 417 acre feet of water annually.



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

JUN 19 2017

date





DEPARTMENT of ENVIRONMENT
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JOE FOSS BUILDING
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PIERRE SOUTH DAKOTA 57501-3182
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October 30, 2017

1223A-2

Marcel Thoene
710 Fairway Court
Alton IA 51003

Dear Mr. Thoene:

Thank you for contacting me in regard to the upcoming change with respect to the renter on your land in Gregory County.

Enclosed as we discussed are copies of the 2014, 2015 and 2016 irrigation questionnaires for Water Right No. 1223-2. I have also included a copy of the water license for you to give to your new renter.

Once you have the paperwork in order with the new renter, please send me his contact information so I can update our files. As you requested, future irrigation questionnaires will be directed to him. If for any reason he does not get the form in on time, you would be notified to allow you an opportunity to gather the information from the renter and avoid any Board action.

I will send you a copy of the completed 2017 irrigation questionnaire as soon as I receive it from Brandon Ziesler. If you have any questions, please let me know.

Sincerely,

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

enclosures

File No. 1223B-2

2765-2

1223A-2 ✓

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Mrs. Russell Garwood, 47951 901st Rd, Butte NE 68722

DATE: May 21, 2018

TELEPHONE: 402 775-2542

RE: land ownership under Water Right No. 1223B-2 and Water Permit No. 2765-2

COMMENTS:

Nos. 1223B-2 and 2765-2:

Russell Garwood submitted a "transfer of ownership" form for both of the above numbers. The transfer forms did not include a legal description of the land he purchased.

I called and spoke with Mrs. Garwood, she indicated they had purchased all of the land that Brandon Zeisler owned. Water Right No. 1223B-2 and Water Permit No. 2765-2 should be transferred in their entirety.

No. 1223A-2:

She further indicated they would be operating the irrigation system described in Water Right No. 1223A-2 held by Marcel Thoene, Alton IA. The annual irrigation questionnaire for No. 1223A-2 should be sent to Garwood's as that of operator or manager.



Genny McMath
Water Rights Program

1223A-2



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May 22, 2018

1223A-2
1223B-2
2765-2

Russell Garwood
47951 901st Rd
Butte NE 68722

Dear Mr. Garwood:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right No. 1223B-2 and Water Permit No. 2765-2. The ownership changes have been completed. Nos. 1223B-2 and 2765-2 formerly held by Brandon Zeisler are now listed in your name.

In mid-October each year, we mail out irrigation questionnaires to irrigators to obtain information on how much water was withdrawn and applied from each water source. The forms are due back in our office by December 1st. I have included a copy of last year's forms to give you an idea of how to report the information and what type of information is needed.

It is my understanding that you will be operating the irrigation system described in Water Right No. 1223A-2, held by Marcel Thoene. The annual irrigation questionnaire for Water Right No. 1223A-2 will be directed to your attention until you or Marcel notifies us otherwise. This does not change ownership of the water right. I have included a copy of the water right and last year's irrigation questionnaire for your review.

The receipts for the filing fees you submitted for the ownership changes are enclosed. If you have any questions concerning any of the enclosed information, please contact me.

Sincerely,

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

enclosures: water rights; irrigation questionnaires; receipts