

1. Considered JULY 29 1981.
2. Name of Applicant RAYMOND J. STEMMERMAN
3. Post Office Address RR, Box 50, PUKWANA 57570
4. Amount of Water Claimed 1.86
5. Source of Water Supply 1010' ARTESIAN FLOWING WELL (1-AKOTA)
6. Water to be used for IRR
7. Acres to be Irrigated 130 maximum
acre feet
8. Water to be diverted and used in BRULE County
about 55.3E miles of Chamberlain
9. PROOF OF PUBLICATION Received NOT 6-56-81
Not Received
APPLICATION Approved 7-29-81
Subject to AWQ-VIT
Not Approved
Action deferred

Priority

6-1-81

Date

Received 6-1-81 Application Complete yes no FEE 250.00

Remarks

WATER
QUALITYDate information and/or
fee or corrected Application receivedPeriod of Annual use MAY THRU OCTOBERReceived yes 6/1/81 no no APPROVED/CONDITIONAL (Circle or)W-1 Description same as application yes no no Remarks

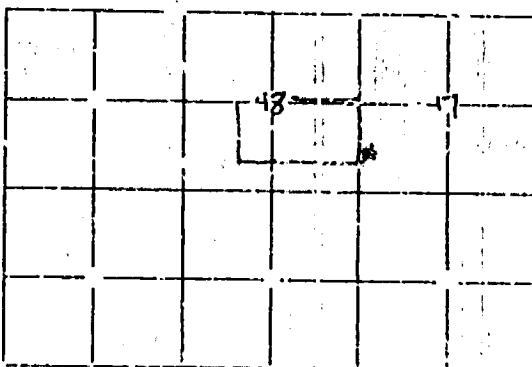
Disapproved

Returned

Diversion Point

LOT 5, SW 1/4 SEC. 17, T103N-R70

Lands to be Irrigated

SE 1/4 E 1/2 SW 1/4SEC. 18-T103N-R70WRemarks Drilled in 1947 - Red Lake Well Log in our office - Selken signed logDriller S.M. HorbeckLicensed yes noDepth 1010' deepWELL
LOG

Water Right No. _____

MAP

Map No. 3980-3 Map located in Water Right ✓ Map file _____

Type Aerial Prepared by Colquhoun

+++++

REVIEWED

This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 7-5-81

Betty Westlund
(Signed)

+++++

PROTESTS

Letters/Petitions in File - yes _____ no _____ Remark: _____

REMARKS

Date

F.F. & C

Final Decision, including F.F. & C of Law were adopted _____

OF LAW,

Date

FINAL

Final Decision mailed to parties and/or parties notified that Final Decision

DECISIONS

ETC.

was adopted _____

Remarks _____

No. 4769-3Map No. 3980-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10140101

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☒ Vested Right _____ Future Use _____

Change in Diversion _____ Additional Diversion _____

Change in Acreage _____ Additional Acreage _____

1. Name of Applicant Raymond J. Stemmerman Phone No. 734-6189
 Post Office Address RR Box 50 Pukwana State South Dakota 57770
 (Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) direct labor3. Name of diversion work Stemmerman water project4. Amount of water claimed (cubic feet per second) 1.86 cu. ft. per sec.5. Source of water supply existing deep well (flowing)6. Location of point of diversion Lot 3 of the SW 1/4 of 17 - 103 - 70Red Lake township County Brule7. Annual period or periods during which water is to be used May through June and October8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 130

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.
NE 1/4 of SE 1/4 of Sec. 18 - 103 - 70	40
NW 1/4 of SE 1/4 of Sec. 18 - 103 - 70	40
SW 1/4 of SE 1/4 of Sec. 18 - 103 - 70	12
SE 1/4 of SE 1/4 of Sec. 18 - 103 - 70	8

Land Description	No. Acres Irr.
NE 1/4 of SW 1/4 of Sec. 18 - 103 - 70	22
SE 1/4 of SW 1/4 of Sec. 18 - 103 - 70	8

Attach sheet if more space is needed

10. Time required to complete construction of water supply system existing years. Additional time required to complete application of water to the proposed beneficial use 1 years.11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Chamberlain Register

12. Principal Features of the Proposed Water Supply System.

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

Existing flowing well

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

Pump and pipeline

C. Works proposed to apply water to beneficial use.

traveling gunEstimated Total Cost \$ 45,000.⁰⁰

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 Brule) ss.I, Raymond J. Stemmerman 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 Raymond J. StemmermanSubscribed and sworn to before me this 27 day of May, 1981Way O. Benson
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4769-3

RAYMOND J. STEMMERMAN RR. BOX 50, PUKWANA
(Applicant) (Post Office Address)
SOUTH DAKOTA 57370 With the following qualifications
(State)

The well approved under this Permit shall be valved and the flow reduced to a minimum when not being used directly for irrigation. The well shall also be equipped with a pressure gauge and a record kept of any pressure fluctuations. Such records shall be available to the Board, upon request. If this well is abandoned or the Permit cancelled, the well must be plugged in accordance with the specifications of the Water Management Board.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application JUNE 1, 1981
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application JUNE 11, 1981
 Approved JULY 29, 1981, Recorded in Book 22 Page 256
 WATER RIGHT PERMIT NO. 4769-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4769-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is JUNE 1, 1981
2. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~on or before~~ JULY 29, 1986
3. The whole of said work is ~~not~~ completed ~~on or before~~ JULY 29, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 29, 1981 10-7-81
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 1.86 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 irrigation purposes said appropriation must be limited to not more than 2 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 JULY 29, 1981; said water to be used during the following described annual period: MAY THRU OCTOBER

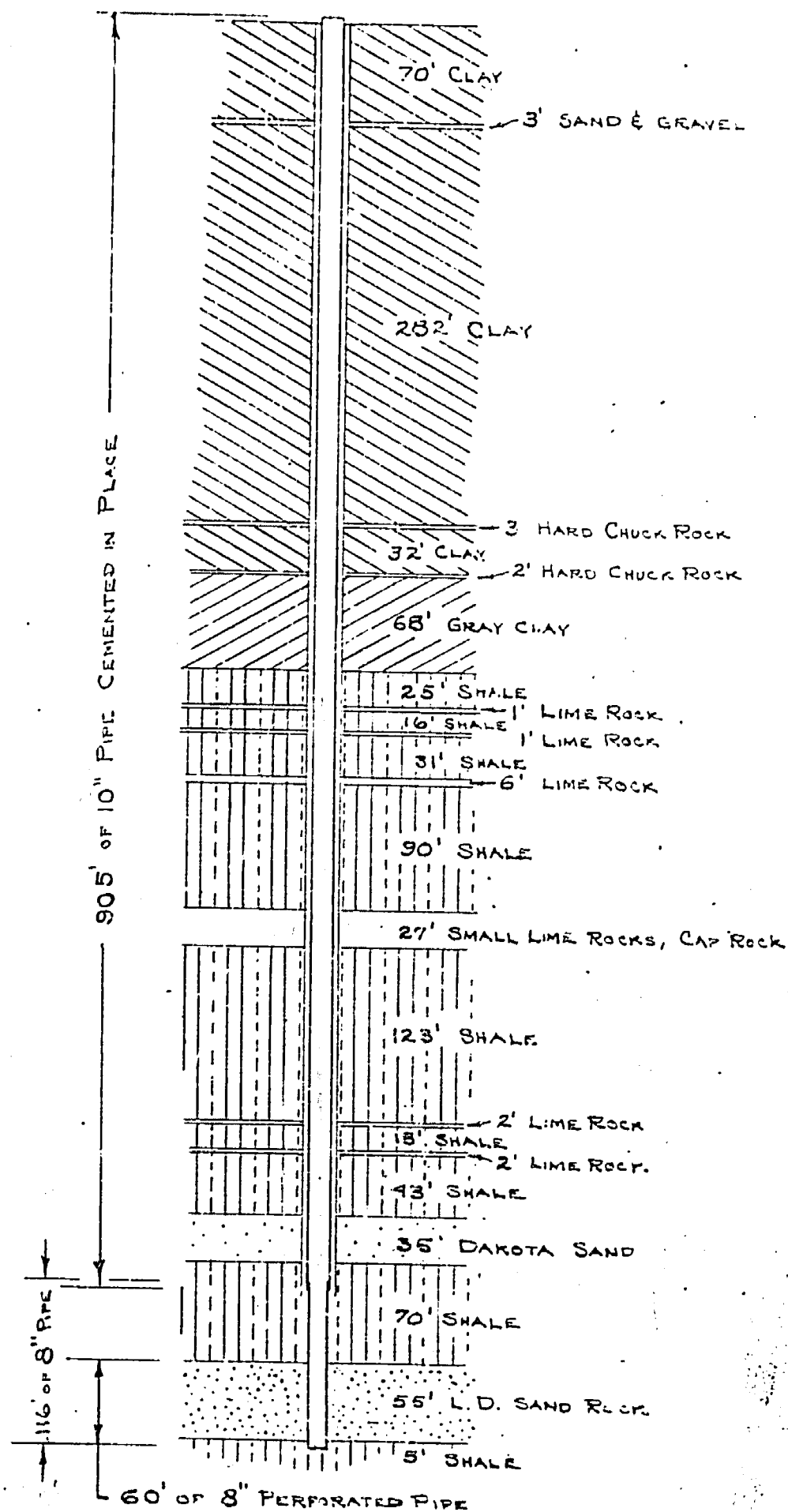
Witness my hand this 4th day of AUGUST, 1981

THE WATER MANAGEMENT BOARD

By: John H. H. H.
Chief Engineer Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



1347 QUARTZ 6 MILES W.

RED LAKE WELL

DEPTH ————— 1010' Rec. 17 T. 103 - 70
 FLOW ————— 1000 G.P.M. (ESTIMATED)
 CONTRACTOR ————— S. M. NORBECK
 VERTICAL SCALE ————— 1" = 100'

1947

John W. Sullivan

Est. 1000 - 1000 921' 1000

D Well Information

- (1) Drill Hole, Diameter 16" ?, Depth 1010'
- (2) Casing, Type steel and concrete Diameter 10" top 8" bottom, Thickness 3/8" steel 3" concrete
(wood, concrete, steel, etc)
- (3) Screen, Type _____, Diameter _____, Length _____
- (4) Gravel Pack, Thickness _____, Length of gravel pack _____

E Dugout Information or Estimates

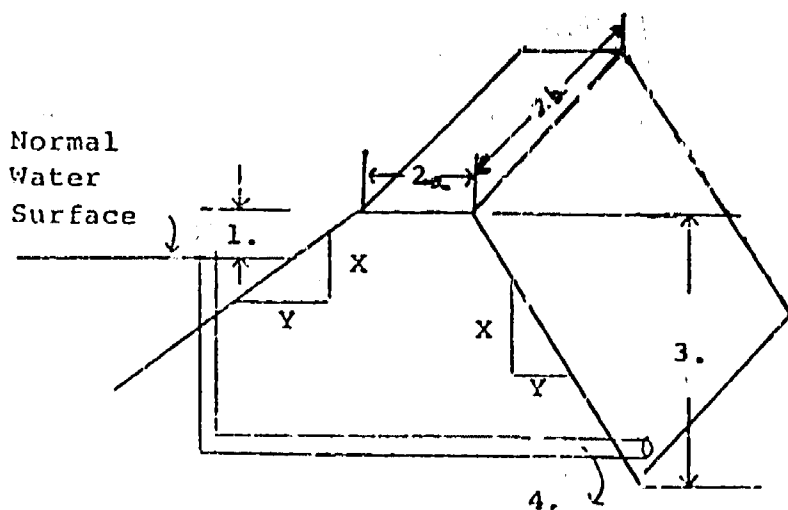
- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log) Well log is in possession of _____
Depth to top of water bearing material 955' Department of Water and Natural Resources
Depth to bottom of water bearing material 1005'
Depth to water (ground surface to water level) Flowing
- (2) Distance to nearest existing household or livestock watering well.
On same owner's property 280 rds.
On property owned by others 40 rds. property operated by applicant for pe

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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam, should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
 - Pipe diameter _____
 - Spillway width _____
 - X & Y slope:
 - Upstream _____
 - Downstream _____
 - Surface area of impoundment _____
 - Drainage area above dam _____

Raymond H. Hume
Signature of Applicant

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

7874-K1

OWNERS NAME: Ray Van Zante

OWNERS ADDRESS: 804 E. 1st St. Pierre, SD

COUNTY LAND LOCATED IN: Brule

PHONE: 785-50

TENANT'S NAME AND ADDRESS: (If Other Than Owner) Raymond Stennesson

Well is located on Raymond Stennesson land.

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres)

1. WELL LOCATION OR DIVERSION POINT: SW 1/4 Sec 18 103-70

2. SURFACE WATER SOURCE: 8 W 1/4 Sec 18 103-70

3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
SE 1/4 Sec 18 103-70	99.7		
8 W 1/4 Sec 18 103-70	31.3		
	131		
all in one field			

4. TYPE OF IRRIGATION: GRAVITY: TOWLINE: CENTER PIVOT: GUN: OTHER:

5. CROPS TO BE IRRIGATED: corn

6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED:
LEGAL DESCRIPTION:
IN WHAT NAME:

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 81-997

8. SALINITY (EC X 10⁶): 2050

9. SODIUM (SAR): 139

10. ADJUSTED (SAR): 3.60 17 2.52

RECEIVED

MAY 19 1981

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at 10 a.m./p.m., on June 14, 1981, at the following location:

by Raymond Stennesson (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME

DAY OF June

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

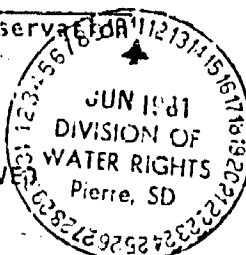
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED

IMPORTANT
Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Division of Water Management.



No. 4769-3

Publish first publication, on or before June 17, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 12, 1981

Notice is hereby given that Raymond J. Stemmerman whose post office

address is Pukwana, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 1.86 cubic feet of water per second of time from groundwater

(one well-existing) through the Stemmerman Water Project, the point ~~(X)~~ of diversion of which is ~~(XXX)~~ to be located in the _____

Lot 3, SW $\frac{1}{4}$

of Section 17, Twp. 103N, Range 70W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 18 - T103N - R70W

This Application No. 4769-3 will be considered by the Water Management Board at the Civil Defense Room, State Capitol Building, Pierre, South Dakota upon the 29th day of July 1981

at 10 A .M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Raymond J. Stemmerman
RR, Box 50
Pukwana, SD 57370

BETTY WESTLUND
Water Rights Specialist

WNR-866A-7/79 Notice of Intent to Appropriate Water
GROUNDWATER

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 4769-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Brule) ss.

I, E. J. Buckingham, Jr. hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Chamberlain Register

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 Chamberlain

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

June 18, 1981

June 25, 1981

E. J. Buckingham, Jr.
(Signature)

Public
(Title)

June 25, 1981
(Date Signed)

Cost of Printing: 214⁰

NOTICE OF HEARING ON
APPLICATION TO
APPROPRIATE WATER

Pierre, South Dakota 57501
June 12, 1981

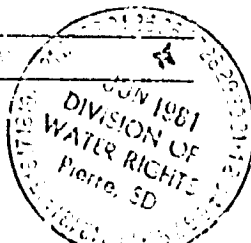
Notice is hereby given that
Raymond J. Stimmerman,
whose post office address is
Pukwa, South Dakota, has
made application in accordance
with the provisions of
SDCL 46-1-1 through 46-1-9, 46-
1-14; 46-2-9 through 46-2-11,
46-2-13; 46-5-1 through 46-5-8;
46-5-12 through 46-5-22, 46-5-
41; 46-6-3, 46-6-3.1, 46-6-5,
46-6-6.1, 46-6-10, 46-6-14 and
Board Rules ARSD 52.01:01:01
through 52.01:01:13, for a per-
mit to appropriate for beneficial
use 1.86 cubic feet of water per
second of time from groundwa-
ter (one well-existing) through
the Stimmerman Water Project,
the point of diversion of which is
to be located in the Lot 3, SW 1/4,
of Section 17, Twp. 103N, Range
70W. Said water to be used for
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on portions of the following
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SE 1/4 and E 1/2 SW 1/4, Section
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ized to make a determination on
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All interested persons may ap-
pear and be heard. Any person
who may be affected by a Board
decision on this matter is present
evidence or cross-examine the wit-
nesses according to SDCL 1-26,
may notify the Board in writing
prior to the hearing or orally at
the hearing.

