

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

Water Right/Permit No. 1223-2Date: may 17, 2017

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

New Owner Name: Brandon ZeislerAddress: 30155 354th StreetCity, State, Zip St. Charles SD 57571 Telephone No. 605-654-2363

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

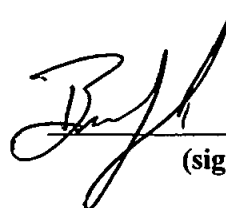
NW1/4 NE1/4; NE1/4 NE1/4; SW1/4 NE1/4; AND SE1/4 NE1/4 all in section 27-T95N, R70W all in  
Gregory County

☒ 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, 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.

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 5/25, 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. **08254**

By Jeanne Goodman  
Chief Engineer



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

denr.sd.gov

JUN 19 2017

1223B-2

Brandon Zeisler  
30155 354<sup>th</sup> St  
St Charles SD 57571

Dear Mr. Zeisler:

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

Based on an ownership change you filed 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 354<sup>th</sup> 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. 1223B-2**  
**DIVISION OF NO. 1223-2 INTO NOS. 1223A-2 & 1223B-2**

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(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 354<sup>th</sup> 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 0.94 cubic feet of water per second for beneficial use. The location of the diversion points are:

- Creek: 2,700'S & 1,350'W of the NE corner of Section 27, T95N, R70W (NW  $\frac{1}{4}$  SE  $\frac{1}{4}$  Section 27);
- Dugout: 2,320'S & 500'W of the NE corner of Section 27; T95N, R70W (SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  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:

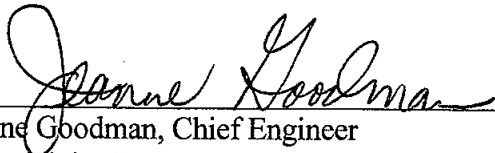
|                       |                                   |          |
|-----------------------|-----------------------------------|----------|
| T95N, R70W Section 27 | NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 4 acres  |
|                       | NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 4 acres  |
|                       | SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 33 acres |
|                       | SE $\frac{1}{4}$ NE $\frac{1}{4}$ | 31 acres |
|                       | Total                             | 72 acres |

continued

(4) Pursuant to South Dakota Water Law 46-5-30.1 Brandon Zeisler, 30155 354<sup>th</sup> Street, St Charles SD 57571 the holder and/or owner of Water Right No. 1223B-2 is issued a license to appropriate water, the right to use 0.94 cubic feet of water per second from Squaw Creek and a dugout with a priority date of October 16, 1969 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.



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

JUN 19 2017

date



RECEIVED

MAY 18 2018

WATER RIGHTS  
PROGRAM

SD EForm - 0495LD V2

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

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

Water Right/Permit No. 1223B-2

Date: 5-14-18

I/We request that Water Right/Permit No. 1223B-2 formerly owned by:

Brandon Zeisler

be transferred to:

New Owner Name:

Russell Garwood

Address:

47951 901 Rd

City, State, Zip

Butte NE 68722

Telephone No. 402-775-2542

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

☒ I understand that the validity of Water Right/Permit No. 1223B-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, Russell Garwood, the new owner, certify that the above information is true and correct.

Russell Garwood  
(signed by new owner)

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

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

# RECEIPT

## WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date May 18

, 20 18

Russell or Louise Garwood 47951 901st Rd Butte, NE 68722

RECEIVED OF

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>1223B02</u>                                                                    |       |    |
| Fee for _____                                                                                                  |       |    |
| Fee for Issuing New Well Driller's License No. _____ for C.Y. _____                                            |       |    |
| Fee for Renewal of Well Driller's License No. _____ for C.Y. _____                                             |       |    |
| Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____                                         | 50    | 00 |
| Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____                                      |       |    |
| (Any Other Work Provided by Law)                                                                               | TOTAL |    |

No. **08666**

By

*Jeanne Goodman*  
Chief Engineer

*zm*

File No. 1223B-2 ✓  
2765-2  
1223A-2

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** Mrs. Russell Garwood, 47951 901<sup>st</sup> 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

1223B-2



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

May 22, 2018

1223A-2  
1223B-2  
2765-2

Russell Garwood  
47951 901<sup>st</sup> 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 1<sup>st</sup>. 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,

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

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

enclosures: water rights; irrigation questionnaires; receipts