

1347-2

1. Considered 3-17, 1976
2. Name of Applicant BERNARD STORSER
3. Post Office Address PIERRE
4. Amount of water claimed 4.0 (3 DAMS - 250 ACRE FT. STORAGE)
5. Source of water supply WILLOW CREEK & TRIBUTARIES
6. Water to be used for IRRIGATION
- Acres to be irrigated 280
7. Water to be diverted and used in STANLEY county
about 16W, 3N miles of FT. PIERRE
8. Proof of Publication Received _____
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

Map No. 1139-2 Water Division No. 2 BAD RIVER District _____
 No. 1341-2
 (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Bernard Stoesser
 Postoffice address 913 S. Garfield Pierre, 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) Contract
 3. Name of diversion work Stoesser Project #1
 4. Amount of water claimed (cubic feet per second) 4.0 CFS
 5. Source of water supply Stored run off - PUMP INTO STORAGE FROM WILLOW CR.
 6. Location of point of diversion 3 Diversion Dams: 1-Center Section 7,
2-2000' SE of the center of Section 7, 3-2000' NW of the
center of Section 12 T5N - R29E County Stanley
WILLOW CREEK IN N.E. SE, SEC. 7, T5N, R29E
 7. Annual period or periods during which water is to be used Irrigation Season
 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 280

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NW 1/4 of Sec. 7 T5 R29</u>	<u>100</u>		
<u>NE 1/4 of Sec. 12 T5 R28</u>	<u>60</u>		
<u>SE 1/4 of Sec. 7 T5 R29</u>	<u>90</u>		
<u>NE 1/4 of Sec. 18 T5 R29</u>	<u>30</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five years. Additional time required to complete application of water to the proposed beneficial use four years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Fort Pierre Times
 12. Principal Features of the Proposed Water Supply System.

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

Diversion Dams and Centrifugal Pumps

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

Aluminum and Buried Plastic Pipe

C. Works proposed to apply water to beneficial use.

Sprinkler Irrigation

Estimated Total Cost \$ 110,000.00

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)

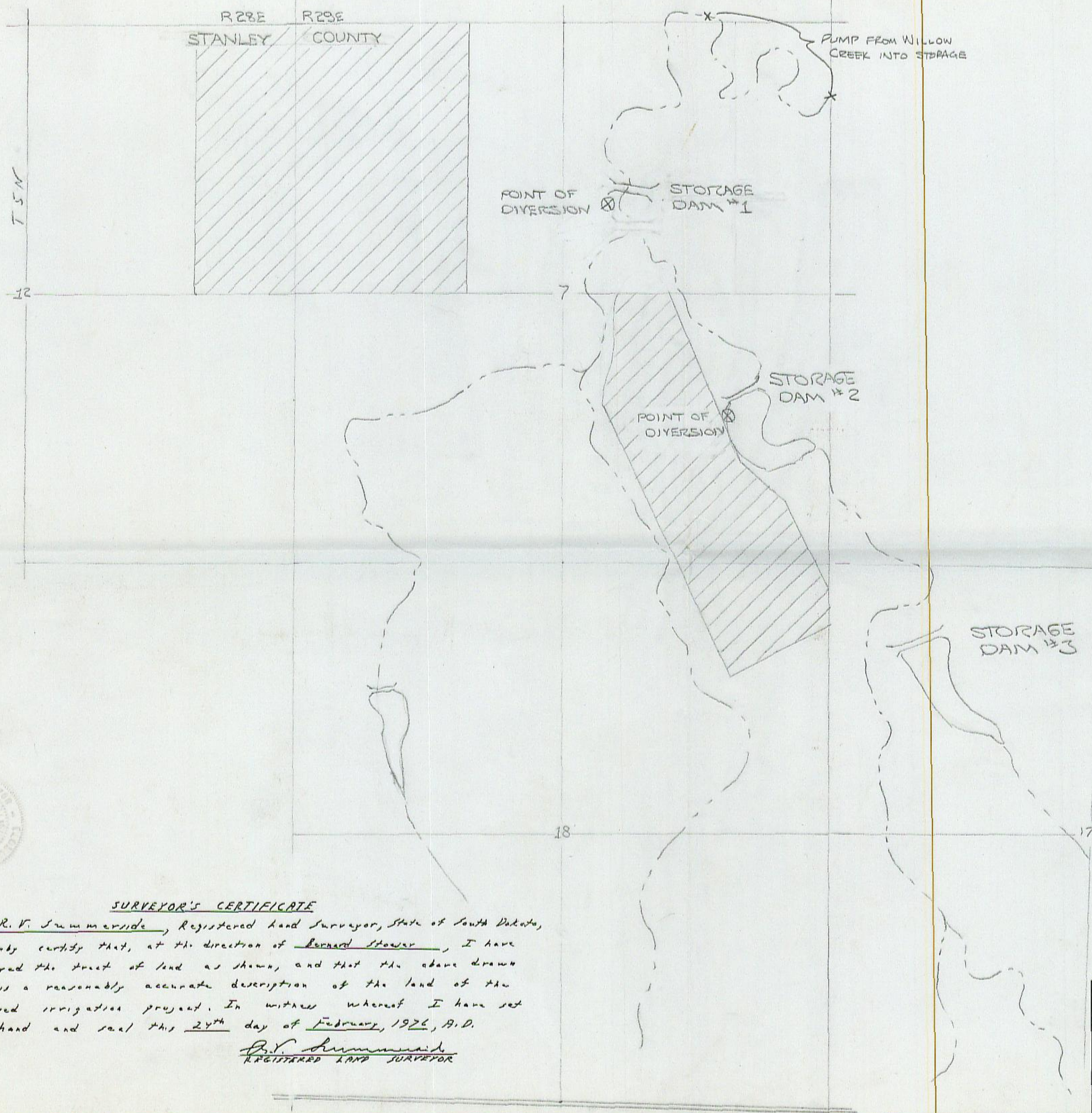
County of Heads) ss.