This hearing is an adversary
proceeding. Any person 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 at the hearing. Deci-
sions of the Board may be
appealed to the Courts as pro-
vided by law.

Any handicapped person
wishing to attend this hearing
can contact the Water Rights
Division, DWNR, Joe Foes
Building, Pierre, SD, prior to
the hearing date for assistance
to assure access to the hearing.
Water Management Board
Betty Westlund
Water Rights Specialist
(June 18-25)



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8242

June 1, 1931

PIERRE,

Raymond J. Stemmerman, RR, Box 50, Pukwana, SD 57370

RECEIVED OF

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

Fee for Application for Permit to appropriate Water No. 4769-3 (examination, processing, recording and filing)	250	00
Fee for inspecting Construction, and issuing Cert. of Construction No.		
Fee for inspecting Beneficial Use, and issuing Water License No.		
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	250	00

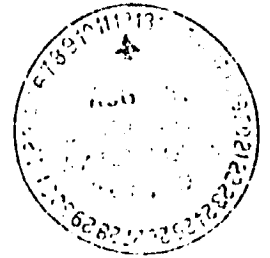
WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH / ch

South Dakota
DEPARTMENT OF GAME, FISH AND PARKS

August 10, 1981

Mr. Bill Balk, President
Minnehaha Sportsmen Club
Sioux Falls, South Dakota 57100



Dear Mr. Balk:

Although meandered lakes are not managed in the same manner, or for the same purpose as Game Production Areas, this Department is concerned about each one.

There are about 250 meandered lakes in South Dakota. Red Lake in Brule County is ninth in size. All meandered lakes are natural and have existed for many centuries.

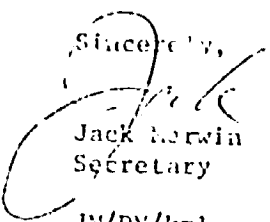
The present well which is under Raymond Stemmermans' control was drilled in 1946. Red Lake has filled with water and dried naturally many times before the well was in place as it has done since the well was drilled. The lake in its natural state is a great asset to wildlife populations whether it is full, dry or a stage in between.

The original easement for the well was granted to Brule County. Early this spring, Brule County signed a quit claim deed back to Mr. Stemmerman. The easement had been ruled invalid by the Department of Water and Natural Resources before the quit claim deed was signed. At this point, there is no question that this Department has no legal interest in the well.

The effects the well has on the lake is of interest to the Department. Mr. Stemmerman has been asked to control the wells flow by August 26. We have notified the Department of Water and Natural Resources that we are looking into the affects the well has on Red Lake. If we feel we cannot evaluate the situation in this time frame, we will ask for an extention of this deadline.

At this time I cannot advise you what our final recommendation will be. We will keep you informed regardless of the outcome.

Sincerely,


Jack Herwin
Secretary

JM/DN/kml

cc: Steve Johnson
Gayle Selken
Warren Johnson

Office of the Secretary - Sigurd Anderson Building - Pierre, South Dakota 57501 - (605) 773 3387

August 12, 1981

M E M O

TO: Craig Johnson, Office of Governor

FROM: John Hatch, Chief Engineer, Water Rights Division, DENR *John Hatch*

SUBJECT: Red Lake and Uncontrolled Red Lake Flowing Well (Stemmerman Well)
Near Chamberlain

Responding to your request, the enclosed data sheet is a summary of factors which influence the water level of Red Lake. The drainage area and surface area of the lake were measured on standard USGS 7½ minute topographic maps. The yearly evaporation loss was calculated using lake evaporation data compiled by the US Weather Bureau. Average annual surface water inflow was estimated using information in the US Soil Conservation Service Engineering Field Manual. Inflow from the Stemmerman flowing well (also known as Red Lake Well) was based on field measurements made by the Water Rights Staff.

Approximately 1,614 acre-feet of water per year is added to the Lake by the Stemmerman Well. The 30% chance occurrence of surface inflow into the lake is 4,930 acre-feet per year. The 50% chance occurrence of surface inflow is 10,672 acre-feet per year. (The percent chance occurrence is the probability that a given volume of water will run off in any one year). The annual evaporation loss from Red Lake is approximately 10,880 acre-feet.

Based on the information presented, the Water Rights Staff has calculated that Red Lake is a shallow wetland area which is subject to drying up in most years due to evaporative losses. The Stemmerman Well contributes approximately 5 inches per year to the overall depth of the Lake. This volume of water will not maintain a stable water level in the Lake. Surface runoff provides most of the inflow into the Lake and should be considered the primary source of water for the Lake.

The Stemmerman Well was ordered plugged by myself following the final decision in May, 1981 by the Water Management Board to grant a Water Permit for up to 1,000 gallons per minute (gpm) from the Dakota Formation for use by St. Joseph's Indian School near Chamberlain for geothermal heating purposes. One of the conditions of the permit was that 1,000 gpm of uncontrolled flowing wells be plugged. The School had approached Mr. Stemmerman about controlling or plugging the "Red Lake Well". During the School's search for wells to plug, it was determined that Mr. Stemmerman actually owned the "Red Lake Well" even though the Department of Game, Fish & Parks had drilled the well and made repairs. When Mr. Stemmerman found out he owned the well, then he applied for a permit to irrigate from the flowing well. The Water Board then approved the permit with the condition that the well be controlled and shut down during those times Mr. Stemmerman was not irrigating. The School is plugging an additional 1,000 gpm as a condition of its permit.

During the testimony at a public hearing on the St. Joseph's Indian School Application, one of the concerns expressed by several local people present at the hearing was that the 1,000 gpm would contribute further to the already declining head pressure (water level) in the area. Testimony presented was wells that used to flow, no longer flow and pumping costs increase as the head pressure declines. When the Board made the decision to require the Indian School to plug 1,000 gpm of

MEMO

Page 2

August 12, 1981

uncontrolled wells, the opposition to approval of the permit was in support of the plugging of area uncontrolled wells. Control of large capacity flowing wells could stop the decline of head pressure in the area which means small capacity wells should continue to flow and pumps will not have to be placed in flowing wells or lowered in pumped wells and increased pumping costs. Requiring the plugging or control of uncontrolled wells, we are following the requirements of 46-6.

At this point in time, we are beyond the order we issued to control the Stemmerman Well, because the Water Board at the July 29 & 30, 1981 meeting, following a public hearing, approved an irrigation permit from the Stemmerman Well with the qualification that the well be controlled and valved down when not being used for irrigation. The subject of water permits and flowing wells in the Chamberlain area has been before the Water Management Board for the last five regular meetings beginning November, 1980 (November, January, March, May & July).

JH/gy

Red Lake Data Sheet

Drainage area = $138 \text{ mi}^2 = 88,320 \text{ acres}$

Surface area of Lake = $6.0 \text{ mi}^2 = 3,840 \text{ acres}$

Evaporative Loss = $3,840 \text{ acres} \times [(30 \text{ in}/12 \text{ in/ft})] \text{ yr} = 10,880 \text{ ac.ft/yr}$

*from US Weather Bureau Tech. paper 37, 1959

Estimated inflow using method A, SCS Engineering

Field Manual p 2 - 83, 84, 85, 86

Mean Annual Precipitation = 16 inches/year

= 1.3 feet/year

Isogram No. = 24

Soil Cover Complex No. 85 (approximate)

80% occurrence

total annual yield = 0.67 ac.in/ac

= $0.67 (88,320) (1/12)$

= $4,930 \text{ ac.ft/yr}$

50% occurrence

total annual yield = $1.45 (88,320) (1/12)$

= $10,672 \text{ ac.ft/yr}$

Water contributed to Lake by Mr. Stemmerman's well

Volume = $[1,000 \text{ gal/min}] [1 \text{ ft}^3/\text{sec}] 448.5 \text{ gal/min}$

$[(60 \text{ sec/min})(60 \text{ min/hr})(24 \text{ hrs/day})(365 \text{ days/yr})]$

$[1 \text{ ac}/43,560 \text{ ft}^2]$

= $1,614 \text{ ac.ft/yr}$

Well will contribute $[(1,614 \text{ ac.ft/yr})/3,840 \text{ ac}] = 0.42 \text{ ft} = 5 \text{ inches}$
of water per year to total surface area.

South Dakota
DEPARTMENT OF GAME, FISH AND PARKS



August 18, 1981

Mr. John Hatch
Director, Division of Water Rights
Department of Water and Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Dear Mr. Hatch:

The Department of Game, Fish and Parks is investigating the effects that the Stemmerman well has on migratory waterfowl on Red Lake in Brul County.

We are requesting a 90 day stay of action beyond August 26. This is the date Mr. Stemmerman has been given to control the wells flow.

If we request that the wells flow be left as is from the end of the irrigation season to the end of November each year, what would be the proper channels for us to route such a request?

John, thank you for the consideration shown our department at Red Lake.

Sincerely,

David McGuigan

David McGuigan
Habitat Staff Specialist

DM/sh

cc: Ray Stemmerman
Gene Dominiack

Water Rights Division
(605) 773-3352

August 25, 1981

David McGuigan
Habitat Staff Specialist
SD Dept. of Game, Fish & Parks
Anderson Building
Pierre, SD 57501

Mr. McGuigan:

This will acknowledge your letter and request for a 90 day stay of action past August 26 for Mr. Stemmerman to control his flowing well also known as the Red Lake Well. Mr. Stemmerman contacted me during June and advised he was not sure if he could meet the August 26 deadline; however, he did advise by telephone August 24 that the well has been controlled. The flow has been reduced to about 150 gallons per minute (gpm) and the well will be shut down to 5-10 gpm for livestock use or shut off after the cement reaches full strength.

I see no reason why Mr. Stemmerman should not control the well. If your proposal to allow the well to flow until the end of November each year was approved, the well would still need to be controlled. When the Water Management Board approved Mr. Stemmerman's permit to irrigate, one condition of the permit was that the well be controlled and valved down during periods of no irrigation. I have no authority to change requirements placed upon permits. In order for the qualification to be changed, a hearing must be conducted and evidence presented. Your investigation into the effects that the Stemmerman well has upon migratory waterfowl on Red Lake may or may not provide such evidence. If your evidence indicates that the Stemmerman well is important to wildlife, then an application for water from the Stemmerman well until the end of November each year could be filed (subject to agreement with Mr. Stemmerman). Whether the Stemmerman well is controlled now should not influence your investigation.

Our own analysis shows that the well is not the primary source of water for Red Lake. During my discussion with Jack Herwin, I indicated that control of the Stemmerman well could possibly be delayed until your investigation was completed in about 60 days. I did not know at that time if Mr. Stemmerman could meet the August 26 deadline. In reviewing this matter, all testimony received at the public hearings on permits and flowing wells the last several months by the Board has been to control or plug flowing wells in the Chamberlain area. At no time was any testimony received to allow the Stemmerman well to flow. Now after several decisions have been made, people are now saying do not stop this well from flowing.

page 2
August 25, 1981
Mr. McGuigan

We will be interested in the results of your investigation; however, it is unfortunate that this type of information could not have been presented several months ago. You should also review Sections 46-6-24, 25 and 26 because decisions have already been made in the Chamberlain area following consideration of these sections. Operation of the Stommerman well for wildlife purposes could also be subject to these sections.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

cc: Ray Stermerman

4767

Water Rights Division
(605) 773-3352

September 17, 1981

Ray Stemmerman
Box 50
Pukwana, SD 57370

Mr. Stemmerman:

Enclosed is a copy of a letter to Steven Johnson establishing a time on the Water Management Board Agenda for he and his group to meet with the Board. You and your neighbors should bring any water measurements before and after your well was controlled and any other pertinent information to the Board Meeting.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

September 29, 1981

Jack Merwin, Secretary
Dept. of Game, Fish and Parks
Anderson Building
Pierre, South Dakota 57501

Dear Jack:

This letter is a follow-up to our telephone conversation regarding the Stemmerman Well (also known as the Red Lake Well). If the Stemmerman well is to be allowed to flow for purposes of your proposed study, it will be necessary for us to request and make a justification to the Water Management Board. It will also be necessary to obtain permission from Mr. Stemmerman since he owns the well.

Once the Board approved the Stemmerman irrigation permit with the qualification to valve and control the well, we have no authority to change the qualification. We issued the original 90 day order to control the well; however, action by the Board left no authority to change the order. The Board was aware the staff had directed Mr. Stemmerman to control the well when the permit was approved July 29, 1981.

Since the Stemmerman well has been controlled, water levels in area deep artesian wells have raised several feet causing area livestock wells to flow again. Attempts to allow the Stemmerman well to flow may be resisted by local well owners. The Water Board may be more likely to listen to local well owners than to people living outside of the area. The primary factor of course is that Mr. Stemmerman owns the well and has told us he wants the well controlled. If this is so, your option may be to obtain a water right and drill your own well.

Sincerely,

Warren R. Neufeld, Secretary
Dept. of Water & Natural Resources
Phone: (605) 773-3151

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8458

PIERRE, September 10, 1931

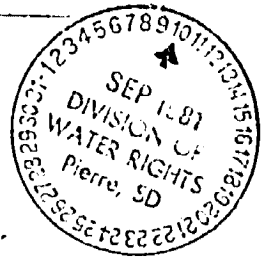
RECEIVED OF Raymond Stemmerman, RR 2, Box 50, Pukwana, SD 57370
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No.	XXXXX	
Fee for inspecting Beneficial Use, and issuing Water License No.	XXXXX	
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 extension of time on WR# 4769-3 (any other work as provided by law)		2 50
TOTAL		2 50

WATER RIGHTS COMMISSION

By (J. H. Hatcher)
Chief Engineer, Executive Officer
J. H. Hatcher

APPLICATION FOR EXTENSION OF TIME



TO: Water Rights
Foss Building
Pierre, South Dakota 57501

Date Sept 5 1981

Dear Sirs:

In Water Right Permit No. 4760-3 it is specified that the water diversion system is to be completed by ---- and that the water is to be put to the limit of beneficial use by July 29, 1982.

I hereby request that the date for completing the diversion system be extended to July 29, 1986 and that the date for putting the water to the limit of beneficial use be extended to July 29, 1990.

The extension of time for the completion of these works is requested for the following reasons: Due to an error in my application, I just presumed I had five years to complete my project. I want to try to buy used pipe and equipment from sales to keep the cost down, this will take time. Maybe interest will come down some time in the future.

Enclosed herewith is a fee of Two Dollars and Fifty Cents (\$2.50) to pay the cost of filing this request for extension of time.

Raymond J. Stummelman
(Signed)

4769-3
Permit Number

APPROVED: 10-7-81

Board of Water Management

BY:

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

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division (605) 772-3352

DIVISION III

TEMPORARY PERMIT
TO USE PUBLIC WATERS FOR RED LAKE STUDY PURPOSES

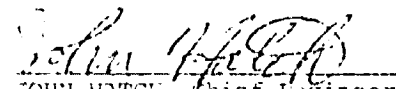
This temporary permit to use public waters is issued to Raymond J. Stemmerman, of RR, Box 50, Pukwana, SD 57370 authorizing a controlled 1010 foot deep Lakota Well owned by Mr. Stemmerman located in Lot 3 of the SW $\frac{1}{4}$ of Section 17, T103N, R70W to be allowed to flow as necessary to Red Lake for purposes of a Game, Fish & Parks Department Study to be conducted at Red Lake.