I, Bernard Stoesser 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 Bernard StoesserSubscribed and sworn to before me this 21st day of February, 19 76

Notary Public (or other qualified officer)

1347-2



LAND TO BE IRRIGATED	
BERNARD STOESEF OWNER	
DISCRIPTION	ACRES
NW 1/4 OF SEC. 7 TS-R29	100
NE 1/4 OF SEC. 12 TS-R28	60
SE 1/4 OF SEC. 7 TS-R29	80
NE 1/4 OF SEC. 18 TS-R29	30
TOTAL 280	

SURVEYOR'S CERTIFICATE

I, R. V. Summerside, Registered Land Surveyor, State of South Dakota, do hereby certify that, at the direction of Bernard Stoeser, I have surveyed the tract of land as shown, and that the above drawn plot is a reasonably accurate description of the land of the proposed irrigation project. In witness whereof I have set my hand and seal this 24th day of February, 1976, A.D.

R. V. Summerside
REGISTERED LAND SURVEYOR

WATER APPROPRIATION MAP		
SCALE: 1" = 1 MI.	APPROVED BY:	DRAWN BY: JK
DATE: 23 FEB 76		REVISED:
BERNARD STOESEF		
PIERRE, SOUTH DAKOTA		DRAWING NUMBER:

MAP NO 1139-2 (APPL NO 1347-2)

WATER RIGHT APPLICATION APPROVAL 1347-2

The Water Rights Commission hereby approves Water Right Application No. ~~1348-2~~BERNARD STOESER

(Applicant)

913 S. GARFIELD, PIERRE

(Post Office Address)

SOUTH DAKOTA 57501

(State)

With the following modifications:

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

Date of first receipt of application FEBRUARY 26, 19 76

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

Date of receipt of corrected application _____, 19 _____

Approved MARCH 17, 19 76, Recorded in Book 15 Page 47WATER RIGHT PERMIT NO. 1347-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1347-2 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 FEBRUARY 26, 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17, 19 78
3. The whole of said work is to be completed on or before MARCH 17, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17, 19 85
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.