Releases of water should be coordinated with representatives of the Game, Fish & Parks Department. This temporary permit is issued as a result of discussion and action taken by the Water Management Board in Brookings, October 8, 1981 to allow Raymond Stemmerman to cooperate with the Game, Fish & Parks Department in a 60 day Wildlife and Hunter Use Study at Red Lake.

This temporary permit becomes effective October 16, 1981 and expires on December 16, 1981.

Release of water authorized by this Temporary Permit is not a violation of Water Permit No. 4769-3.

Issued: October 15, 1981


JOHN HATCH, Chief Engineer
Water Rights Division

cc: Game, Fish & Parks Department

Equal Opportunity Employer

ATTORNEYS AT LAW
BRADY, KABEISEMAN, READE, ABBOTT AND JOHNSON

200 WEST THIRD

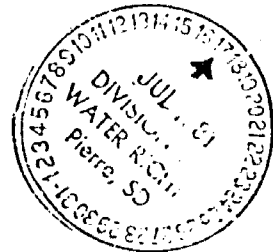
P. O. BOX 735

YANKTON, SOUTH DAKOTA 57078

FRANK J. BRADY
JOHN R. KABEISEMAN
GERALD L. READE
I. W. ABBOTT
STEVEN M. JOHNSON

July 16, 1981

TELEPHONES
605/665-7468
605/665-7472



Mr. Gayle Selken
Department of Water and
Natural Resources
Division of Water Rights
Foss Building
Pierre, South Dakota 57501

Re: Stemmerman Well

Dear Mr. Selken:

Please be advised that I discussed the above matter with Mr. Dan Doyle of the Attorney General's office on July 14, 1981. He informed me that you were the representative of the Department of Natural Resources involved in the decision to cap the above well in Brule County, South Dakota.

I would certainly appreciate it if you could forward to me the documentation concerning justification for capping the above well and any correspondence forwarded to Mr. Stemmerman. My interest in this matter stems from what appears to me to be the improper capping of a well which is not in the best interests, overall, of the State of South Dakota. This particular well flows into an area which has provided waterfowl habitat for many years. It is one of the only areas where waterfowl winter and provides recreational hunting for hundreds of South Dakota residents every year. If the well were capped, certainly the lake would not continue to have water and would not support the waterfowl that it presently does. With the continual destruction of wildlife habitat, particularly for waterfowl, I would think that this is one area where the Department of Game, Fish and Parks would be vitally interested. This is further emphasized by the fact that the Red Lake area is one of the largest public hunting areas in South Dakota and one of the few areas in that portion of the State where waterfowl hunting is permitted without the presence of commercial enterprises.

It is my understanding that Mr. Raymond Stemmerman has petitioned the Water Management Board for an irrigation permit to use water from this well. Certainly, that is a beneficial use of the water and would obviously have top

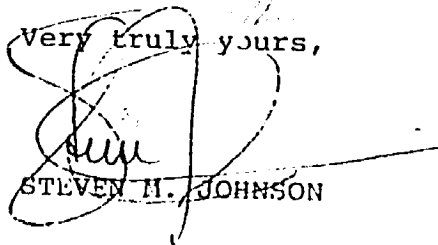
Mr. Gayle Selken
July 16, 1981
Page Two

priority. None of my comments should be considered to in anyway preclude Mr. Stemmerman's interest or priority in the artesian well water for the purpose of irrigation.

However, any additional water not needed for irrigation, or during the period when irrigation is unnecessary, the well should be permitted to flow as it has for the past sixty years to provide an isolated area of waterfowl habitat. Before any order to cap the well is issued, I would certainly think that an environmental impact statement may be necessary under SDCL 34A-9-4 as this would potentially have a significant effect on the environment in that area.

Additionally, I believe that the order to cap the well issued to Mr. Stemmerman should be rescinded pending review of this order by the South Dakota Department of Game, Fish and Parks and proper input from interested South Dakota citizens. Please keep me advised as to the status of this matter.

Very truly yours,



STEVEN H. JOHNSON

SMJ:md

cc: Mr. Raymond Stemmerman
Mr. John Cimpf
South Dakota Water Management Board ✓
Mr. David McGuigan

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501
Phone (605) 773-3215

MARK V. MEIERHENRY
ATTORNEY GENERAL

July 20, 1981

MEMORANDUM

TO: Gale Selken, Hydrologist
Division of Water Rights

FROM: Daniel J. Doyle
Assistant Attorney General *298*

RE: Red Lake Flowing Well

After reviewing the Red Lake situation referred to in Mr. Steve Johnson's letter of July 16, 1981, I have concluded that no environmental impact statement is required under SDCL 34A-9-14 prior to the enforcement of your order to Mr. Raymond Stemmerman requiring him to plug or control the flowing well on his property. SDCL 34A-9-3 lists five actions that are not subject to Chapter 34A-9. Three of these actions are:

- 1) Enforcement proceedings or the exercise of prosecutorial discretion in determining whether or not to institute such proceedings;
- 2) Actions of a ministerial nature, involving no exercise of discretion;
- 5) Actions of an environmentally protective regulatory nature.

SDCL 46-6-14 says, in part, "No person controlling an artesian well shall suffer or permit the water to flow to waste . . ."
SDCL 46-6-21 says, in part, "The owner or person in control of an artesian well, who allows it to flow without a proper or sufficient casing, or without a valve or contrivance for

MEMORANDUM

Page 2

July 20, 1981

checking or preventing the flow of water therefrom, as required by law . . . is in violation of this chapter." The Division of Water Rights, as the body charged with enforcement of the water laws of the state, is clearly acting in an enforcement capacity when it orders owners of flowing artesian wells to plug those wells. Therefore, SDCL 34A-9-3 exempts an order to plug a well from the requirements of SDCL 34A-9-4.

Under SDCL 46-6-17 the Water Management Board has been charged with the responsibility of plugging abandoned and wild wells throughout the state. This is not a discretionary duty, but one that the Board is required to do, subject only to funding availability. This program is exempt from SDCL 34A-9-4 because it is ministerial in nature and not discretionary. Further, the purpose of the well plugging requirements is to stop the decline in the artesian head pressure. This can be considered to be of an environmentally protective regulatory nature, and hence is a third exemption from SDCL 34A-9-4.

I think the intent of the Legislature is perspicuous with regard to flowing artesian wells; they must be controlled to protect artesian head pressure. I find no support for a position that the Water Management Board is to balance the benefits to fish and wildlife against the benefits of maintaining artesian head pressure.

I am not concerned with the position of Game, Fish & Parks as it relates to this situation. Whatever that agency believes or does not believe should not enter into a consideration of the Division or of the Water Management Board with regard to ordering the plugging of wells. If any agency or person wishes to obtain a water right to the water flowing from the well in order to put the water to a beneficial use, they can apply to the Board for a water right. Only then will the consideration of public interest come before the Board.

DJD:ln

The following statements were made
by Ralph Reimer concerning the artesian
wells on the Ray Stemmerson farm
On SW $\frac{1}{4}$ section 29 - 103 - 70.

This artesian well stopped flowing
October 10, 1979. Began flowing again
Sept. 10, 1981. The water level is now
one foot above top of casing.

On section 30 - 103 - 70. This is a flowing
well. In the past three years it would
not serve the cattle on this farm without
the assistance of a booster pump. At
present it has gained enough pressure to
serve the cattle without a pump.

I am sure the wells on other farms of
higher elevation around this area have
benefitted from the control of the
Stemmerson Well. The water level of some
wells were just about ^{out} of reach.

We need these type of wells controlled
to conserve water for future use.

Ralph Reimer

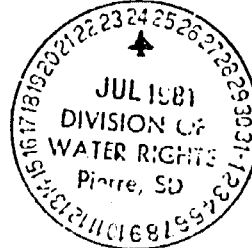
ATTORNEYS AT LAW
BRADY, KABEISEMAN, READE, ABBOTT AND JOHNSON
200 WEST THIRD
P. O. BOX 735
YANKTON, SOUTH DAKOTA 57078

FRANK J. BRADY
JOHN R. KABEISEMAN
GERALD L. READE
J. W. ABBOTT
STEVEN M. JOHNSON

July 22, 1981

TELEPHONES
605/665-7468
605/665-7472

Mr. John Hatch, Chief Engineer
Water Rights Division
Department of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501



Re: Red Lake Flowin. Well

Dear Mr. Hatch:

I have received your letter dated July 21, 1981, along with the enclosure Memorandum from the Attorney General's office concerning the applicability of Chapter 34A-9 to this matter.

We strongly disagree with the opinion issued by the Attorney General's office concerning the applicability of Chapter 34A-9 to this situation. SDCL 46-6-14 was not fully quoted by the Attorney General's office in its Memorandum. The first full sentence of the same states as follows:

"No person controlling an artesian well shall suffer or permit the water thereof to flow to waste, except so far as is reasonably necessary to prevent the obstruction thereof, or the water to flow or to be taken therefrom, save for beneficial uses."

The determination of the beneficial uses of that water for the use, preservation and propagation of waterfowl and other wildlife is certainly an issue at this point. The exceptions to the requirement of an environmental impact statement, as set forth in SDCL 34A-9-3, do not apply to this situation.

This is not an enforcement proceeding because there has been no determination as to whether this well should be permitted to flow for the beneficial uses which it is now providing. Subsection 2 is not applicable because this is not an action of a ministerial nature involving no exercise of discretion. Your department has considerable discretion as to whether this well should be capped, in what amount, whether

Mr. John Hatch
July 22, 1981
Page Two

the well is being used in a beneficial manner, and why this well, as opposed to numerous other wells, should be capped at this point in time. Subsection 5, as alleged by the Attorney General's office, is not applicable as the action intended by your department is detrimental to the environment as opposed to protecting it.

The purpose and intent of Chapter SDCL 34A-9 is set forth in SDCL 34A-9-4.

"All agencies shall prepare, or cause to be prepared by contract, an environmental impact statement on any major action they propose or approve which may have a significant effect on the environment. The purpose of an environmental impact statement is to provide detailed information about the effect which a proposed action is likely to have on an environment, to list ways in which any adverse effects of such action might be minimized, and to suggest alternatives to such action."

There seems little question but that the proposed action to cap the well will inalterably effect the Red Lake area which covers several thousand acres. The effect that capping the well would have on the wildlife, the lake bed and other environmental aspects should definitely be explored before an ill-advised action such as this is taken.

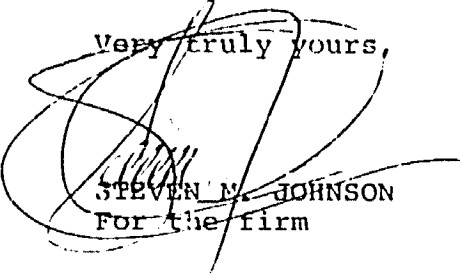
As you may know, SDCL 46-6-14 has been on the books since 1891. This well was originally drilled in 1921 and was redone in the 1940's by the South Dakota Department of Game, Fish and Parks with public money. It is my information that the Game, Fish and Parks has been controlling the water from the well during the past years inasmuch as they would not even permit the landowner to purchase water from the well for watering purposes.

There are more considerations to the closing of this well than mere enforcement of SDCL 46-6-14. The consideration by your department of the "beneficial use" of this well water and the severe effect that your proposed action would have on the environment and wildlife in the area should be addressed before any further action is taken by your department. I can assure you that myself, together with other interested South Dakota citizens, will carefully scrutinize the action taken by your department and will do whatever is necessary to see that all South Dakotans are represented on this issue.

Mr. John Hatch
July 22, 1981
Page Three

I would respectfully ask that you keep me advised as to any actions taken, or decisions made, concerning this matter.

Very truly yours,



STEVEN M. JOHNSON
For the firm

SMJ:md

cc: Mr. Gale Selken
Mr. Daniel J. Doyle, Attorney General's office
Mr. John Cimpl, Chairman of SD Department of Game,
Fish and Parks
Director, SD Department of Game, Fish and Parks
Honorable William Janklow, Governor of South Dakota

FROM

LEE SCHOENHARD

Date

10-5-81

Box 400

Chamberlain, SD 57325

TO

Whom it may concern

FROM

Lee Schoenhard Farm

SUBJECT:

Original flowing well S.E. 1/4 Sec 4 Range 70-103

We were forced in 1980 to drill a new well because our old one quite I feel because the flow of large well in Red Lake, water level was down app. 7 feet. Since well was capped, our art 4" well was again back to top of pipe and nearly to again start flowing, which would be a help to us, our new well which is 3" feet lower in elevation has increased flow by about 100 gallon per ~~hour~~^{minute} and we had to shut down not to waste water. I am against returning Red Lake well to flowing again.

Lee Schoenhard.

Pahwan, S. Dak.,
Oct 6, 1981

Water Resources Comm.

Gentlemen:

I live on the S. W. $\frac{1}{4}$ of Sec. 14
Red Lake Twp.

In studying the situation
of the artesian well on the west
side of Red Lake. I am very
satisfied I believe he did a
very good job of controlling
this well.

Carl E. Anderson
Pahwan, S. Dak.

Oct 17, 1951

Pukitua S. P.

Sir:

I live on Dec 22 on the
Southeast edge of Pea Lake and I
am concerned about closing down
the wasteful flowing water on the
Lake. It lowers the level of our
farm land so that the water
pump must dig deeper for water.

It would be a benefit to all
the surrounding area if this water
could be closed down.

Walter D. Johnson

Oct. 5, 1981

S. Dak. Water Resource Com.
Pierre, S. Dak.

Re: Stemmerman Well.
Gentlemen:

This is to inform you that we have no objections to Mr. Stemmerman's capping of the well by Rock Lake.

Perhaps this will help rid us of the black bird problem that we've had in recent years.

Several of our neighbors have noticed that it has raised the water level on their wells.

With all the talk of water shortage in the future, it's wise to cap some of these artesian wells and save the water we have left.

Sincerely,

Darlene Stucke
Robert Stucke

Lakewood, Ind. 57370

To Water & Natural Resources Board,
I am writing in regard
to the opening of the well
that has been capped and
controlled on the Raymond
Stimmerman property on Red Lake
Township 103-70 Section 18.

My property is on Red Lake
Township 103-70 Section 28. Since
Mr. Stimmerman has controlled
the well, our water level and
pressure has raised to the point
it should be at. I assure
you it would be a serious
mistake to re-open the well
as it once was.

I hope you will consider
the consequences before you make
a decision on this matter.

Sincerely,

Jimmy Anders

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

Joe Foss Building Water Rights Division
Pierre, South Dakota 57501 (605) 773-3352

October 15, 1981

Jack Merwin, Secretary
Dept. of Game, Fish & Parks
Anderson Building
Pierre, SD 57501

Dear Jack:

Enclosed is a copy of a Temporary Permit issued to Raymond J Stemmerman, Fekwana, to allow him to cooperate with your Department in the Red Lake Study. Allowing the well to flow is voluntary for Mr. Stemmerman.

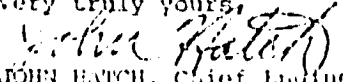
The Water Management Board has requested that I advise you that their position is to control or plug uncontrolled flowing wells. The Board has asked that your Department review various State refuge, wildlife, and recreation areas to determine the existence of and use being made of flowing wells. The primary thrust of the Board's request is to encourage your Department to evaluate the need for any flowing wells, establish priorities, water rights and control of priority wells with any other flowing wells eventually plugged. This review, evaluation and action should place your Department in a better position to receive benefits from existing wells and to obtain water permits for new wells where priorities indicate the need for new wells or retention of existing flowing wells.