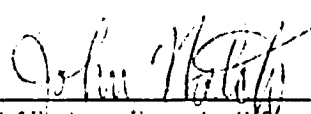
7. The amount of the appropriation herein granted shall not exceed 4.0 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 MARCH 17, 19 85; said water to be used during the following described annual period: DURING IRRIGATION SEASON

Witness my hand this 30TH day of MARCH, 19 76

WATER RIGHTS COMMISSION

By:


 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

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 (by 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 water right map.

As shown on the Water Right Map, three storage dams will be utilized. Water will be diverted from Dams #1 and #2. Storage dam number one has not been constructed, but the desired storage capacity is to be 250 acre feet. Storage dams 2 and 3, presently existing, will be built up to hold approximately 75 acre feet and 50 acre feet respectively.



Signature of Applicant

Form 6 - Notice of Intent to appropriate Water

1347-2

Publish first publication on or before March 4, 1976

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 26, 1976

Notice is hereby given that Bernard Stoesser
whose post office address is Pierre, 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
4.0 cubic feet of water per second of time from the Willow Creek & Tributaries through the
Stoesser Project No. 1, the point of diversion of which is to be located in the
NW 1/4 NW 1/4, Sec. 17, NE 1/4 SW 1/4 and SW 1/4 NE 1/4, Sec. 7; from Willow Creek in the NW 1/4 NE 1/4
of Section 7, Twp all in 5N, Range 29E. Said water to be used for the purpose
of providing irrigation on the following described land:

NE 1/4, SE 1/4, Sec. 7, NE 1/4 NE 1/4, Sec. 18, T5N, R29E, E 1/4 NE 1/4, Sec. 17, T5N, R29E

This application No. 1347-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 17th day of March, 1976, at 1:00 P.M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Bernard Stoesser
913 South Garfield
Pierre, SD 57501

No. 1347-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Stanley)

I, James E. Thompson, hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Fort Pierre Times

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City _____ of Fort Pierre _____

County of Stanley and State of South Dakota;
that the said notice was published in said newspaper on the following
dates:

March 6, 1976

March 13, 1976

James E. Thompson
(Signature)

(Title)

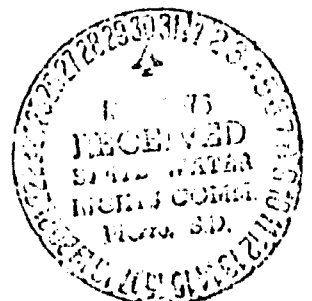
(Date Signed)

NOTICE
INTENT TO
APPROPRIATE WATER
No. 13-17-2

Notice is hereby given that Bernard Stoesser whose post office address is Pierre, 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 4.0 cubic feet of water per second of time from the Willow Creek & Tributaries through the Stoesser Project No. 1, the point of diversion of which is to be located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 17, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, from Willow Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Twp. 41 N, R. 29 E, Range 25 E. Said water to be used for the purpose of providing irrigation on portions of the following described land: NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 13, T5N, R29E, E4 NE $\frac{1}{4}$, Sec. 2, T5N, R28E.

This Application No. 1347-2 will be considered by the Water Rights Commission at their office at Pierre upon the 17th day of March, 1976, at 1:00 P.M. All interested persons may appear and be heard.

Water Resources Commission
By: Burton F. Jones
Water Rights Specialist
Publish: March 6, 13, 1976



 **Department of
Water & Natural Resources**

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

May 26, 1988

Bernard Stoesser
1025 Fairway Dr
Pierre, SD 57501

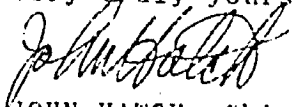
Dear Mr. Stoesser:

I am writing in regard of our review of irrigation questionnaire records. No irrigation has been reported for the last five irrigation seasons under Permit No(s). 1347-2.

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

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

Very truly yours,



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



177

 **Department of
Water & Natural Resources**

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

February 8, 1989

BERNARD STOESER
1025 FAIRWAY DR
PIERRE, SD 57501

NOTICE

RE: Violation of Requirement to Submit 1988 Irrigation Questionnaire

Our records indicate that the 1988 Irrigation Questionnaire has not been submitted for Permit No(s). 1347-2, 1348-2. The request for the Questionnaire was dated October 26, 1988. The Water Management Board had directed that owners of water permits who have not submitted the 1988 Irrigation Questionnaire be given notice of hearing to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:45 am, March 1, 1989 at the Howard Johnson's, Roosevelt Room, I-90 at LaCrosse, Rapid City SD.