It would be helpful for us to know who we should contact with regard to water matters in general and specific items such as flowing wells, ordinary high water marks, Game, Fish & Parks Water Rights, and water permit applications which are of interest to your Department. For example:

1. During the last six months, we have discussed the Stemmerman Well with the following people (besides yourself) from your Department - K. Cool, Wally Davis, Winston Douglas, David McGuigan, and the Brule County CO, Mr. Dominiack.
2. Dennis Williams has on an informal basis, discussed with us the possibility and cost of plugging an uncontrolled flowing well at Bear Butte State Park.
3. We have received input from Robert Hanten on determining a required priority list to establish ordinary high water marks.
4. We have contacted Mr. Hanten when establishing ordinary high water marks and your local conservation officers and regional personnel such as Jack Opitz.
5. Prior to each Water Management Board meeting, we have been providing Mr. Hanten a list of water permit applications that will be considered.
6. A few weeks ago, I received a telephone call and a letter from Jon C Sharpe, Wildlife/Mineral Development Coordinator, Rapid City, requesting copies of notices for Water Permit Applications for Mining activities.

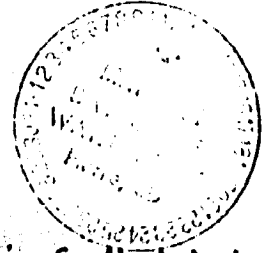
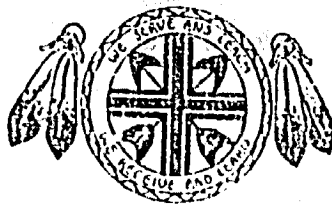
We want to cooperate with your Department and I personally want to avoid another "Red Lake Event". However, as you can see from the above examples, I am not sure who we should discuss water rights items of mutual interest with and who besides yourself would reflect your Department's position. I would appreciate any assistance you can provide towards improving communication.

Very truly yours,


JOHN HATCH, Chief Engineer
Water Rights Division

JH/gg
cc: Bob Henfeld

Equal Opportunity Employer



St Joseph Indian School

Chamberlain, South Dakota

57326

May 8, 1927

Mr. John Hatch
Water Management Board
Pierre, South Dakota

Dear John:

Please find enclosed copies of the permission received from the Duling Ranch to plug two wells. Along with that is a copy of permission received from Mr. Alvin Werner to cross his land in order to plug the two small wells (40 gpa each) your office identified.

We stopped to see Ray Stemmerman and he is deciding which direction to go after speaking with your office this morning. We hope to have his decision in the not too distant future. Whether this well is controlled or plugged depends on several decisions Ray has to make.

We have spoken with Mr. Allen Loomer but are awaiting your discussions with the Corps and the State, Game and Fish Department. In many ways we would prefer if your department could handle this one as certain demands may be placed on us we do not believe need to be taken. However, let us leave this one open for discussion depending on what you learn at the meeting.

One final point - in talking with Ray he understands via telephone the question of ownership of the well is clear. However he is waiting for written confirmation from your office. We would appreciate your communicating with him as soon as possible so this matter can be taken care of.

Sincerely yours,

Ray Thomas Cassidy
Ray Thomas Cassidy, S.C.S.
Superintendent

CC. Mr. Ray Stemmerman

Enc.

TC:vs

Water Rights Division
(605) 773-3352

May 29, 1981

Mr. Raymond Stemmerman
Box 15
Pukwana, SD 57370

Mr. Stemmerman:

As discussed with Gale Selken, Water Rights, the Red Lake well must be controlled so that water is not being wasted.

Therefore, under South Dakota Statutes 46-6-10 and 46-6-14, you are hereby ordered to control the well located in lot 3, Section 17, T103N, R70W. The well must be controlled within 90 days of the date of this letter or legal action will be initiated by this office.

If you have any questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gy

Water Rights Division (605) 773-3352

July 21, 1981

Mr. Steven M Johnson
200 West Third
P.O. Box 735
Yankton, SD 57078

RE: Stemmerman Well

Mr. Johnson:

Enclosed please find a memorandum from Mr. Dan Doyle concerning the Stemmerman Well (Red Lake Well). The memorandum was issued by Mr. Doyle to answer a request from Water Rights concerning the necessity of an environmental impact statement in a well plugging case.

Also enclosed is a copy of the letter sent to Mr. Stemmerman ordering him to control his well.

I believe that your request to rescind the order to control the well is answered in Mr. Doyle's memorandum.

If you have any additional questions, please contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/GS/gy

encl

cc: Raymond Stemmerman

STATE OF SOUTH DAKOTA



OFFICE OF ATTORNEY GENERAL

STATE CAPITOL
Pierre, South Dakota 57501
Phone (605) 773-3215

MARK V. MEIERHENRY
ATTORNEY GENERAL

May 12, 1981

Mr. Ronald Miller
Brule County State's Attorney
Post Office Box 809
Kimball, South Dakota 57355

Dear Ron:

As we discussed on the telephone earlier today, we are interested in determining the ownership of Lot 3, Section 17, Township 103 North, Range 70 West in Brule County. The well indicated in the 1915 conveyance was not drilled within two years but I know of no conveyance back to the Stemmerman family by the county. Nevertheless, it appears that in 1924, the property was deeded to John L. Stemmerman from Louis and Anna Stemmerman and subsequently deeded to Raymond J. Stemmerman in 1944 who is in possession today.

This well, flowing at approximately 1300 gallons per minute is a tremendous waste of the water of the Dakota Formation. Several area ranchers are experiencing a decline in well output because of declining artesian pressure. If the Red Lake well can be plugged, it

Mr. Ronald Miller

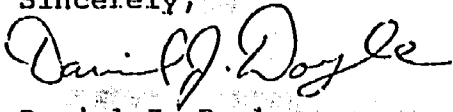
Page 2

May 12, 1981

may serve to slow the decline process. Therefore, we are hoping that St. Joseph's Indian School can locate the true owner of the property and enter into a agreement to plug this illegally flowing well.

Your prompt attention will be greatly appreciated on this matter as we need to settle the issue by the end of the month. Thank you in advance for your assistance.

Sincerely,



Daniel J. Doyle
Assistant Attorney General
Natural Resources Section
Room B-102, Anderson Building
Pierre, South Dakota 57501
Telephone: (605) 773-4075

DJD:ln

Enclosure

cc: Father Cassidy
St. Joseph Indian School

24 July 81

Father Cassidy & Lowell Thomas

Mr. Hutmaker

Mr. Creamer

Agreement to drill well if ~~are~~ they are
allowed to plug wells

Contact Mr. Creamer

if you have about access to Camp's land.

Allen Creamer

Lowell Thomas

Mr.

Mr.

GALE -

SIENNEAMAN CALLED:

MONDAY 24 AUG 81

HUTMACHER HAS PUT IN 40' OF
8" PLASTIC - GROUTED IN - REDUCED
FLOW TO 2" PIPE - MEASURED
150 GPM. - SHOULD BE ABLE TO
VALUE IN COMPLETELY WHEN CEMENT
SETS UP COMPLETELY -

Water Rights Division (605) 773-3352

July 29, 1981

Mr. Craig Johnson
Office of the Governor
Capitol Bldg.
Pierre, SD 57501

RE: Mr. Raymond Stemmerman flowing well (Red Lake Well)

Mr. Johnson:

As requested per telephone conversation July 27, 1981, please find enclosed correspondence concerning the flowing well now owned by Mr. Raymond Stemmerman.

The question of the ownership on the Red Lake well came about when the St. Joseph Indian School received a water right permit for geothermal use with the qualification that the school plug or control 1,000 gallons per minute (gpm) of flowing wells. Since the Red Lake well flows at approximately 1,300 gpm and is not being used the school felt this would be an ideal well to control. When checking for the owner of the well, it was found that Game, Fish & Parks had supplied funds for the well, but did not have a valid easement to the land. Presently GF & P has no interest in the well and wish it controlled because of the potential for disease and lead shot poisoning due to high concentration of ducks and geese around the well (Personal communication with Chamberlain conservation officer and Winston Douglas, GF & P Engineering).

After the determination was made that Mr. Raymond Stemmerman owned the well, an order (enclosed) was issued to Mr. Stemmerman ordering him to control or plug the well in accordance with South Dakota Statutes.

A Mr. Steven Johnson of Yankton contacted Water Rights on July 15, 1981 by telephone and then by letter (enclosed) July 16, 1981. Mr. Johnson questioned the plugging of the Stemmerman well from a public interest point of view. The correspondence which followed is enclosed.

If you have any questions concerning the matter, please contact me.

Sincerely,

GALE N SELIGER
Hydrologist

GNS/qy
encl

Water Rights Division
(C05) 773-3352

September 17, 1981

Steven M Johnson, Attorney
P.O. Box 735
Yankton, SD 57073

Mr. Johnson:

This letter is in regard to the telephone conversation September 17, 1981 and your request for time on the October 7 & 8, 1981 Water Management Board Meeting Agenda. The time and place to discuss Red Lake Water Levels and of the Stemmerman Controlled Well has been set for 10:30 a.m., October 8, 1981 at the Staurolite Inn, Brookings, South Dakota.

As I mentioned, there may be interest in determining both the Ordinary High Water Mark and possibly the Ordinary Low Water Mark for Red Lake. Such determinations would be made at a future date in accordance with 43-17-20 thru 43-17-26. I am providing copies of this letter to Jack Merwin, Secretary, Dept. of Game, Fish & Parks and Ray Stemmerman to notify them of this matter.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH/gj

cc: Jack Merwin, GF & P
Ray Stemmerman

Water Rights Division
(605) 773-3352

September 17, 1981

Ray Stemmerman
Box 50
Pukwana, SD 57370

Mr. Stemmerman:

Enclosed is a copy of a letter to Steven Johnson establishing a time on the Water Management Board Agenda for he and his group to meet with the Board. You and your neighbors should bring any water measurements before and after your well was controlled and any other pertinent information to the Board Meeting.

Very truly yours,

JOHN PATCH, Chief Engineer
Water Rights Division

JH/gy

INDEPENDENT DRILLING COMPANY



MAILING ADDRESS: P. O. BOX 543
OFFICE PHONE: 229-0110

16 October 1981

South Dakota
Department of Water & Natural Resources
Joe Foss Building
Pierre, South Dakota 57501

Attn: John Hatch
Chief Engineer

Re: Ray Stemmerman
4769-3

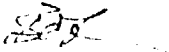
Dear John:

I did not mention this at our last meeting because I did not wish to add to Mr. Stemmerman's distress; however, in my opinion, he has not fully complied with the "artesian well qualification" which the board added to the above referenced permit.

The pictures Mr. Selkin offered for the boards' review clearly showed that a pressure gauge has not yet been installed on the well head. Mr. Selkin also commented in regard to the lack of the gauge.

I feel that the ability to determine the varying head pressures will be essential to any "study" that GF&P will be conducting with your cooperation.

Sincerely,


Robert F.



Modern Rotary Rigs - All Managed By An Expert Operator

We Specialize In All Size Wells

Water Rights Division - DWR
Conversation or File Documentation

File No. _____

NAME OF PERSON OR FILE: Raymond Stammelman

ADDRESS: _____ COUNTY Brule

DATE: 5 May 82 TELEPHONE _____

RE: _____

COMMENTS:

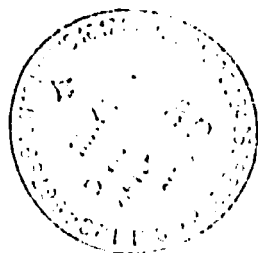
Is the GFEP report done on Red Lake? I will
send it to him when we receive it.

What is the high water mark? Who sets it?

Water Rights does field investigation, and
makes recommendations to board on where
mark should be.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

1982 RED LAKE
ARTESIAN WELL IMPACT
STUDY IN BRULE COUNTY



South Dakota Department of Game, Fish and Parks
Wildlife Division

Compiled by: David McGuigan

Introduction

The Red Lake study was initiated to determine the effects the Red Lake Well has on wildlife populations and hunter use of the lake. Baseline data gathered will be used to evaluate water management programs which are being considered on the lake.

Red Lake is of glacier origin, lying at approximately 1,560 feet above mean sea level, in a basin which has no outlet. The drainage area is small containing only approximately 120 square miles, most of which lays southeasterly of the lake bed. The mean annually precipitation in the vicinity of Red Lake is about 18 inches and the net mean annual evaporation is about 30 inches. The lake covers 3,667.87 acres in Brule County. It is located approximately 4 miles southeast of Chamberlain, Township 103 North, Range 70 West of the fifth principle meridian.

The water rights staff of the Department of Water and Natural Resources has calculated that Red Lake is subject to drying up due to evaporative losses in some years. The 80 percent chance occurrence of surface inflow into the lake is 4,930 acre feet per year. The 50 percent chance occurrence of surface inflow is 10,672 acre feet per year. The annual evaporative loss from Red Lake is approximately 10,880 acre feet. Approximately 1,600 acre feet of water per year was added to the lake by the artesian well as it flowed before it was controlled.

An easement was granted in 1915 to Brule County for the purpose of a well. This easement had time stipulations attached to it. Although the county drilled a well at this location, it did not meet the time stipulation of the easement. After the first well went dry the Department of Game, Fish and Parks cooperated with Brule County, at the request of adjacent landowners and local citizens, in drilling the present well in 1946. This well was drilled under the 1915 easement made to Brule County. It is accepted that the original easement reverted to the landowner in 1917. Early in the spring of 1931, Brule County signed a quit claim deed back.

to private ownership. The private owner has been ordered to cap or control the flow of the well. This order was carried out at the end of August, 1981.

The figures indicate that the well flowing more than 1,000 gallons per minute provided less than fifteen percent of the water which normally evaporates out of the lake each year. Even though the Red Lake well may not be the main water source, it could be the main reason that several open deeper pools have been maintained following dry years.

Waterfowl Use

Tables 1 and 2 show the average daily waterfowl use during the fall hunting seasons. The data is from the "Aerial Fall Waterfowl Survey of the Missouri River and Vicinity", from 1952 to 1981. The average daily duck use peak of 1967 of over 20,000 ducks is a far cry from the average daily duck use of 55 birds for the last six years. Use by geese of the area for the 29 year period was 88 geese per day. The last six year average is 5.5 geese per day. The duck use data indicates that Red Lake can be major staging area for ducks during fall migrations. Goose use on the area is comparatively low. There are thousands of geese on Lake Francis Case as close as seven miles to the west. Low geese numbers may be due in part to the continuous duck hunting pressure on Red Lake. After the waterfowl season closes there has been years when Red Lake has wintered a good number of geese.

Wintering waterfowl on Red Lake, at the well site, has caused problems in the past. In 1959, the U.S. Fish and Wildlife Service documented a geese die off of lead poisoning around the well. There have been minor outbreaks of fowl cholera and botulism at this site. Because of the problems associated with waterfowl wintering as far north as Red Lake, and the health problems associated with warm water wells, it is advantageous to the resource that the well be closed in late fall to allow the open water to freeze and the waterfowl to migrate south.

Hunter Use

The hunter use data in Table 3 was collected between October 20, 1981 and November 30, 1981. The hunter use information was gathered on 31 days of the 41 day period. Limited time and personnel restricted data collection. Because waterfowl hunter use of the area was of primary interest, early mornings were when most of the information was recorded. On weekends available personnel were required to spend more time on heavier use areas. Pheasant hunter use data, on the area, is not representative since this hunting took place in the afternoon. However, closing the well will not significantly alter pheasant populations, or pheasant hunting in Red Lake. Likewise, deer use of the area will not be noticeably altered nor deer hunter use. Because of the time frame of the survey, archery hunters were the principal contributors to the data. Deer hunters utilized the area 23 days. There was a total of 59 deer hunters which averaged 2 hunters per day. Pheasant hunters utilized the area 9 days with a total of 44 hunters. Pheasant hunters averaged 1.6 hunters per day. Waterfowl hunters utilized the area 29 days with a total of 140 hunters. This averaged 4.5 hunters per day. Over all hunter use of the area showed 7.8 hunters per day with a total of 243 recreational days thru the 31 day period. It is the opinion of the regional staff that the area did not receive much use after November.