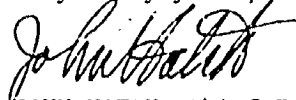
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s). 1347-2, 1348-2 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire is received in this office before the March 1st hearing date, your name will be deleted from the agenda for the hearings.

Very truly yours,



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



SOUTH DAKOTA

**Department of
Water & Natural Resources**

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

February 24, 1989

1347-2
1348-2

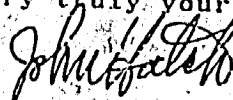
Gernory Stoesser
1025 Fairway Drive
Pierre, SD 57501

Dear Mr. Stoesser:

I am writing to acknowledge receipt of your 1988 irrigation questionnaires for Water Permit Nos. 1347-2 and 1348-2. You may disregard the February 8, 1989, Notice of failure to submit the 1988 irrigation questionnaire. With receipt of the questionnaires your name has been deleted from the March Water Management Board meeting agenda.

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

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

South Dakota

1347-2

DEPARTMENT OF WATER & NATURAL RESOURCES

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

GREAT FACES. GREAT PLACES.

February 1, 1991

BERNARD STOESER
1025 FAIRWAY DR
PIERRE SD 57501

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 1347-2, 1348-2. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, Pierre SD.

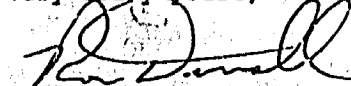
The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s) 1347-2, 1348-2 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 February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,



Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.
 Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) required.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge)
 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to:
 BERNARD STOESER
 1025 FAIRWAY DR
 PIERRE SD 57501

4. Article Number
 P 69415057 338

Type of Service:
☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
Bernard Stoesser

6. Signature - Agent
☒

7. Date of Delivery
 2-12-91

8. Addressee's Address (ONLY if requested and fee paid)
 5329 E BALTIMORE
 MESA, AZ 85205

PS Form 3811, Apr. 1989 U.S.G.P.O. 1985-278-015 DOMESTIC RETURN RECEIPT



DEPARTMENT OF WATER & NATURAL RESOURCES
Joe Foss Building
623 East Capitol
Pierre, South Dakota 57501-3181

February 12, 1991

1347-2
1348-2

Bernard Stoesser
1025 Fairway Drive
Pierre, SD 57501

Dear Mr. Stoesser:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 1347-2 and 1348-2. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

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

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



1347-2
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 14, 2000

NOTICE

TO: BERNARD STOESER, 4305 SANDWEDGE, PIERRE, SD 57501

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

SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaire(s)

Our records indicate that the 1999 Irrigation Questionnaire has not been submitted for Permit No(s) 1347-2 & 1348-2. The request for the Questionnaire was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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 1:30 pm, March 1, 2000, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD and will be conducted pursuant to SDCI. 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) 1347-2 & 1348-2 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.

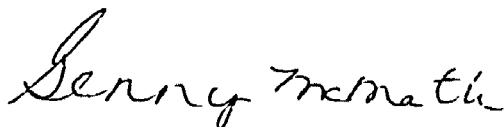
If the questionnaire(s) is(are) received in this office on/or before February 28, 2000, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.

File No. 1347-2
1348-2**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**NAME & ADDRESS: Bernard Stoesser, 4305 Sandwedge, Pierre, SD 57501DATE: January, 20000RE: irrigation questionnaires**COMMENTS:**

Mr. Stoesser stopped by the office to report that he did not have an irrigation system and did not irrigate.

I told him he had received the irrigation questionnaires and follow-up notice by accident. He should not have been sent the forms because we knew that he did not irrigate. Tim Schaal had conducted a field investigation last summer or fall. A storage dam still exists, but the irrigation system was not present. The water permits were not scheduled for cancellation following the inspection because a storage dam exists on the property.



Genny McMath
Environmental Scientist

Permit No. 1347-2
Bad River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, September 9, 1999, made a thorough examination of the water use system constructed by Bernard Stoeser of 4305 Sandwedge, Pierre, SD 57501 holder of Permit No. 1347-2, bearing the priority of February 26, 1976 authorizing the diversion of 4.0 cu. ft. per second and/or the storage of 375 acre-feet of the waters of Willow Creek & Tributaries (runoff) for Irrigation purposes, in Stanley County.

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

A. Works used to divert the water:

Two storage dams with 140 Ac-Ft and 50 Ac-Ft storage capacity

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

N/A

C. Works used to apply water to beneficial use:

Two storage dams with 140 Ac-Ft and 50 Ac-Ft storage capacity

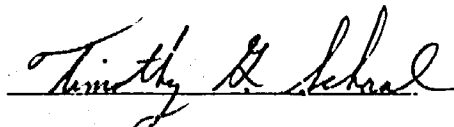
The system is in the following condition Good. The point of diversion is located Dam #2-- 1500 ft. north & 750 ft. west of the SE corner of Section 7-T5N-R29E (NE 1/4 SE 1/4); Dam #3--830 ft. south & 950 ft. east of the NW corner of Section 17-T5N-R29E. (Note: Dam #1 was not constructed) The works are capable of storing 190 acre-feet of water which is to be used for domestic use. Water has been put to beneficial use to the maximum extent as follows: (The irrigation was not developed)

Two storage dams with 140 Ac-Ft and 50 Ac-Ft storage capacity

and the license should be issued for 190 acre-feet of storage.

Applicable permit qualifications have been complied with: Yes X

Exceptions to compliance are: none Date Report Completed: March 1, 2000



Timothy G. Schaal, P.E.
Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 1347-2

Other permit(s) associated with the project: XXXX

DATE OF INSPECTION: September 9, 1999

NAME & ADDRESS OF INSPECTION CONTACT/ Bernard Stoesser

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: Bernard Stoesser, 4305 Sandwedge, Pierre, SD 57501

DIVERSION POINT LEGAL LOCATION: Dam #2-- 1500 ft. north & 750 ft. west of the SE corner of Section 7-T5N-R29E (NE 1/4 SE 1/4); Dam #3--830 ft. south & 950 ft. east of the NW corner of Section 17-T5N-R29E. (Note: Dam #1 was not constructed)

DAM INFORMATION: Dam # 2

Dam # 3

- | | |
|---|--------------------|
| 1) Height to crest <u>30</u> feet | <u>20 ft.</u> |
| 2) Height to primary spillway <u>25</u> feet | <u>17 ft.</u> |
| 3) Height to secondary spillway <u>XXX</u> feet | |
| 4) Crest width <u>12</u> feet | <u>12 ft.</u> |
| 5) Crest length <u>500</u> feet | <u>450 ft.</u> |
| 6) Spillway length <u>XXX</u> feet | |
| 7) Spillway width <u>75</u> feet | <u>50 ft.</u> |
| 8) Approx. storage (Normal) <u>140</u> acre-feet | <u>50 Ac.-Ft.</u> |
| 9) Approx. storage (Maximum) <u>280</u> acre-feet | <u>100 Ac.-Ft.</u> |
| 10) Date constructed: <u>XXX</u> | |

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit N/A
- 2) Special qualifications to permit being abided by yes
- 3) All structures, wells and lands on map yes
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period N/A (The irrigation was not developed)

File No. 1347-2 & 1348-2

Water Rights Division -DENR
Conversation or File Documentation

NAME OF PERSON OR FILE: Bernard Stoesser

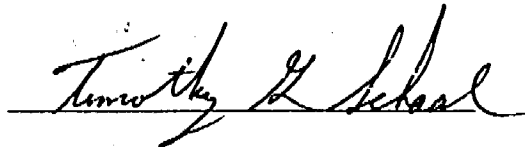
ADDRESS: 4305 Sandwedge Pierre, SD 57730 COUNTY: Stanley