Estimates of trapping use range from 14 to 126 user days. Normally a wetland the size of Red Lake will have from 1 to 6 trappers utilizing it for 2 to 3 weeks. The flow from the well could affect trapping on the lake, however, when the well is supplying the only water trapping is at a minimum.

There are no figures on nonconsumptive use of Red Lake. There is no doubt that considerable amount of this use is utilized each year. Red Lake has been designated as a National Natural Landmark and is registered as such through the United States Department of the Interior Heritage Conservation and Recreation Service.

Historical Water Levels

We were able to find one period of documented water levels on the lake. The years between 1951 and 1955, the Corp of Engineers measured the water elevations once a month. During these five years the lake was near full. In 1951, the high elevation was 1556.6 and the low was 1555.98. In 1952, the high was 1558.95 and the low was 1556.5. In 1953, the high was 1557.54 and the low was 1556.51. In 1954, 1556.61 was the high and 1555.61 was the low. In 1955, the last year the elevation was read, 1556.47 was the high and 1555.1 was the low.

Discussion

An interesting correlation is seen in the high water of the early 50's and the waterfowl use on the lake. When the water was high, an emergent vegetation had not yet developed; duck use dropped off. When the lake began to recede and cattails broke the open water, duck use hit its peak. As the lake became choked with emergent vegetation, the use dropped dramatically in two years where it has remained low.

Other animals utilize the lake bed when it is in a low water state. Upland game birds and big game utilize the area. When water levels are low, upland populations within the lake are high. Although hunting success because of the heavy cover is low, deer and pheasants achieve the highest density population per acre in the county. Surrounding lands are influenced by the abundance of game produced in the lake during low water. Both pheasants and deer move to feeding areas on private land where they are hunted. Wintering populations of pheasants concentrate in the lake and move back onto private land in the spring. The flow of the well has little effect on these upland animals. Their populations would remain relatively high if the lake dried up. Only when the lake filled would upland population decline noticeable.

Waterfowl produced on the lake and migrants move a greater distance to feeding grounds influencing hunting on larger areas of private lands. These birds are influenced by the well. With the well closed, during dry years, waterfowl will not utilize the area. Furbearers such as raccoon, muskrat and mink, rely to a high degree on the flowing well. Well water provides a food source for the mink and raccoons through the winter where frogs and minnows remain active year round. Muskrat are the most dependent on the well for survival during dry years. Natural wetlands in the Chamberlain area are few and far between. This makes it difficult for muskrats to reinvade the wetland after it dries up.

Current and Future Management

The department has developed a management program for Red Lake which is outlined in Appendix A. This program includes level ditching and pond and island structures. As the duck use of the early 1960's indicate, open water and marsh vegetation mix is by far the best attractant as well as producer of waterfowl. The well by itself cannot be as effective for waterfowl management as a continuing development program within the lake.

It would appear that pond and island and level ditching within the lake would be a much more beneficial practice then to increase or maintain water flows to keep a two to five acre area open at the well. Without supplemental water, there is no doubt that in some years the lake may go dry. However, if the waterfowl use could be maintained about an average daily use of about 5,000 birds during the fall, hunters would receive a greater benefit then the past six years has provided, even if the lake was dry two out of every ten years.

The Department of Game, Fish and Parks has asked the Department of Water and Natural Resources to set both high and low water lines on Red Lake. The early 1950's Corps of Engineers elevation readings establishes a high of 1560 which is the same line the U.S. Geological Survey used in their topographic map on the area

in 1977. It is important that the normal water lines are set on Red Lake so the State can carry out management programs there. It will also prohibit encroachment of adjoining landowners into the lake bed in dry years. While riparian landowners can utilize the lake to the normal low waterline, they cannot restrict public use of the area to the high waterline. The setting of high and low waterlines on the lake is a very important step in easing hunter, and landowner disputes.

Management alternative the department can pursue include:

- a. Leaving things as they are.
- b. Request the well flows from the end of the irrigation season to the end of November.
- c. Develop level ditching and pond and island structure. Along with these control structures could be added to separate the lake in three management units. The water source from the Missouri River could also be added.
- d. Artesian wells redrilled to provide additional water, however, wells do not provide enough water volume so a lake with over 3,000 surface acres can be managed.

Conclusion:

The most productive management on Red Lake would be the pond, island and level ditching program. The proposed project is set up in three stages. The level ditching and pond and island development by itself would be the most beneficial for all wildlife. Waterfowl would be the principal benefactor of the development. Dry marsh habitat during low water would remain for the benefit of a diversity of wildlife species. Dikes could be added and water levels controlled on different sections of the lake. This would be a beneficial practice for wildlife in general and would add value to the level ditching portion of the project. It would be expensive and require maintenance and personnel. A water source from the Missouri River could enhance waterfowl. In the long run, upland animals would suffer. It is difficult to imagine that a water development pro-

ject of this size would not develop outside interest and political pressures. Irrigation and domestic demand for the water would be high and Red Lake has been proposed as a staging area in the past. If the lake were used as a staging area for any high demand water project, all wildlife values would decline. If the lake were maintained at the high waterline, wildlife benefits would decline.

Last fall a request was made through the Department of Water and Natural Resources to increase the Red Lake well flows to around 1,000 gallons per minute. The Water Management Board okayed the request for the fall of 1981. This type of management has some merit if the level ditching is not possible. The main benefit of the well flowing from the end of September to the close of the waterfowl season each year is to the waterfowl hunter. The warm water of the well keeps a small portion of the lake from freezing over. The open water area is an attractant to waterfowl and provides hunters an opportunity to decoy birds over water and pass shoot after normal freeze over. The Water Management Board would have to issue a permit for this use. The well owner would also have to concur.

The Department could drill new wells in the lake bed. This would require a permit from the Water Management Board. If water levels of the lake were to be affected, 5 to 7 wells would have to be drilled which flowed in excess of 1,000 gallons per minute. With this type of development, there would be impacts on artesian flows of existing wells in the area, and the action would be opposed locally.

Any type of artesian well management would have problems with concentrating waterfowl and short stopping migrations.

If the Department does not chose to manage Red Lake beyond the present level the area will quickly choke with cattail vegetation. This will result in even lower waterfowl use when the lake is low. There will be years when the lake will be dry and waterfowl use nonexistent.

DISTRICT ENGINEER
OMAHA DISTRICT
CORPS OF ENGINEERS, U. S. ARMY
1709 JACKSON STREET
OMAHA 2, NEBRASKA
REFER TO FILE NO.

ISSUED

CORPS OF ENGINEERS, U. S. ARMY
OFFICE OF THE DISTRICT ENGINEER
OMAHA DISTRICT
1709 JACKSON STREET
OMAHA 2, NEBRASKA

16 October 1956

Mr. Valerius Opitz
State Game Warden
Chamberlain, South Dakota

Dear Mr. Opitz:

Your letter dated 10 October 1956 to Mr. L. W. Fick of this office requested available water level data on Red Lake near Chamberlain, South Dakota.

In accordance with your request, there is inclosed a copy of all water level recordings made by this office from April 1951 to September 1955. No data on water levels has been recorded since September 1955 due to lack of funds and personnel.

It is hoped that the inclosed data will prove useful to you.

Sincerely yours,



J. O. ACKERSILL
Chief, Engineering Division

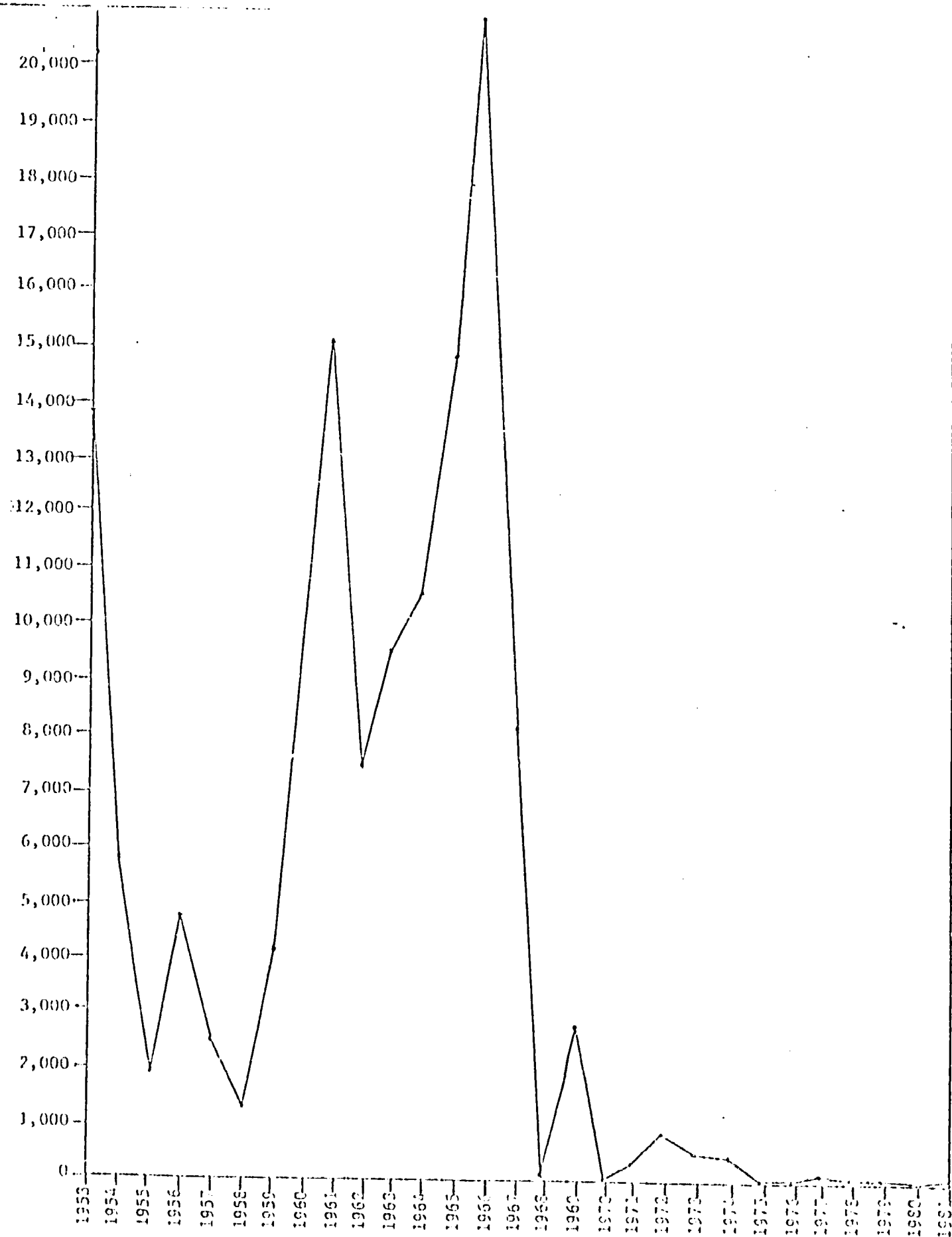
1 Incl.
Red Lake Levels

cc: Elmer Peterson, Director
Dept. of Game, Fish & Parks
Pierre, So. Dak.

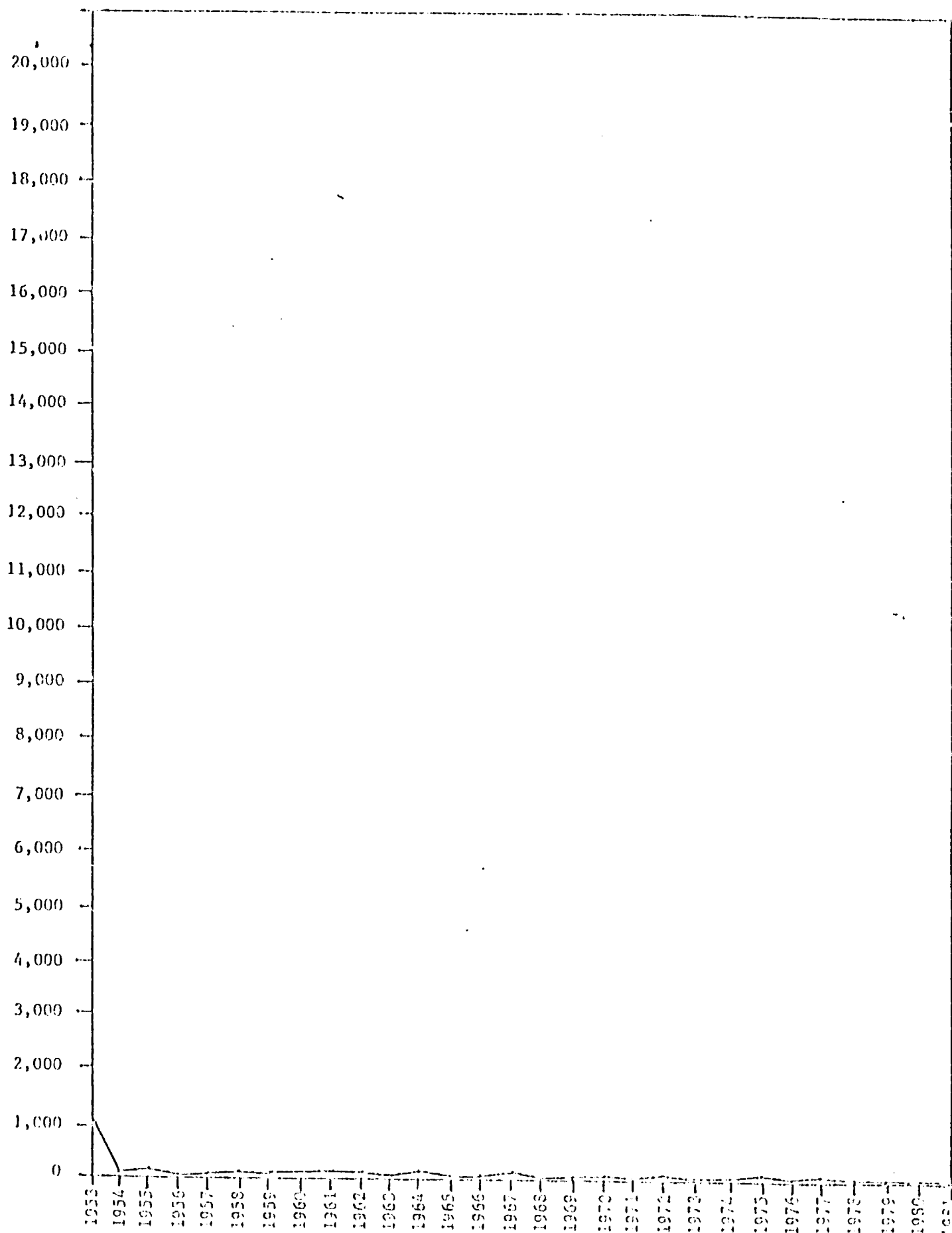
Red Lake levels

The following data is from the files of this office relative to years and months when levels were recorded at our station known as Station No. 1, located near the northeast shore opposite the farmstead on the north side of the public road leading from the Buckvana access.

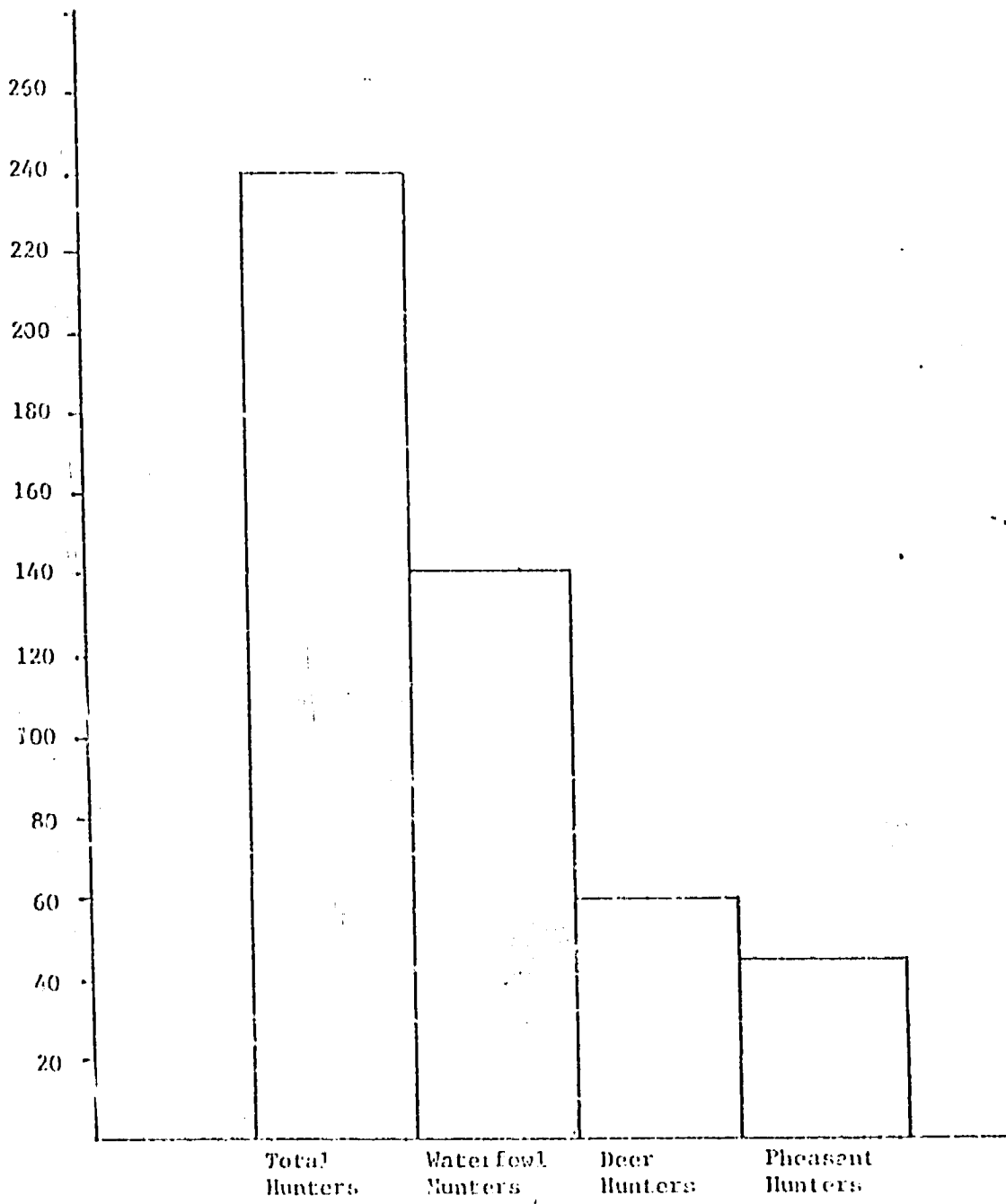
<u>Date</u>	<u>Sta. #1</u>	<u>Annual Precipitation</u>
April 17, 1951	1556.13	
May 28, "	1556.57	
June 29, "	1556.60	
Aug 1, "	1556.43	1951 - 22.20 inches
Aug 31, "	1556.20	
Oct 1, "	1555.98	
Nov 1, "	1556.0	
Dec 29, "	1556.3	
March 4, 1952	1556.5	
June 3, "	1558.95	
July 24, "	1558.12	1952 - 14.03 inches
Aug 26, "	1558.53	
Oct 30, "	1556.75	
Nov 25, "	1556.74	
Jun 8, 1953	1556.77	
Feb 2, "	1556.90	1953 - 21.81 inches
March 5, "	1556.51	
April 9, "	1557.54	
Jan 18, 1954	1556.47	
Feb 11, "	1556.51	
March 8, "	1556.56	
April 1, "	1556.61	
April 30, "	1556.38	1954 - 17.35 inches
Aug 6, "	1556.02	
Sept 1, "	1556.04	
Oct 5, "	1555.81	
Nov 24, "	1555.61	
Dec 27, "	1555.68	
Jan 24, 1955	1555.70	
May 23, "	1556.47	
July 11, "	1555.17	1955 - 16.22 inches
Aug 9, "	1555.58	
Sept 9, "	1555.10	



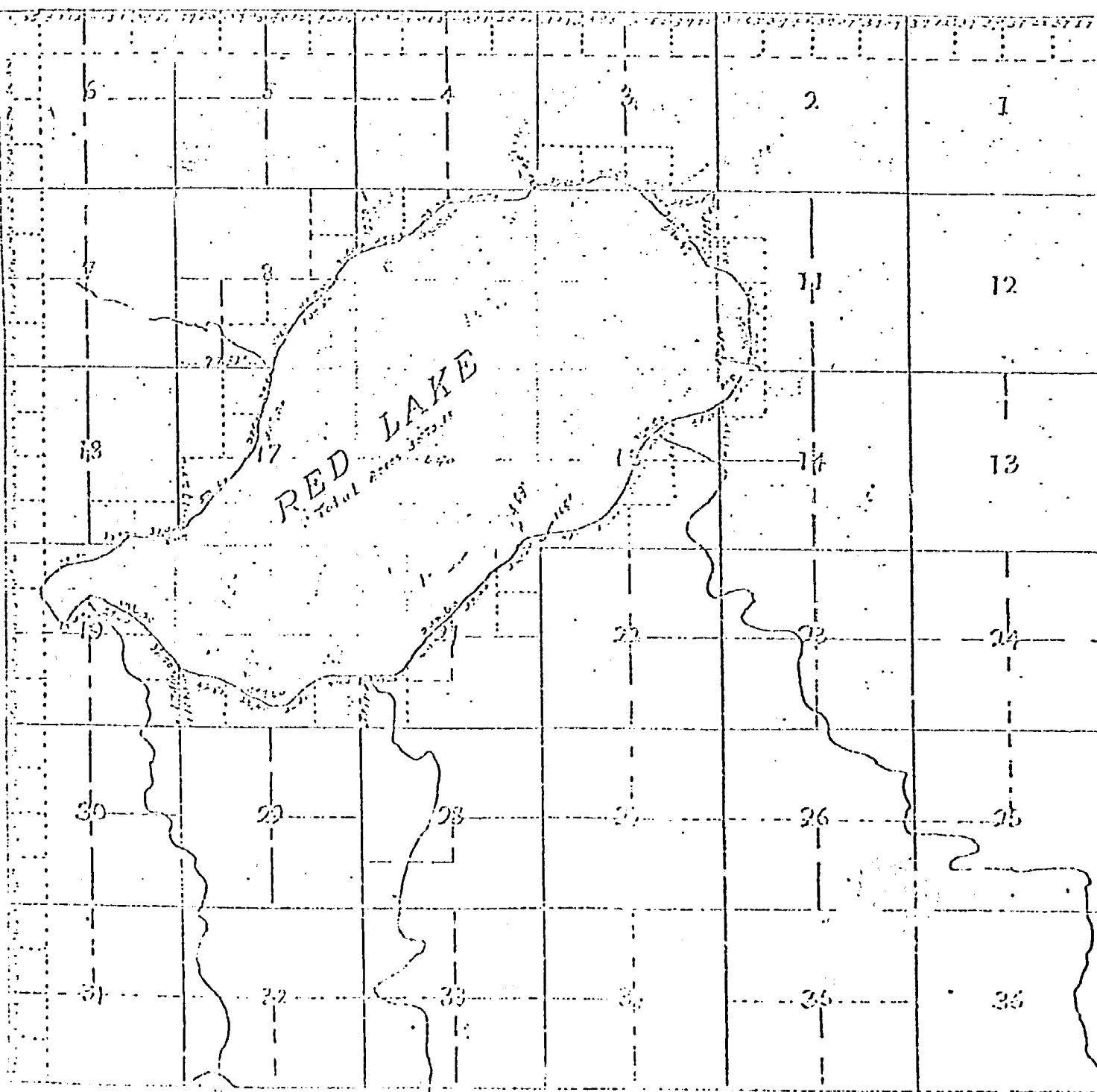
Average Daily Duck Use on Red Lake
Waterfowl Seasons 1953 through 1981



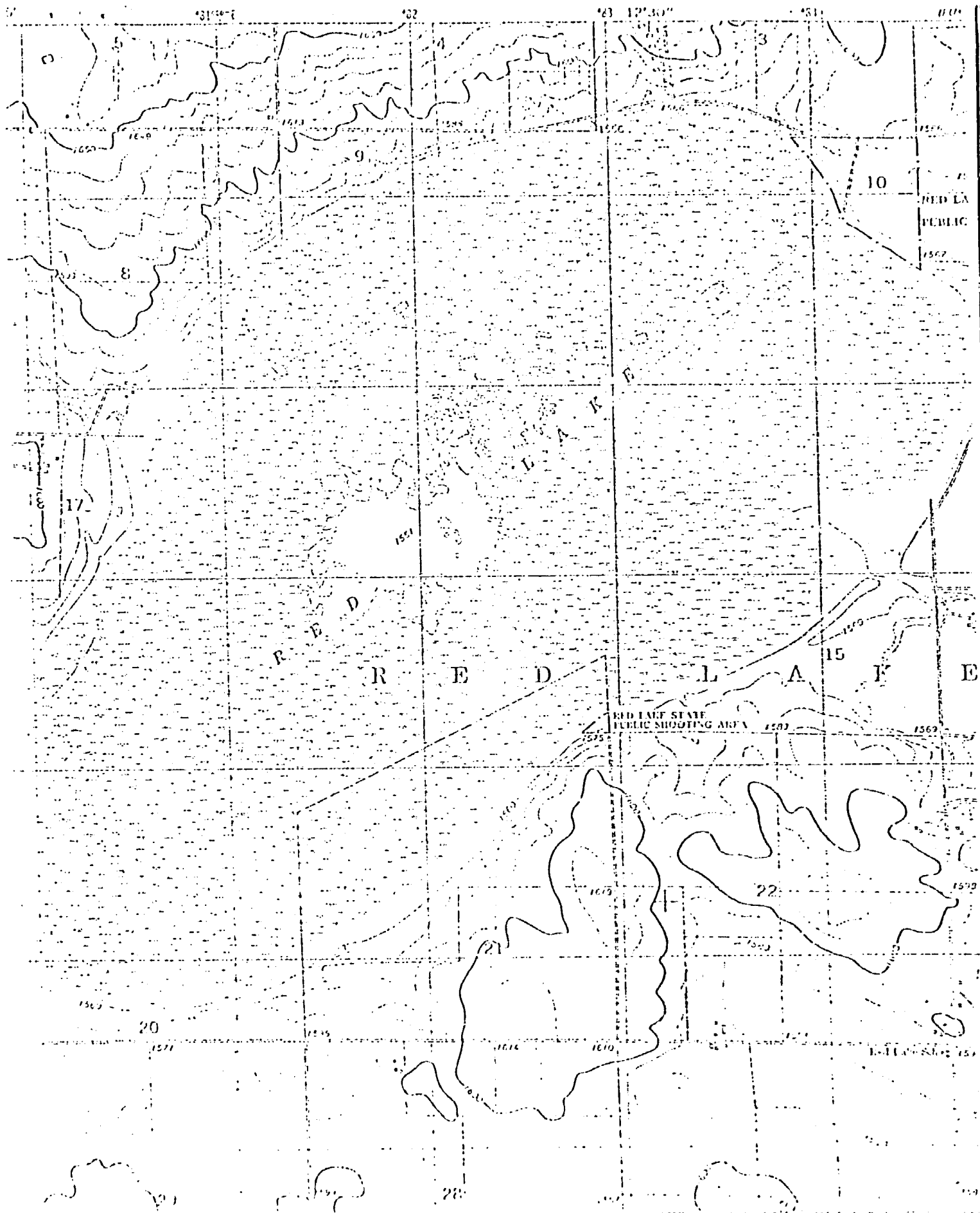
Average Daily Goose use on Red Lake
Waterfowl Season: 1953 through 1961



Fall 1981



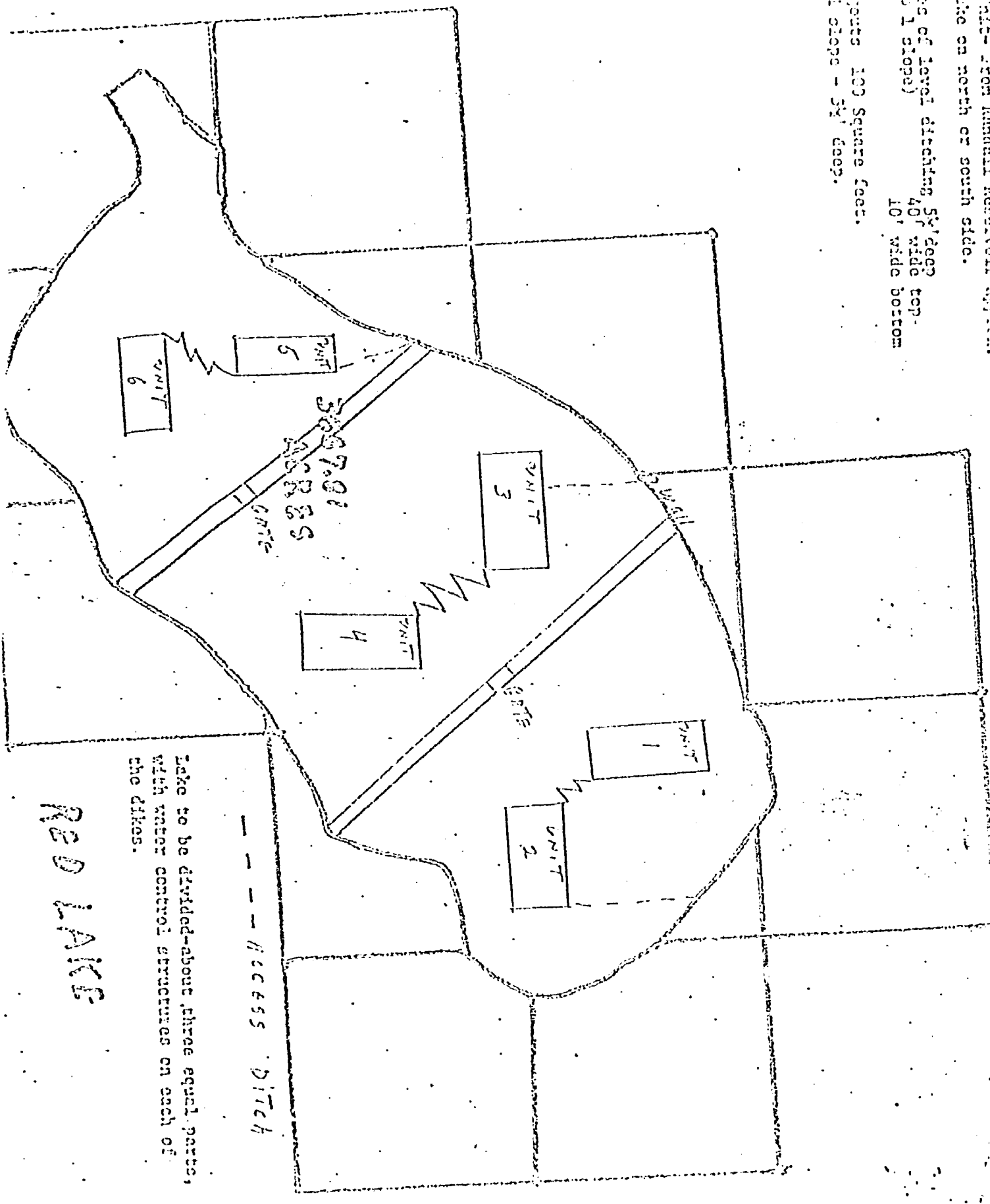
GEOLOGICAL SURVEY



From Randall Reservoir approx. 1/2 mile to
 Red Lake on north or south side.