DATE: March 1, 2000

TELEPHONE: 224-4840

RE: Inspection of Water Permit Nos. 1347-2 & 1348-2

On September 9, 1999, I talked to Bernard and Bob Stoesser about Water Permit Nos. 1347-2 and 1348-2. Both of these permits involved irrigation from storage dams. Dams No. 2 & 3 for Permit No. 1347-2, existed at the time of the application, dam No. 1 was never constructed. The dam for Permit No. 1348-2 was proposed to be constructed in the SE 1/4 of Sec. 25-T5N-R28E. Bernard Stoesser indicated to me that this dam had been constructed. The irrigation for these Permits was never developed. I told the Stoessers that the Permits would need to be licensed for only the storage in the dams and the irrigation portion of the Permits would be cancelled. After further investigation, I discovered that the dam for Water Permit No. 1348-2 did not exist; therefore, Water Permit No. 1348-2 should be completely cancelled.



Timothy G. Schaal, P.E.
Natural Resources Engineer III
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 14, 2000

1347-2

Bernard Stoesser
4305 Sandwedge
Pierre, SD 57501

Dear Mr. Stoesser:

The investigation of your water use system was conducted on September 9, 1999, by Timothy G. Schaal, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 1347-2. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the investigation and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

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

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
E23 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

March 21, 2000

1347-2

Bob & Steve Stoesser
HCF 33 Box 26
Ft Pierre, SD 57532

Dear Sirs:

I am contacting you in regard to ownership of Water Permit No. 1347-2. The permit authorizes storage of water in dams located in Section 7 and 17, T5N, R29E. Bernard Stoesser stopped by the office concerning licensing of the water permit and indicated that he sold the land to you several years ago.

As part of the licensing process, the water permit will need to be transferred to your names. This will ensure that the license is issued in the correct names. Enclosed is a partially completed "Notice of Ownership" form. Please review the form and sign it in the presence of a notary public. Upon completion, please return it to our office.

Bernard has already paid the fee for licensing and transfer of the water permit. No additional fees are required. We will proceed with licensing the water permit as soon as we receive the transfer form back from you.

If you have any questions, please contact me.

Sincerely,

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

enclosure

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416433

Pierre, _____ March 21, 2000

RECEIVED OF Bernard Wooser, 4305 Sandwedge Dr., Pierre, SD 57501

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. 1347-2

50 00

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

№ 416434

Pierre,

March 21, 2000

RECEIVED OF Bernard Stoesser, 4305 Sandwedge Dr., Pierre, SD 57501
the following amount in fees for service 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 Water Permit No. 1347-2

Fee for Filing Extension Request _____

Fee for _____

2 50

(Any Other Work Provided by Law)

Total

2 50



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 27, 2000

1347-2

Bob & Steve Stoesser
HCR 33 Box 26
Ft Pierre, SD 57532

Dear Sirs:

On March 21, 2000, I wrote to you about the transfer and licensing of Water Permit No. 1347-2. The permit authorizes storage of water in dams located in Section 7 and 17, T5N, R29E. To date, I have not received the transfer form from you.

Prior to licensing the water permit, it will need be transferred to your names. In the event you do not have the original form, I am enclosing an additional one. Please review the form and sign it in the presence of a notary public. Upon completion, please return it to our office.

Bernard has already paid the fee for licensing and transfer of the water permit. No additional fees are required. We will proceed with licensing the water permit as soon as we receive the transfer form back from you.

If you have any questions, please contact me.

Sincerely,

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

enclosure

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1347-2

Date: _____

I/We request that Water Permit No. 1347-2

formerly owned by: Bernard Stoesser

be transferred to: (name & address) Steve + Bob Stoesser

20628 Willow Creek Rd Ft. Pierre SD 57532 Telephone No. 223-3154

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

location of storage dams: NE 1/4 SE 1/4 Section 7 and NW 1/4 NW 1/4 Section 17, all in T5N, R29E

I/We understand that the validity of Water Permit No. 1347-2 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.

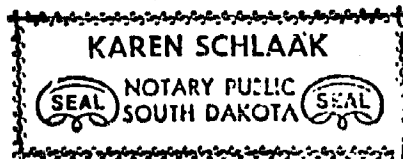
STATE OF SOUTH DAKOTA)

County of Hughes)

I/We Steve Stoesser 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.

Steve Stoesser
(Signed)

Subscribed and sworn to before me this 16th day of October, 2000.