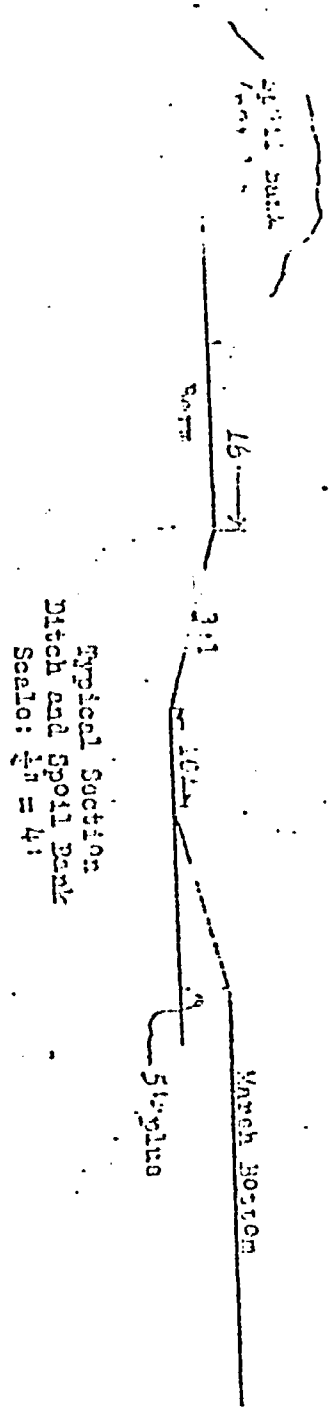
3 miles of level ditching 5' deep
 40' wide top
 10' wide bottom
 (3 to 1 slope)

20 Ditches 100 Square Feet.
 3 to 1 slope - 5' deep.

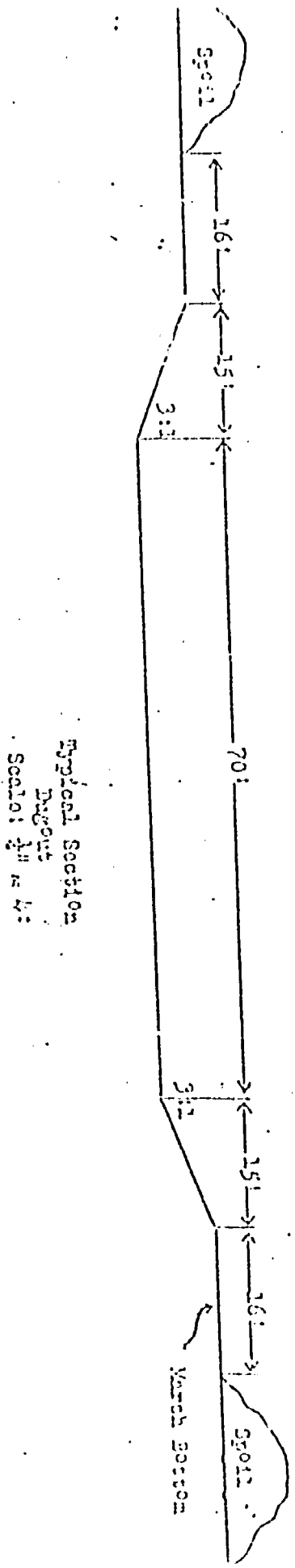


Take to be divided about three equal parts,
 with water control structures on each of
 the dikes.

RED LAKE



Typical Section
Ditch and Spoil Bank
Scale: $\frac{1}{4}" = 4'$



Typical Section
Ditch
Scale: $\frac{1}{4}" = 4'$

Figure 4. Cross sections of a ditch and dugout, Red Lake Level ditching project.

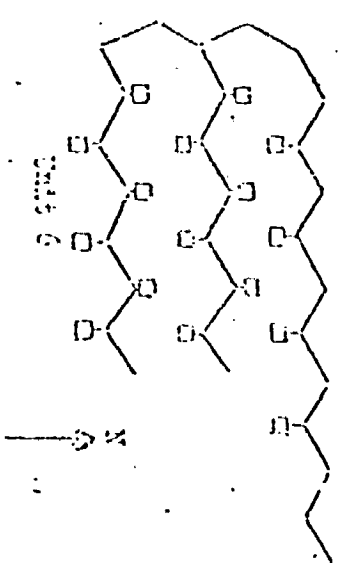
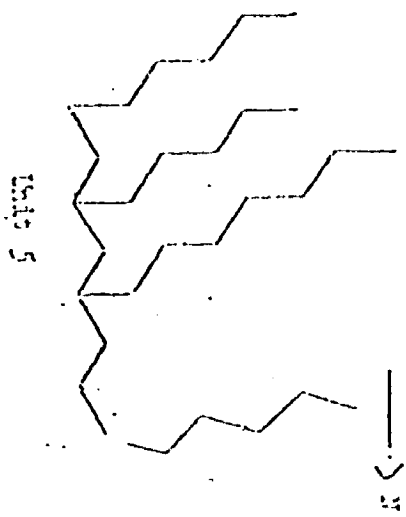
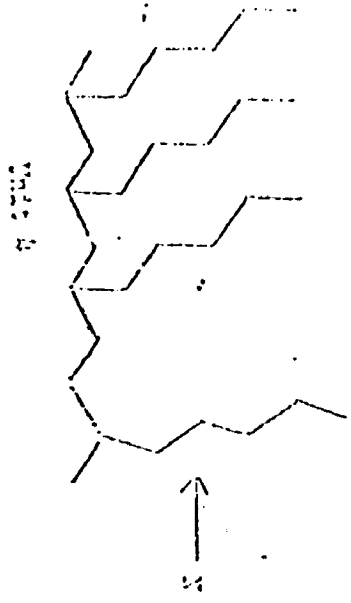
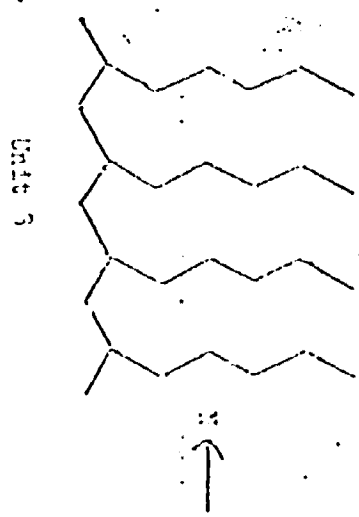
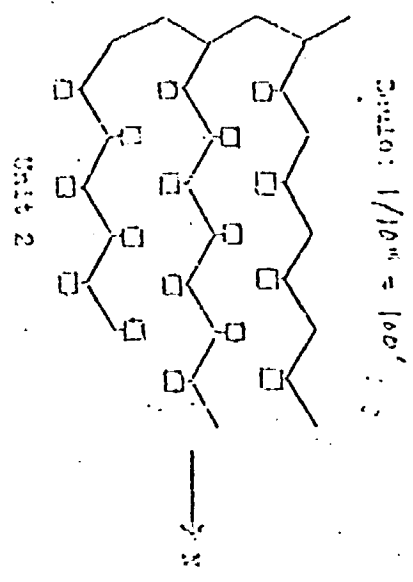
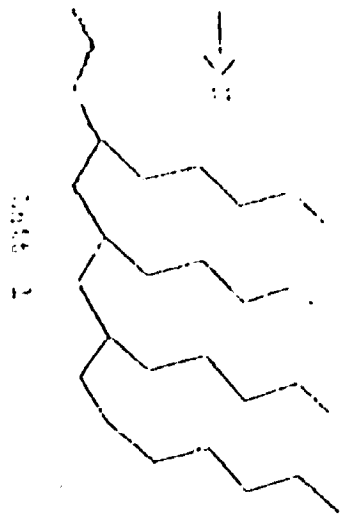


Figure 3. Geologic cross-section of the six developed units, Red Lake, Brule County, South Dakota.

RED LAKE, BRULE COUNTY, SOUTH DAKOTA
Section 8, 9, 10, 11, 17, 16, 15, 19, 20, 21 T1N 103-R 70
SOUTHEAST OF CHAMBERLAIN, SOUTH DAKOTA

Pump water from Francis Case to Red Lake.

Distance 6 miles - lift water 350 ft. for one mile then gravity feed for five miles.

1 acre ft. = 325,828 gals.

To raise Red Lake 1 ft. would require $325828 \times 3570 = 1,263,205,960$ gals. of water.

It would require the following to pump this amount of water in 24 hours:
24 hrs. = 1440 minutes.

$1,263,205,960 \div 1440 = 877,226$ GPM = 117276 CFM = 1955 CFS. These figures divided by the number of days it would take to raise the lake 1 ft. for example 90 days would be 9746 GPM = 1303 CFM = 21.7 CFS.

It would require a 15' diameter pipe for 217 CFS or an open chute 10' ft. x 8' ft. or any combination that would equal 80 sq. ft. The open ditch could be utilized for about 5 miles, the first mile would require piping.

It would require easements, with the owner asking for a portion of the water from domestic, livestock or irrigation. It would also require pumping stations and a continuous cost for maintenance and operation.

In the above the run-off was computed to be equal to the evaporation.

Enclosed are the drawings showing the location of Red Lake. The shape and size of Red Lake and a plan view of the ponds and islands.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 14, 1982

Raymond Stemmerman
Box 50
Pukwana SD 57370

RE: Water Management Board Action on Red Lake Well Flow

Dear Mr. Stemmerman:

The Water Management Board passed a motion concerning your Lakota Well at the Board meeting October 7, 1982 that reads as follows:

"Motion to approve the request by the Department of Game, Fish and Parks to authorize Mr. Stemmerman to allow his controlled Lakota Formation well to flow at a rate of about 300 gallons per minute into Red Lake during October and November, 1982 to provide open water to enhance waterfowl hunting. If Mr. Stemmerman agrees, during October and November, 1983, the well may be allowed to flow into Red Lake at a rate of about 300 gallons per minute for the same purpose. After November, 1982 and 1983, the flow will be restricted to minimum flows."

I am notifying David McGuigan, Department of Game, Fish & Parks by copy of this letter, that if the Department expects to make this type of request after 1983 that a formal application for a water permit and written agreement with you should be obtained.

If you have any questions, please feel free to contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

Encs

cc: David McGuigan, Dept Game, Fish & Parks
Warren Johnson
Water Management Board
Dan Doyle, Attorney General's Office

4769-3

M E M O

TO: Art Talsma, Assistant Director
Wildlife Division, Dept. Game, Fish & Parks

FROM: John Hatch, Chief Engineer, Water Rights Division *John Hatch*

SUBJECT: Ray Stemmerman Lakota Formation Well and Red Lake

DATE: October 7, 1983

October 7, 1982 the Water Management Board passed the following motion:

"Motion to approve the request by the Department of Game, Fish and Parks to authorize Mr. Stemmerman to allow his controlled Lakota Formation well to flow at a rate of about 300 gallons per minute into Red Lake during October and November, 1982 to provide open water to enhance waterfowl hunting. If Mr. Stemmerman agrees, during October and November, 1983, the well may be allowed to flow into Red Lake at a rate of about 300 gallons per minute for the same purpose. After November, 1982 and 1983, the flow will be restricted to minimum flows."

This motion subject to reaching an agreement with Mr. Stemmerman, authorizes Mr. Stemmerman to allow his well to flow into Red Lake during October and November, 1983. If this October-November pumping is to be continued on a permanent basis, a permit application and written agreement with Mr. Stemmerman will be necessary. If you have any questions, please contact us.

JH:ks

cc: Ray Stemmerman

**South Dakota
Department of
Game, Fish and Parks**

Division of Wildlife
Sigurd Anderson Building
445 East Capitol
Pierre, South Dakota 57501-3185
(605) 773-3381

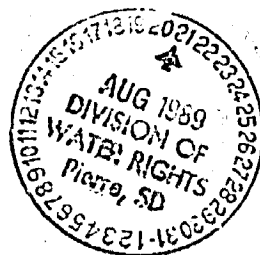
MEMORANDUM

TO: John Hatch
Department of Water and Natural Resources

FROM: Doug Hansen *DH*

DATE: 17 August 1989

SUBJECT: Ray Stemmerman Lakota Formation Well and Red Lake



The Department of Game, Fish and Parks requests that the Lakota Formation well, authorized by water permit #4759-3 and controlled by Mr. Ray Stemmerman, be allowed to flow into Red Lake, Brule County, at a rate of 300 gpm during October and November 1989. The purpose of this discharge will be to enhance waterfowl hunting in a localized area of the lake. Game, Fish and Parks will monitor waterfowl and hunter use of the open water area during the time the well is flowing. If conditions conducive to waterfowl disease develop at any time during the controlled discharge, we will notify the Chief Engineer and Mr. Stemmerman, and will request that the well be restricted to minimal flows.

This request is only for October and November of 1989. We will evaluate the success of this request before making any recommendations concerning flows in future years.

Please contact George Vandel or Ron Koth if you have any questions or require additional information.

DH/ld

cc: George Vandel
Ron Koth
Warren Johnson

South Dakota
Department of
Water & Natural Resources

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

September 7, 1989

MEMO TO: Doug Hansen, Director, Division of Wildlife
Department of Game, Fish and Parks

FROM: John Hatch, Chief Engineer
Water Rights Division

John Hatch

SUBJECT: Ray Stemmerman Lakota Well and Red Lake

I am responding to your August 17, 1989 memo requesting that the Lakota formation well authorized by Water Permit No. 4679-3 for irrigation of land owned by Ray Stemmerman be allowed to flow at 300 gpm during October and November, 1989. The purpose of the request is to enhance waterfowl hunting in a localized area. A water permit application, written agreement with Mr. Stemmerman, publication, a public hearing before the Water Management Board and approval of a water permit will be required before the well can be allowed to flow as requested.

Water Permit No. 4769-3 was approved during July, 1981. After the permit was granted, the Department of Game, Fish and Parks requested that the well be allowed to flow during October and November of 1982 and 1983 for the purpose of completing a waterfowl impact study (study attached). In October, 1982, the Water Management Board passed the following motion in reference to GF&P's request:

"Motion to approve the request by the Department of Game, Fish and Parks to authorize Mr. Stemmerman to allow his controlled Lakota Formation well to flow at a rate of about 300 gallons per minute into Red Lake during October and November 1982 to provide open water to enhance waterfowl hunting. If Mr. Stemmerman agrees, during October and November 1983, the well may be allowed to flow into Red Lake at a rate of about 300 gallons per minute for the same purpose. After November 1982 and 1983, the flow will be restricted to minimum flow."

GF&P was notified of the action of the Board by a memo from John Hatch to Art Talsma dated October 7, 1982. The memo informed Mr. Talsma that if the October-November flow is to be continued on a permanent basis, a permit application and written agreement with Mr. Stemmerman will be necessary (memo attached).

A letter dated October 14, 1982 to Mr. Stemmerman with copy to David McGuigan again stated that if GF&P expects to request flow from the well during October and November after a formal application for a water permit and written agreement will need to be obtained

cc: Floyd Matthew
George Vandel, GF&P
Ron Koth, GF&P



Permit No. **4769-3**
Missouri River - Water District

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

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

I have this day made a thorough examination of the water use system constructed by Raymond J. Stemmernan of RR Box 50, Pukwana, SD 57370 holder of Permit No. 4769-3, bearing the priority of June 1, 1981 authorizing the diversion of 1.86 cu. ft. of water per second from groundwater for irrigation purposes, in Brule County.