Karen Schlaak
(Notary Public)
KAREN SCHLAACK, Notary Public
My Commission Expires
April 1, 2001

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.

Licensing of Irrigation Water Permit for Stock Watering

NAME: Bernard Stoeser

ADDRESS: 4305 Sandwedge, Pierre, SD 57501X

DATE: March 1, 2000 COUNTY: Stanley TELEPHONE: 224-4840

AUTHORITY

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

REQUEST

The irrigation portion of this permit was never developed. Dam No. 2 and Dam No. 3 existed at the time of the application (Dam No. 1 was not constructed). I discussed with Mr. Stoeser the need to add stock watering to Permit No. 1347-2 and license it for domestic use only.

RECOMMENDED ACTION

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



Timothy G. Schaal, P.E.

Natural Resources Engineer III

Water Rights Program

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

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



Garland Erbele, Chief Engineer

Water Rights Program

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1347-2

(1) Bernard Stoesser, 4305 Sandwedge, Pierre SD 57501 made Application No. 1347-2, February 26, 1976 for a water permit to divert 4.0 cubic feet of water per second from runoff and Willow Creek (3 storage dams), Stanley County, South Dakota for irrigation purposes. Permit No. 1347-2, with a priority date of February 26, 1976 was approved March 17, 1976 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before March 17, 1981 and for the application to beneficial use of said water on or before March 17, 1985.

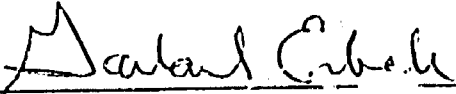
An investigation of Water Permit No. 1347-2 found the irrigation use to be abandoned and/or forfeited. Pursuant to SDCL 46-5-31.1, the Chief Engineer makes a finding that the existing water rights will not be impaired provided no diversions are made from the stock dam.

On October 16, 2000, Water Permit No. 1347-2 was transferred to Steve & Bob Stoesser.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of storage dams and is entitled to impound 190 acre-feet of water for beneficial use with sufficient water annually to maintain the water level to the outlet elevation. The location of the storage dams are: Dam #2 - 1,500 feet north and 750 feet west of the southeast corner of Section 7-T5N-R29E (NE ¼ SE ¼) and Dam #3 - 830 feet south and 950 feet east of the northwest corner of Section 17-T5N-R29E (NW ¼ NW ¼)

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

(4) Pursuant to South Dakota Water Law 46-5-30.1 Steve and Bob Stoesser, 20628 Willow Creek Rd, Ft. Pierre SD 57532 the holders and/or owners of Water Right No. 1347-2 are issued a license to appropriate water, the right to impound a total of 190 acre-feet (Dam #2 - 140 acre-feet and Dam #3 - 50 acre-feet) of water from runoff and Willow Creek with sufficient water annually to maintain the water level to the outlet elevation with a priority date of February 26, 1976 from the locations specified in (2) of this license for stockwatering purposes. This license is subject to any limitations or qualifications listed in Water Right No. 1347-2 and subject to South Dakota State Law.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 23 2000

Date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

OCT 23 2000

1347-2

Steve & Bob Stoeser
20628 Willow Creek Road
Ft. Pierre SD 57532

Dear Sirs:

Enclosed is Water License No. 1347-2. 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, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

1347-2

January 17, 2001

2000 South Dakota Water Use Questionnaire

To:

STEVE & BOB STOESER
20628 WILLOW CREEK RD
FT PIERRE SD 57532

Address correction requested:

One questionnaire is being provided for each permitted water source. The following information is based on Water Permit/Right No. 1347-2. If you have other permits/rights in the same water source, also include water use under those permits/rights on this questionnaire.

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

County: STANLEY
Pumping Pt. Legal: SEC 07-T005N-R29E
Type of Water Use: DOMESTIC

- 1) Please estimate your year 2000 water use from the above water source: 0 gallons
2) If no water use in 2000, please list the reason(s) why in the comments section.

Comments:

We use Artesian well water

Contact Person:

Steve Stoesser

Telephone No:

605-223-3154

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

Thank you for completing the 2000 water use questionnaire.

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



T TO SCALE