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

A. Works used to divert the water:

Natural flow from a flowing well (1,000 GPM).

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

DISTRIBUTION LINE:

- 1) Type ALU 2) Size 6 inches 3) Length 3400 feet

C. Works used to apply water to beneficial use:

SYSTEM TYPE:

Towline:

- 1) Length 1320 feet/line
2) Sprinkler spacing 40 feet
3) Capacity 300 GPM

The system is in good condition. The point of diversion is located 1000 feet N and 225 feet E from the SE corner of Section 19 T103N-R70W (Lot 3 of Section 17 [SW¼ SW¼]). The works are capable of diverting and conveying to the place of use 2.22 cu. ft. of water per second which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

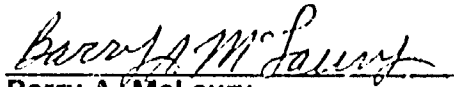
<u>T103N-R70W</u>	<u>SECTION 13</u>	<u>NE¼ SW¼</u>	<u>23 acres</u>
		<u>SE¼ SW¼</u>	<u>9 acres</u>
		<u>NW¼ SE¼</u>	<u>40 acres</u>
		<u>SW¼ SE¼</u>	<u>12 acres</u>
		<u>NE¼ SE¼</u>	<u>40 acres</u>
		<u>SE¼ SE¼</u>	<u>6 acres</u>

comprising a total of 130 acres of land and the license should be issued for *0.66* CFS.

Applicable permit qualifications have been complied with: Yes ☒ No

** 0.66 CFS is the maximum amount the towline can use.

Exceptions to compliance are: None Date: September 13, 1993

A handwritten signature in cursive script, reading "Barry A. McLaurv", written over a horizontal line.

Barry A. McLaurv
Environmental Scientist
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4769-3

DATE: September 13, 1993

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 1000 feet N and 225 feet E from the SE corner of Section 18 T103N-R70W (LOT 3 of Section 17 [SW 1/4 SW 1/4]).

WELL INFORMATION:

- 1) Well Drilling Firm: S.M. Norbeck
- 2) No. of Wells 1
- 3) Depth 1010 feet
- 4) Well log is available Y
- 5) Comment: This is a flowing well.

Casing:

- 1) Diameter: 10 top 8 bottom inches
- 2) Length 905 feet
- 3) Type steel & concrete

Screen:

- 1) Type ?
- 2) Length 115 feet
- 3) Static water level 955 feet

DISTRIBUTION LINES:

- 1) Type ALU
- 2) Size 6 inches
- 3) Length 3400 feet

SYSTEM TYPE:

Towline:

- 1) Length 1320 feet/line
- 2) Sprinkler spacing 40 feet
- 3) Capacity 300 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

****NOTE:** At the time of inspection, the flow of the well was reduced to about 25 GPM into a stock tank. The stock tank overflows into Red Lake. The maximum capacity of the well is 1,000 GPM. The authorized flow under Water Permit No. 4769-3 for irrigation is 300 GPM.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y
- 2) Special qualifications to permit being abided by Y
- 3) All structures, wells and lands on map Y
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y



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

September 8, 1994

4769-3

Raymond J. Stemmerman
RR 1, Box 150
Pukwana, SD 57370

Dear Mr. Stemmerman:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 4769-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection 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 Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-50.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

RECEIPT

414283

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, September 27, 1994

RECEIVED OF Raymond Stenberger, RR 1 Box 150, Fulkota, SD 57570

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. <u>4759-S</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By *John H. Hildebrand*
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4769-3 FOR IRRIGATION

(1) Raymond J. Stemmerman of RR #1 Box 150, Pukwana SD 57370 made Application No. 4769-3, June 1, 1981 for a water permit to appropriate 1.86 cubic feet of water per second from groundwater (one flowing well), Brule County, South Dakota for irrigation purposes. Permit No. 4769-3, with a priority date of June 1, 1981 was approved July 29, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 29, 1986 and for the application to beneficial use of said water on or before July 29, 1990.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.66* cubic feet of water per second for beneficial use. The location of the diversion point is 1000 feet north and 225 feet east from the southeast corner of Section 18-T103N-R70W (Lot 3 of Section 17 [SW 1/4 SW 1/4]).

* The well will flow 1000 gallons per minute (gpm). The irrigation system utilizes 300 gpm. When not used for irrigation, the flow is reduced to 25 gpm into a stocktank. The stocktank overflows into Red Lake.

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

Section 18-T103N-R70W	NE 1/4 SW 1/4	23 acres
	SE 1/4 SW 1/4	9 acres
	NW 1/4 SE 1/4	40 acres
	SW 1/4 SE 1/4	12 acres
	NE 1/4 SE 1/4	40 acres
	SE 1/4 SE 1/4	6 acres
	Total	130 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Raymond J. Stemmerman of RR #1, Box 150, Pukwana SD 57370 the holder and/or owner of Water Permit No. 4769-3 is issued a license to appropriate water, the right to use 0.66 cubic feet of water per second from groundwater (one flowing well) with a priority date of June 1, 1981 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 4769-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer

Water Rights Division

Department of Environment and Natural Resources

NOV 18 1994

date



4769-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

NOV 10 1994

4769-3

Raymond J. Stemmerman
RR 1, Box 150
Pukwana, SD 57370

Dear Mr. Stemmerman:

Enclosed is Water License No. 4769-3 and Receipt No. 414283 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4769-3 is the final document which completes the 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.

Very truly yours,

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

rd
enclosures



January 30, 1996

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

 JOE FOSS BUILDING
 523 EAST CAPITOL
 PIERRE, S.D. DAKOTA 57501-3181
NOTICE

TO: RAYMOND STEMMERMAN, RT 1 BOX 150, PUKWANA, SD 57370

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Violation of Water Permit No(s) 4769-3

Our records indicate that the 1995 Irrigation Questionnaire has not been submitted for Permit No(s) 4769-3. The request for the Questionnaire was dated October 20, 1995. The Water Management Board has directed that owners of water permits who have not submitted the 1995 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will determine the action to be taken for violation of Water Permit No(s) 4769-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at 9:45 am, March 6, 1996 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 Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4769-3 in accordance with applicable provisions of SDCL 46-1-12;
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 1, 1996, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Write your name and address on the reverse of this form so that we can return this article 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):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RAYMOND STEMMERMAN
RT 1 BOX 150
PUKWANA SD 57370

4a. Article Number

2 161 984 093

4b. Service Type

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

7. Date of Delivery

1-31-96

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X *James Lehman*

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

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt



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

February 6, 1996

Raymond Stemmerman
RR 1 Box 150
Pukwana, SD 57370

4769-3

Dear Mr. Stemmerman:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 4769-3.

The information was 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
Environmental Scientist
Water Rights Program
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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



February 6, 1996

4769-3

Raymond Stemmerman
RR 1 Box 150
Pukwana, SD 57370

Dear Mr. Stemmerman:

I am writing to acknowledge receipt of your 1995 irrigation questionnaire. You may disregard the January 30, 1996, Notice of Violation of Water Permit No. 4769-3.

The information was 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

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

Dear Sirs, I know is not an excuse for being late but things havnt been normal around here since Nov 29, wife had surgery. She has been in and out of the hospital most of Dec + part of Jan. I just neglected to take care of all of the paper work on time. I was in Sioux Falls with her. part of the time.

thank you
Raymond Stemmerman

77.7

74.3 north
U.S. Govt aerial survey map

NW 1/4 Sec 18 103-70

NE 1/4 Sec 18 103-7

(133-R)

32.1

5.1

5.3

3.8

61.7

NW 1/4 of Sec 17 103-70
+ lots 1-2-3

18

NE 1/4 of SW 1/4
of Sec. 18-103-70

22 a.

NW 1/4 of SE 1/4 of Sec. 18
103-70

40 a.

NE 1/4 of SE 1/4 of Sec. 18
103-70

40 a.

SE 1/4 of SW 1/4
of Sec. 18-103-70

8 a.

SW 1/4 of SE 1/4 of Sec. 18
103-70

12 a.

SE 1/4 of SE 1/4 of Sec. 18
103-70

8 a.

flowing well
diversion point

103-70

Red Lake

103

Certified as Aerial Photography
map # 46015-177 133R
Marianne Miller
County Executive Dir
Box 29
Chamberlain, SD
57325
Phone #

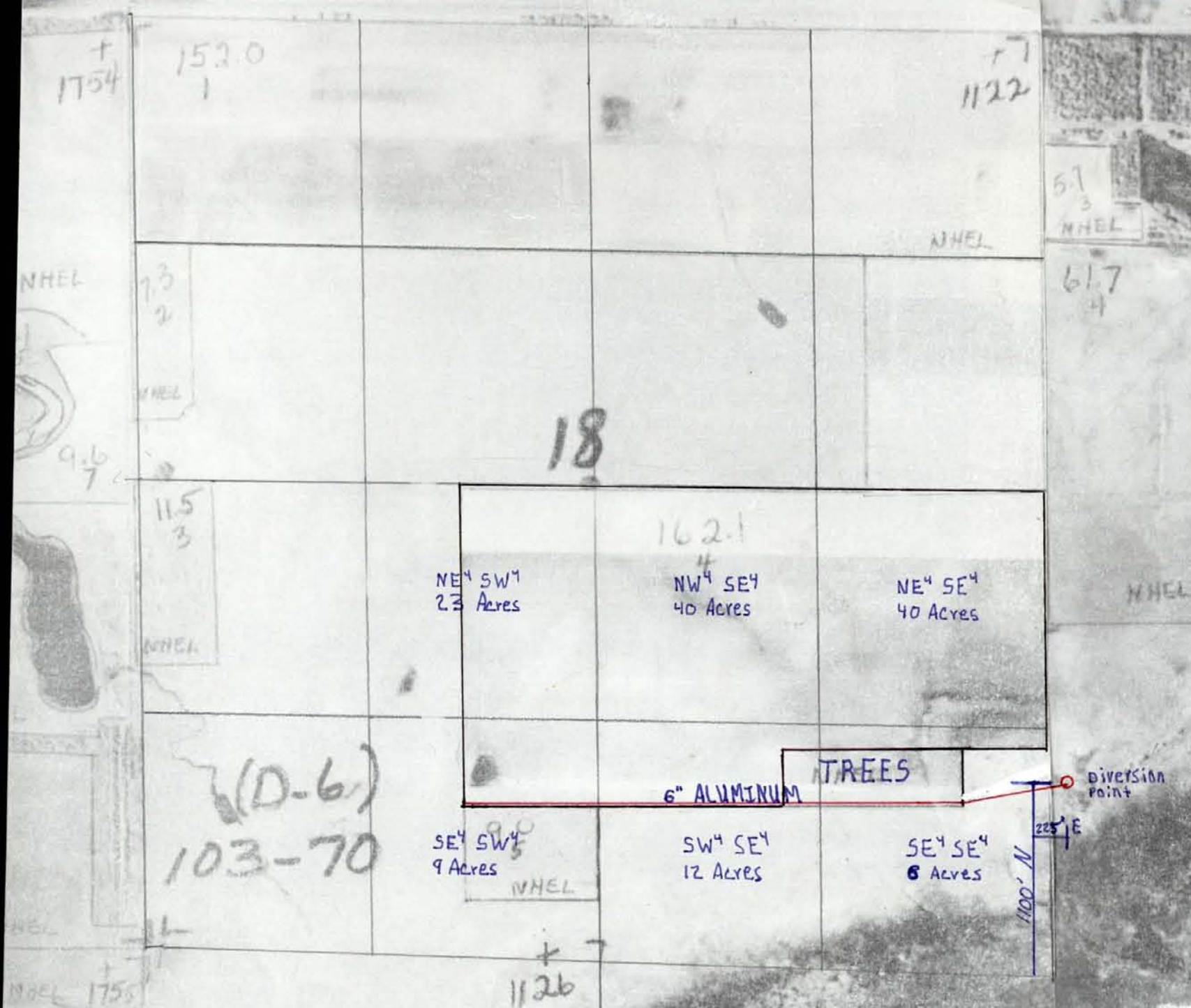
605-734-6033

~~Map No. 3900-3~~

(123-R)

appl: 4769-3

NOT TO SCALE NOT TO SCALE



Barry McLaury *Barry McLaury*
Environmental Scientist
Division of Water Rights
Date March 4, 1994

4769-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 29, 2007

4769-3

James Leheska
34709 252nd St
Pukwana SD 57370

Dear Mr. Leheska:

Thank you for the prompt return of the 2007 irrigation questionnaire. It is my understanding from the notation you made on the form that you now own the land described in the water right.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and complete as needed. Upon completion, please sign the form and return it to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Rights Program.

I have included a copy of the water right and the map for your records. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures



**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, 2007

No. 4769-3

James Leheska
34709 252nd St
Pukwana SD 57370

Dear Mr. Leheska:

In October, we forwarded you a "Notice of Transfer" form to complete and return to us for filing an ownership change on Water Right No. 4769-3. The water right is currently listed in the name of Raymond Stemmerman. To date, we have not received the form back from you.

Enclosed is another partially completed form. Upon completion, return the form to our office with a required filing fee of \$2.50. The check or money order for the fee can be made payable to the Water Right Program.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosure

Schlaak, Karen

From: Joyce Leheska [leheskajoy@yahoo.com]
Sent: Thursday, January 03, 2008 5:31 PM
To: Schlaak, Karen
Subject: notice of transfer form

Karen: We have received the notice of transfer form for filing ownership change on Water Right No. 4769-3. We have not returned this yet because we have been waiting for the official transfer of land. We have inherited this land and have just been waiting for the deed transfer. If you want the form returned before it is official, just let me know. Thank you

James Leheska
34709 252nd St
Pukwana SD 57370

Be a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now. http://mobile.yahoo.com/_ylt=Ahu06i62sR8HDtDypao8Wcj9tAcJ

Sorry this took so long we have been waiting for the completion of the land transfer to our name after the death of both of my parents. Thank you for your patience.

RECEIVED

JUN 13 2008

WATER RIGHTS
PROGRAM

Joyce Leheska

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 6/13, 20 08

RECEIVED OF James Leheska 34709 252nd ST Pukwana SD 57370

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>4769-3</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.

03079

By

Harold F. White
Chief Engineer

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

JUN 13 2008

WATER RIGHTS
PROGRAM

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

No. 4769-3

Date: 06/10/08

I/We request that Water Right No. 4769-3

formerly owned by: Raymond Stemmerman

be transferred to: (name & address) James Leheska, 34709 252nd St, Pukwana SD 57370

Telephone No. 605 734-6245

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

130 acres located in the E 1/2 SW 1/4, SE 1/4 Section 18-T103N-R70W

I/We understand that the validity of Water Right No. 4769-3 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 James Leheska, the new owner, certify that the above information is true and correct.

James Leheska
(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
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

June 16, 2008

4769-3

James Leheska
34709 252nd St
Pukwana SD 57370

Dear Mr. Leheska::

Thank you for following up on the ownership change for Water Right No. 4769-3. The transfer has been completed. The water right formerly listed in the name of Raymond Stemmerman is now listed in your name.

Each year in October, we mail out the annual irrigation questionnaire. Enclosed is a sample copy for your review. This will give you an idea of what type of information you will need to keep track of during the irrigation season.

An additional item I wanted to make you aware of is that in order to maintain water rights, they need to be used. I am including excerpts of our water laws and Water Management Board rules dealing with this issue.

Also enclosed is your Receipt No. 03679 in the amount of \$2.50. If I can answer any questions for you, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosure