

- 880-1
1. Considered MARCH 18, 1970
 2. Name of Applicant RAYMOND E. ETELSON
 3. Post Office Address BOXELDER, S.D.
 4. Amount of water claimed 5.83
 5. Source of water supply ALKALI CREEK
 6. Water to be used for IRRIGATION

Acres to be irrigated 102

7. Water to be diverted and used in MEADE county
about 13 E miles 3 S of STURGIS
8. Proof of Publication Received 3-18-70

Not Received _____

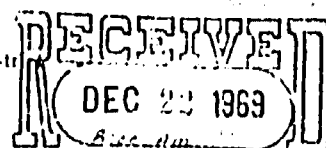
9. Application Approved _____

Subject to _____

Not Approved _____

Action deferred _____

10. Remarks:

No. 880-1Map No. 734-1 Water Division No. 1 BELLE FOURCHE RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
LANSING, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Raymond E. Ketelsen
Postoffice address Box Elder, State South Dakota
If a corporation show date and place of incorporation X X X
2. Method of accomplishing work (contract, employment of others, or by direct labor) employment of others
3. Name of diversion work Ketelsen Spreader Project
4. Amount of water claimed (cubic feet per second) 5.03
5. Source of water supply Alkali Grass
6. Location of point of diversion 430' S 00°00' E of NE Cor. Sec. 21; 1450' N 25°00' E of NE Cor. Sec. 26; and 330' N 90°00' E of NE Cor. Sec. 26, T 5 N. R 7 E. BM.
County Meade

7. Annual period or periods during which water is to be used April 1 to November 1
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
Irrigation use See Attachment Total of acres to be irrigated 400

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>See attachment</u>			

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Sturgis Tribune, Sturgis, S. Dak.
12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source. \$1,000.00B. Works proposed to transport water to place of use. \$ 300.00C. Works proposed to apply water to beneficial use. \$ 200.00Estimated Total Cost \$ 1,500.00Attachments: 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 MeadeI, Raymond Ketelsen

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

Signed Raymond KetelsenSubscribed and sworn to before me this 12 day of Dec 19 69

Notary Public (or other qualified officer)

This Water Permit No. 880-1

- (1) Authorizes spreader irrigation from Alkali Creek and its tributaries on the following land;

Section 21, T5N, R7E		Section 26, T5N, R7E		Section 26, T5N, R7E	
NW $\frac{1}{4}$ NE $\frac{1}{4}$	25 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	2 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	28 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	13 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	24 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	40 acres
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	12 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	7 acres
		NW $\frac{1}{4}$ SW $\frac{1}{4}$	3 acres	NE $\frac{1}{4}$ SW $\frac{1}{4}$	6 acres

Total Acreage in this category 160 acres.

- (2) Records a vested right claim (1940 priority) on the following lands and also authorizes supplemental spreader irrigation from new diversion points (December 22, 1969 priority), from Alkali Creek and its tributaries;

Section 21, T5N, R7E		Section 22, T5N, R7E		Section 22, T5N, R7E	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	25 acres	NW $\frac{1}{4}$ NW $\frac{1}{4}$	23 acres	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	22 acres	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24 acres	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres
		NW $\frac{1}{4}$ NE $\frac{1}{4}$	29 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
		NE $\frac{1}{4}$ NE $\frac{1}{4}$	5 acres	SE $\frac{1}{4}$ NE $\frac{1}{4}$	16 acres

Total Acreage in this category 248 acres.

- (3) Records a vested right claim (1940 priority) for spreader irrigation from Alkali Creek and its tributaries on the following lands;

Section 21, T5N, R7E		Section 26, T5N, R7E	
SE $\frac{1}{4}$ NE $\frac{1}{4}$	3 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$	23 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	25 acres	SW $\frac{1}{4}$ NE $\frac{1}{4}$	23 acres
		NW $\frac{1}{4}$ SE $\frac{1}{4}$	24 acres
		SW $\frac{1}{4}$ SE $\frac{1}{4}$	26 acres

Total Acreage in this category 124 acres

Total Acreages in all categories 532 acres

attachment
Section 21, T 5 N, R 7 E, BMM

NW $\frac{1}{4}$ NW $\frac{1}{4}$	25 Acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	38
SE $\frac{1}{4}$ NE $\frac{1}{4}$	22
	85

Section 22, T 5 N, R 7 E, BMM

NW $\frac{1}{4}$ NW $\frac{1}{4}$	23
NE $\frac{1}{4}$ NW $\frac{1}{4}$	24
SW $\frac{1}{4}$ NW $\frac{1}{4}$	39
SE $\frac{1}{4}$ NW $\frac{1}{4}$	25
NW $\frac{1}{4}$ NE $\frac{1}{4}$	29
NE $\frac{1}{4}$ NE $\frac{1}{4}$	5
SW $\frac{1}{4}$ NE $\frac{1}{4}$	40
SE $\frac{1}{4}$ NE $\frac{1}{4}$	16
	201

Section 26, T 5 N, R 7 E, BMM

NW $\frac{1}{4}$ NW $\frac{1}{4}$	2
NE $\frac{1}{4}$ NW $\frac{1}{4}$	28
SW $\frac{1}{4}$ NW $\frac{1}{4}$	24
SE $\frac{1}{4}$ NW $\frac{1}{4}$	40
NW $\frac{1}{4}$ NE $\frac{1}{4}$	12
SW $\frac{1}{4}$ NE $\frac{1}{4}$	7
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3
NE $\frac{1}{4}$ SE $\frac{1}{4}$	6
	122

Grand Total 408 Acres

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 880-1RAYMOND E. KETELSEN
(Applicant)BOXELDER
(Post Office Address)SOUTH DAKOTA
(State)

With the following modifications:

"VESTED RIGHT" CLAIM RECOGNIZED AS SHOWN ON THE ATTACHED SHEET.**LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING, AND PRIOR WATER RIGHTS MUST BE BY-PASSED.**Date of first receipt of application DECEMBER 22 19 69Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application — 19 —Approved MARCH 18 19 70, Recorded in Book 11 Page 86WATER RIGHT PERMIT NO. 880-1The Water Resources Commission hereby grants and issues this Water Right Permit No. 880-1 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 1940 AND DECEMBER 22 19 69
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 28 19 72
3. The whole of said work is to be completed on or before MARCH 18 19 75
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 18 19 75
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 7.58 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 18 19 75; said water to be used during the following described annual period: APRIL 1 TO NOVEMBER 1, 19 70

Witness my hand this 20TH day of MARCH 19 70

WATER RESOURCES COMMISSION

By:

W. O. O'Brien
Chief Engineer, Executive OfficerCertificate of Construction Issued FEBRUARY 13 19 78Water License Issued FEBRUARY 13 19 78

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 880-1

(1) WHEREAS, On the 22nd day of December A. D. 1969
Raymond E. Ketelson

made Water Right Application No. 880-1 for a permit to use 880-1 cubic feet per second of the waters of Alkali Creek
 County of Beade, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 20th day of March A. D. 70
 Permit No. 880-1, with a date of priority of 1940 and December 1969
 was issued to said applicant for the diversion of said water, and provided for the construction of the water supply system therein described on or before the 18th day of March A. D. 1975 and for the application to beneficial use of said water on or before the 18th day of March A. D. 1975

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 5.67 cubic feet per second of water for beneficial use and,

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

for irrigating the following land in T5N, R7E

Section 21	NW $\frac{1}{4}$ NE $\frac{1}{4}$	10 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	25 acres
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	22 acres
Section 22	NW $\frac{1}{4}$ NW $\frac{1}{4}$	23 acres
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	24 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	29 acres
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	7 acres
	SW $\frac{1}{4}$ NW $\frac{1}{4}$	39 acres
Section 26	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	21 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	25 acres
	NE $\frac{1}{4}$ SW $\frac{1}{4}$	4 acres
	NW $\frac{1}{4}$ SE $\frac{1}{4}$	24 acres
	SW $\frac{1}{4}$ SE $\frac{1}{4}$	15 acres
Total		355 acres

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Raymond E. Katselien of Box Elder the holder and owner of said permit No 830-1 a water right, dating fr. 1940 and December 22, 1909 to use of 5.97 cubic feet per second of the waters of Alkali Creek in the County of Moade and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1650' S, 39° W of the NE corner, Section 21, T5N, R7E

and conduct to and upon portions of Section 21, 22 and 26, T5N, R7E, described on the face of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 350-1 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 12th day of February A. D.

Nineteen Hundred and ~~seventy-eight~~

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer

Form 15.

Permit No. 880-1

Water Diversion No. 1 Belle Fourche River Water District

CERTIFICATE OF CONSTRUCTION

10110202

RE/M D

This is to Certify, That Raymond E. Ketelson

Permit No. 880-1, issued upon Application No. 880-1, bearing date of priority of 1940 &
December 29, 1969 authorizing the diversion of 7.58 cu. ft. per second of the waters of
Alkali Creek County of Hendrie, State of South Dakota at
a point 1650' W, 39' N of the NE corner, Section 21, 15N, 27E
for irrigation

purposes, has s complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 20.0 cu. ft. per second of water.

Date February 13, 1970

By:

WATER RIGHTS COMMISSION

John Hatch

JOHN HATCH, Chief Engineer

880.1

Publish first publication, on or before February 19, 1970

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

January 14 1970

Notice is hereby given that Raymond E. Ketelsen
whose post office address is Box Elder, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
5.83 (Partial "Vested Right")
cubic feet of water per second of time from the Alkali Creek & Tributaries through the
Ketelsen Spreader System, the point of diversion of which is to be located in the
between points in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22 and in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 26,
T5N, R7E *Change to Section 21*

_____ Said water to be used for the purpose of providing irrigation on the following described land:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; NW $\frac{1}{4}$ and NE $\frac{1}{4}$, Section 22; NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 26, T5N, R7E

This application No. 880-1 will be considered by the Water Resources Commission at their office at Pierre upon the 18th day of March, 1970, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

cc: ~~Raymond S. Ketelsen~~, Box Elder, S.D. By:

BUFTON F. JONES, Water Rights Specialist

Re: Harv.

342-1186

B.H. 2400

347-2585

Permit No. 880-1Water Division 1 Belle Fourche River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

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

I have this day made a thorough examination of the water use system constructed by Raymond E Keteisen of Box Elder, S. Dak. holder of Permit No. 880-1, bearing date of priority of December 22 ^{1940 and} 1962, authorizing the diversion of 7.58 cu. ft. per second of the waters of Alkali Creek for Irrigation purposes, in Meade County.

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

The Water Use System consists of,

A. Works used to divert the water: Dam 12 ft high with 5.0 ft diameter C.M.P., 45 ft long with control gate to divert water out of Alkali Creek.

B. Works used to transport water to place of use,
Ditch with 8.0 ft wide head gate.

C. Works used to apply water to beneficial use.
Numerous Dikes with 15" dia C.M.P. outlets with control gates, and V spreader ditches.

The system is in the following condition: GoodThe point of diversion is located 1650 ft S 39°W of NE corner of Section 21, T5N R7EThe works are capable of diverting and conveying to the place of use 20 CFScu. ft. per second of water which is to be used for Irrigation

Water has been put to beneficial use to the maximum extent as follows: In Section 21, T5N, R7E
NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 10 Ac., NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 25 Ac., SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 22 Ac., In Section 22,
T5N, R7E, NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 23 Ac., NE $\frac{1}{4}$ NW $\frac{1}{4}$ - 24 Ac., NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 29 Ac.,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ - 7 Ac., SW $\frac{1}{4}$ NW $\frac{1}{4}$ - 34 Ac., SE $\frac{1}{4}$ NW $\frac{1}{4}$ - 25 Ac., SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 40 Ac.,
SE $\frac{1}{4}$ NE $\frac{1}{4}$ - 22 Ac.

comprising a total of 355 acres of land.

Vested Right: - All in Section 26, T5N R7E, NW $\frac{1}{4}$ NE $\frac{1}{4}$ - 21.0 Ac.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 2.5 Ac., NE $\frac{1}{4}$ SW $\frac{1}{4}$ - 4 Ac., NW $\frac{1}{4}$ SE $\frac{1}{4}$ - 24 Ac., SW $\frac{1}{4}$ SE $\frac{1}{4}$ - 15 Ac.

Date May 10, 1976

Leroy J. Mearns
(Signature)

Alkali Creek

Complaint of Ray Ketelson - Investigated May 11, 1978

- (1) Spreader type system located on Sections 21 & 22, T5N, R7E
- (2) Diversions from two tributaries of Alkali Creek
- (3) Problem with the Earl Bashand spreader system located in the southern portions of tributary - He installed a dike which diverts the water from the western tributary to the eastern tributary thus taking water away from Ketelson or the west portion of his spreader irrigation.
- (4) Ketelson is going to try to work out the problem with Bashand but will be contacting this office if he is unable to get any results
- (5) This writer said that this office will look over the water rights of Mr. Ketelson and Mr. Bashand to determine who may be in the right, then will await further word from Ketelson.

4/11/81 I havest the area between the two spreaders. We had cut a small hole in the dike and put a plug in it. The water is still in the dike. We will make another hole a little larger and suggest that we will be able to see the water on the west side.

Ray J. Thompson

NOTE: This Form is supplemental to Form 2, and is to be used when an affidavit pertaining to construction and water use, already completed, is needed.

**AFFIDAVIT OF CONSTRUCTION OF WATER USE
SYSTEM AND APPLICATION OF WATER TO BENEFICIAL USE**

Name of Applicant (Same as Form 2) Raymond E. Ketelsen

Post Office Address Box Elder, State South Dakota

If a Corporation show date and place of incorporation: X X X X X X

13. Notice of Appropriation (If available)

Date of Posting No prior posting Date of Recording _____

Recording Date _____

14. Date of start of construction of water supply system 11 - 24 - 39

15. Date that water was first applied to beneficial use Spring 1940

16. Name of owner of original water supply system E. Ketelsen

17. Amount of water originally applied to beneficial use 5.21 c. f. s.

18. Present Use of Water

Amount of water now being used 5.21 c. f. s.

Date that this amount of water was first used Spring 1940

19. Chronological History of Water Use

Water has spread on system every time water was available since the spring of 1940.

Attach to this Form 2B any copies of notices, postings, filings, publications, affidavits, or other records that apply. You may also attach any written statement by you, or by others, that you deem pertinent.

STATE OF SOUTH DAKOTA)

County of Needles) ss.

I, Raymond Ketelsen, the applicant, certify that I have read the foregoing and that the matters therein stated are true.

Signed Raymond Ketelsen

Subscribed and sworn to before me this 12 day of Dec, 19 69

W. R. Norme
(Notary Public or other qualified Officer)

I, the undersigned, do hereby certify that I know about the water use system described above and that I have read the foregoing and that the matters therein stated are true.

William J. Jeffery

FILE DOCUMENTATION

NAME: Raymond E Ketelsen

No. 880-1

ADDRESS: HC 82, Box Elder, SD 57719

SUBJECT: Readvertisement of Notice of Intent to Validate Claim No. 880-1

DATE: January 15, 1993

According to an inspection completed by Leroy Mernaugh, staff engineer, on May 10, 1976, the vested portion of Claim No. 880-1 is limited to the W1/2 E1/2, NE1/4 SW1/4 section 23-T5N-R7E consisting of 89 acres. The diversion point listed on the water license in section 21 does not match any diversion point shown on the original map. According to the map filed with No. 880-1, the diversion points for the vested portion of No. 880-1 consists of a series diversion dikes located between and including the NW1/4 NE1/4 and SW1/4 SE1/4 of section 26-T5N-R7E. I believe these and perhaps others were omitted from the license in error. Some form of diversions between the described areas must occur for the vested acreage to be irrigated.

READVERTISEMENT OF NO. 880-1

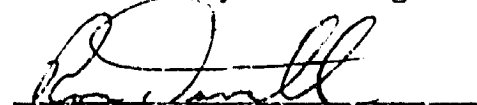
A portion of the vested acreage was omitted from the original advertisement and acreages which are not vested according to Mr. Mernaugh's inspection are included. The omitted vested acreage is the NE1/4 SW1/4 section 26 needs to be included and nonvested acreages can be left off the readvertisement. Assuming the inspection report is correct (need confirmation from Mr. Ketelsen), a diversion rate of 1.27 cfs (89 ac / 70) should be included in the notice. The remaining nonvested acreage will retain a diversion rate of 3.80 cfs to irrigate 266 acres. Total diversion rate is 5.07 cfs to irrigate 355 acres.

CLARIFICATION OF VESTED ACREAGE

Prior to readvertising No. 880-1, the claim holder needs to be contacted concerning the accuracy of the water license issued for No. 880-1. The original application claimed that more acres qualify for vested status than the acreage listed on the water license. There is one of three possible reasons for omitting a portion of the acreage that was claimed as vested on the application:

- 1) The portion of the vested acreage omitted from the water license was abandoned and the acreage being irrigated, as described on Mr. Mernaugh's inspection report, was being irrigated using new diversion points.
- 2) An error was made during licensing of No. 880-1 that omitted the vested acreage in sections 21 and 22.
- 3) An error was made on the original claim and map by claiming acreage in sections 21 and 22 that did not qualify for vested status (water use must begin prior to March 2, 1955).

Mr. Ketelsen needs to be contacted and asked to clarify whether or not the current license is accurate prior to readvertising No. 880-1. If the license is not accurate, then an inspection may be needed to clarify what acreage is and is not vested.



Ron Duvall, Natural Resources Engineer



January 22, 1993

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

Raymond Ketelsen
HC 82
Box Elder SD 57719

Dear Mr. Ketelsen:

This letter concerns Water Right No. 880-1 for irrigation of 355 acres in sections 21, 22 and 26; in T5N-R7E from Alkali Creek. I am writing to ask you to please clarify some information pertaining to your vested right.

In 1988, based on a new law that applied to all vested water rights, your partial vested right No. 880-1 was published in the Meade County Times-Tribune for purposes of validating the vested portion of No. 880-1. By vested portion of No. 880-1, I mean areas developed for irrigation prior to March 2, 1955. According to the original application and map (copies enclosed) filed by you, the total irrigated acreage was 532 acres. This acreage total included acreage that was already being irrigated (vested) and acreage to be developed in the future. The vested acreage amounted to 372 acres (246 acres + 124 acres) as shown on the map and attachment to the application.

On May 10, 1976, Leroy Mernaugh inspected the irrigation project and found a total of 355 acres being irrigated. On the "Report of Examination of Works" (copy enclosed), Mr. Mernaugh indicated that the only vested acreage (89 acres) is located in section 26. The remaining acreage is not noted as being vested which leads to my first question.

Should all of the acreage listed on Mr. Mernaugh's inspection report, that is vested according to the map, be included as vested acreage or were the diversion works for the vested portions abandoned prior to an inspection being completed?

NOTE: See page 3 for a comparison of Mr. Mernaugh's report and a listing of the 355 acres that qualified for vested status based on the original map.

If the acreage described as vested by Mr. Mernaugh is in error and other acreages qualify as vested, then some corrections need to be made to your water license.

My second question relates to the diversion point(s) used to divert water for your irrigation project. According to the water license the only point of diversion is located at a point 1650 feet, South 39 degrees West, of the NE corner section 21-T5N-R7E (as marked on map). As you can see, the creek does not run through the point marked on the map. **Please indicate which of the diversion points drawn on the map are being used. I have labeled the diversion points Nos. 1 through 7 on the map for you to refer to in your response.**

Raymond Ketelsen
January 22, 1983
Page 2 of 3

Please review this information and let me know what you think. If you have any questions, please call me at 605 773-3352. I am in the process of trying to finish the validation work on your vested right. I can not complete the validation work until the acreage and diversion points issues are clarified.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Duvall", with a large, stylized initial "R" and "D".

Ron Duvall
Natural Resources Engineer
Water Rights Division

enc.

Raymond Ketelsen
January 22, 1993
Page 3 of 3

**ACREAGE AS LISTED ON REPORT OF
EXAMINATION OF WORKS**

Nonvested:

NW1/4 NE1/4 sec 21	10 acres
NE1/4 NE1/4	25
SE1/4 NE1/4	22
NW1/4 NW1/4 sec 22	23
NE1/4 NW1/4	24
SW1/4 NW1/4	39
SE1/4 NW1/4	25
NW1/4 NE1/4	29
NE1/4 NE1/4	7
SW1/4 NE1/4	40
SE1/4 NE1/4	22

Vested:

NW1/4 NE1/4 sec 26	21 acres
SW1/4 NE1/4	25
NE1/4 SW1/4	4
NW1/4 SE1/4	24
SW1/4 SE1/4	15

Subtotal

Vested acreage	39
Nonvested acreage	<u>260</u>
Total	355 acres

**ACREAGE THAT MAY BE VESTED BASED
ON ORIGINAL MAP AND WATER LICENSE**

Nonvested:

NW1/4 NE1/4 sec 21	10 acres
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**Vested/Nonvested combination:
(double crosshatch on map)**

NE1/4 NE1/4 sec 21	25
SE1/4 NE1/4	22
NW1/4 NW1/4 sec 22	23
NE1/4 NW1/4	24
SW1/4 NW1/4	39
SE1/4 NW1/4	25
NW1/4 NE1/4	29
NE1/4 NE1/4	5
SW1/4 NE1/4	40
SE1/4 NE1/4	16

Nonvested:

NE1/4 NE1/4 sec 22	2
SE1/4 NE1/4	6

Vested:

NW1/4 NE1/4 sec 26	21 acres
SW1/4 NE1/4	25
NE1/4 SW1/4	4
NW1/4 SE1/4	24
SW1/4 SE1/4	15

Subtotal

Vested acreage	89
Vested/Nonvested comb.	248
Nonvested acreage	<u>18</u>
Total	355 acres

Please identify which of the above columns accurately describe what acreage is vested and nonvested and which of diversion points numbered 1 through 7 on the map are being used.

FILE DOCUMENTATION

NAME: Raymond E Ketelsen

No. 880-1

ADDRESS: HC 82, Box Elder, SD 57719

SUBJECT: Phone conversation concerning January 22, 1993 correspondence.

DATE: February 2, 1993

Raymond Ketelsen called February 2, 1993, concerning the status of Vested Water Right Claim No. 880-1. According to Mr. Ketelsen, all of the diversion points shown on the original map filed with the claim do exist with the exception of the two diversion points in the W1/2 NW1/4 section 26-T5N-R7E. These two diversion points with the accompanying nonvested acreage were not developed. Mr. Ketelsen described each of the existing diversion points and did not know why only a single diversion point was listed on the water license. The licensed diversion point does not exist according to Mr. Ketelsen.

Mr. Ketelsen also indicated that acreages shown as vested on the original map in sections 21 and 22 were developed prior to the inspection and should be included as vested on the water license. The vested acreages correspond with the acreage descriptions given in the second column on page 3 of the letter dated January 22, 1993.

READVERTISEMENT OF NO. 880-1

Claim No. 880-1 needs to be readvertised for the acreage listed as vested and also for the acreage listed as vested in combination with nonvested acreage. All of the acreage is listed in column 2 of the letter dated January 22, 1993. The diversion rate for the vested acreage 248 acres + 89 acres divided by 1 cfs/70 acres is 4.81 cfs.

REISSUANCE OF WATER LICENSE NO. 880-1

The water license should be reissued for purposes of replacing the incorrect diversion point with the diversion points shown on the original map excluding the two diversion points located in the NW1/4 section 26 which were not developed. The water license should also reflect what acreage is and is not vested and the accompanying diversion rates. The descriptions given in column 2 of the January 22, 1993, letter list the acreages as described on Mr. Mernaugh's inspection report and also by Mr. Ketelsen. Nonvested acreage (8 acres) listed in the E1/2 NE1/4 section 22 is listed as nonvested since the total acreage in this area exceeded the number of vested acres on the original claim (acreage in the SE1/4 NE1/4 section 22 was listed on Mr. Mernaugh's inspection report but was omitted from the water license). The diversion rates assigned should be 0.26 cfs (18 acres nonvested), 3.54 cfs (248 acres vested/nonvested combination), and 1.27 cfs (89 acres vested) with a note that combined vested/nonvested diversions may not exceed 5.07 cfs.



Ron Duvall, Natural Resources Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 25, 1993

Raymond E. Ketelsen
HC 82
Box Elder SD 57719

Dear Mr. Ketelsen:

The original Notice of Intent to Validate your Vested Water Right Claim No. 880-1 was published did not include all of the vested lands irrigated. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Meade County Times-Tribune printed at Sturgis SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County of Meade)I, Ray D. Fato

certify that the attached printed Notice was

taken from the

Meade County Times-Tribuneprinted and published in SturgisCounty of Meade and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:March 31, 1993April 7, 1993Cost of Printing: (\$) . 21

(Signature)

Accountant

(Title)

April 7, 1993

(Date Signed)

Intent to validate

READVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Meade County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Readvertisement of the original notice of intent to validate these claims, as published on June 22 and 23, 1988 in the Meade County Times-Tribune, is necessary to correct errors in the previously published notice.

Vested Water Right No. 343-1, Joseph Bruch, HC 78 Box 100, Stoneville SD 57787, appropriates 1.91 cubic feet of water per second (cfs) from dry draws located between points located in the SE 1/4 SE 1/4 Section 13 and the SE 1/4 NE 1/4 Section 14 including a dam (247.5 acre feet storage capacity) located in the SW 1/4 SE 1/4 Section 14 and points in the SE 1/4 SW 1/4 Section 13 to irrigate 133.8 acres located in the SE 1/4, E 1/2 SW 1/4, NW 1/4 SW 1/4, SW 1/4 NW 1/4 Section 13; SE 1/4 NE 1/4, NE 1/4 SE 1/4, W 1/2 SE 1/4, E 1/2 SW 1/4 Section 14; all in T10N-12E. Water is also used for stock watering. The priority date is May 1, 1935.

Vested Water Right No. 880-1, Raymond E. Ketelsen, HC 82, Box Elder SD 5719, appropriates 4.81 cfs from Alkali Creek and tributaries located between the NW 1/4 NE 1/4 Section 21 and SW 1/4 SE 1/4 Section 28 to irrigate 337 acres located in the E 1/2 NE 1/4 Section 21; N 1/2 Section 22; W 1/2 NE 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 28; all in T5N-R7E. The priority date is January 1, 1940.

Any person who wishes to oppose validation of any of the readvertised water right claims shall file a petition of intent to oppose the validation by April 23, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3818 (605 773-3352) and with the vested water right holder at the listed address.

The petition may be informal, but must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, May 5, 1993, at the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The May 5, 1993 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by April 23, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARS1) 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by April 23, 1993, at the above Water Rights Division address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Right Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired. Robert E. Roberts, Secretary, Department of Environment and Natural Resources

Publ. March 31 & April 7, 1993
Meade County Times-Tribune



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

SEP 19 1995

Raymond C. Ketelsen
HC 82
Box Elder SD 57719

Dear Mr. Ketelsen:

The Water Management Board has validated the enclosed Vested Water Right No. 880-1. This validation gives legal status to the claim and is the final document for your vested right. Enclosed is the reissued water license which reflects the acreage and diversion rate as validated by the Board.

As long as you use the water beneficially, as stated in the validation, 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

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 880-1 FOR IRRIGATION

Date of Receipt of Claim December 22, 1969.

Date of Validation May 5, 1993.

The Water Management Board validated Vested Water Right Claim No. 880-1 for irrigation purposes for Raymond E. Ketelsen, HC 82, Box Elder SD 57719 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 880-1 appropriates 4.81 cubic feet of water per second (cfs) from Alkali Creek and tributaries located between the NW 1/4 NE 1/4 Section 21 and SW 1/4 SE 1/4 Section 25 to irrigate 337 acres located in the E 1/2 NE 1/4 Section 21; N 1/2 Section 22; W 1/2 NE 1/4, NE 1/4 SW 1/4, W 1/2 SE 1/4 Section 26; all in T5N-R7E.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 1 - November 1.
3. The priority date of the Vested Water Right is January 1, 1940.
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATION

Low flows as needed for downstream domestic use, including livestock watering, and prior water rights must be by-passed.

WATER MANAGEMENT BOARD

By: John Hatch
John Hatch, Chief Engineer
Water Rights Division
Department of Environment and
Natural Resources

SEP 19 1995

date

NOTE: Vested Water Right No. 880-1 is also included as part of Water License No. 880-1 for a total of 5.07 cfs to irrigate 355 acres.

STATE OF SOUTH DAKOTA
REISSUED WATER LICENSE NO. 880-1
(PARTIAL VESTED WATER RIGHT)

(1) Raymond E. Ketsen made Application No. 880-1, December 22, 1969 for a water permit to appropriate 5.83 cubic feet of water per second from Alkali Creek and tributaries, Meade County, South Dakota for irrigation purposes. Permit No. 880-1, with a priority date of December 22, 1969 and 1940 was approved March 8, 1970 and issued to the applicant for diversion of water with construction of the nonvested portion of the water supply system to be completed on or before March 18, 1975 and for the application to beneficial use of said water on or before March 18, 1975. Vested portions of Water Right No. 880-1 were validated May 5, 1993 with a priority date of January 1, 1940. Construction of the described water supply system and application of water to beneficial use has been completed and complies with applicable provisions of South Dakota State Law.

Reissuance of Water License No. 880-1 is necessary to include diversion points and irrigated acreage omitted from the water license.

(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 5.07 cubic feet of water per second for beneficial use. The location of the diversion points (dams/dikes) are between points in the NW¼ NE¼ section 21 and SE¼ NE¼ section 22 and between points in the SW¼ SE¼ and NW¼ NE¼ section 26, all in T5N-R7E.

(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: All in T5N-R7E

Section	Nonvested Acreage		Vested/Nonvested Acreage Combination		Vested Acreage		Total Acres
Section 21:	NW¼ NE¼	10	NE¼ NE¼	25			10
			SE¼ NE¼	22			25
Section 22:	NE¼ NE¼	2	NE¼ NE¼	5			22
	SE¼ NE¼	6	SE¼ NE¼	16			7
			NW¼ NE¼	29			22
			SW¼ NE¼	40			29
			NW¼ NW¼	23			40
			NE¼ NW¼	24			23
			SW¼ NW¼	39			24
			SE¼ NW¼	25			39
Section 26:					NW¼ NE¼	21	25
					SW¼ NE¼	25	21
					NE¼ SW¼	4	4
					NW¼ SE¼	24	24
					SW¼ SE¼	15	15
	Grand Totals	18		24		89	355

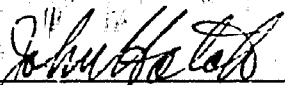
(continued)

REISSUED WATER LICENSE NO. 880-1

Raymond E Ketelsen

Page 2 of 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Raymond E Ketelsen the holder and/or owner of Water Permit No. 880-1 is issued a license to appropriate water, the right to use 5.07 (3.54 combination vested/nonvested; 0.26 nonvested; 1.27 vested) cubic feet of water per second from Alkali Creek and tributaries with priority dates of December 22, 1969 and January 1, 1940 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. 880-1 and subject to South Dakota State Law.

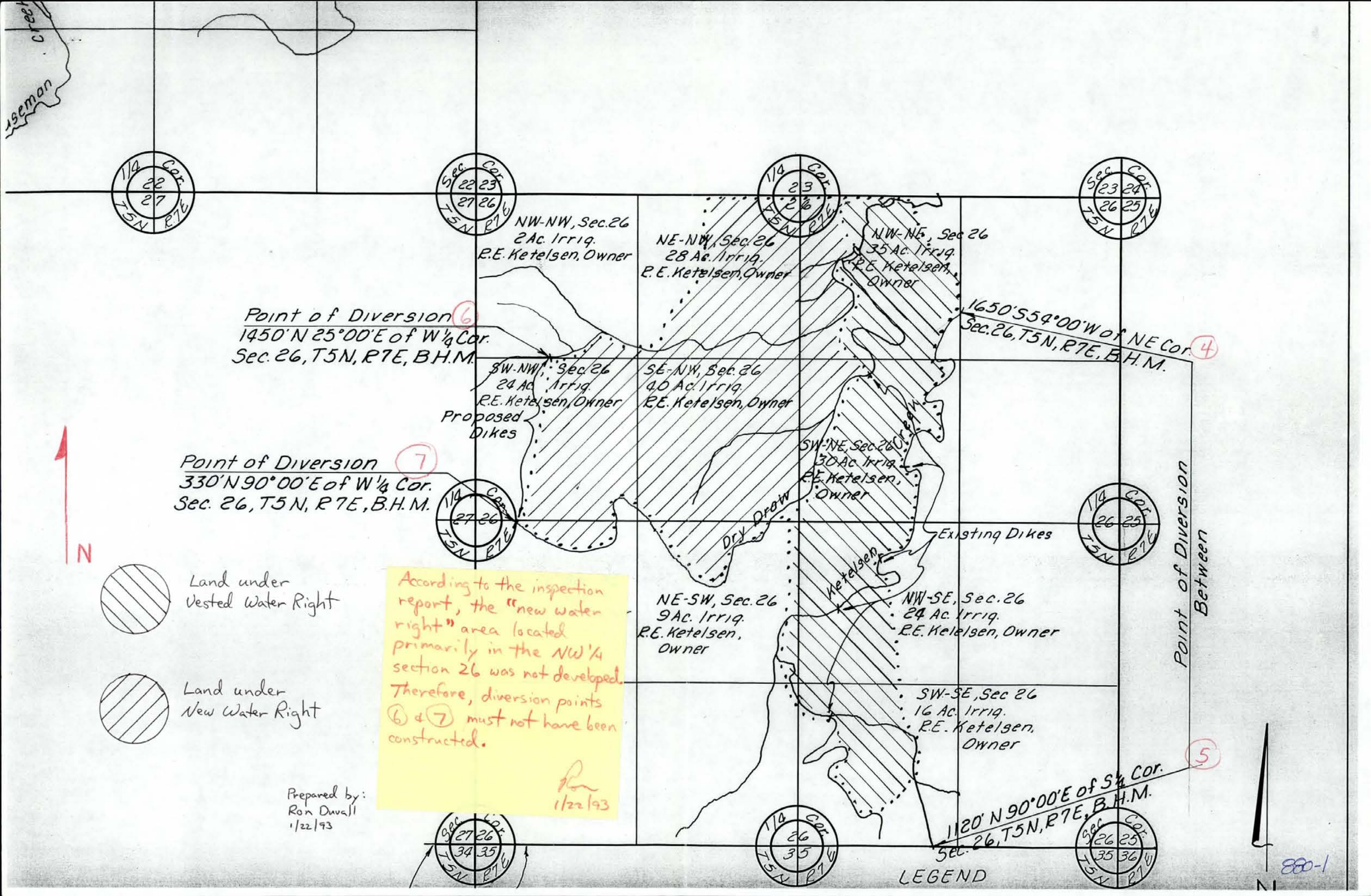


JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

SEP 19 1995

date





Point of Diversion (6)
1450' N 25° 00' E of W 1/4 Cor.
Sec. 26, T5N, R7E, B.H.M.

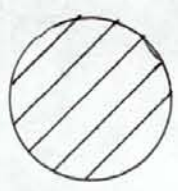
Point of Diversion (7)
330' N 90° 00' E of W 1/4 Cor.
Sec. 26, T5N, R7E, B.H.M.

According to the inspection report, the "new water right" area located primarily in the NW 1/4 section 26 was not developed. Therefore, diversion points (6) & (7) must not have been constructed.

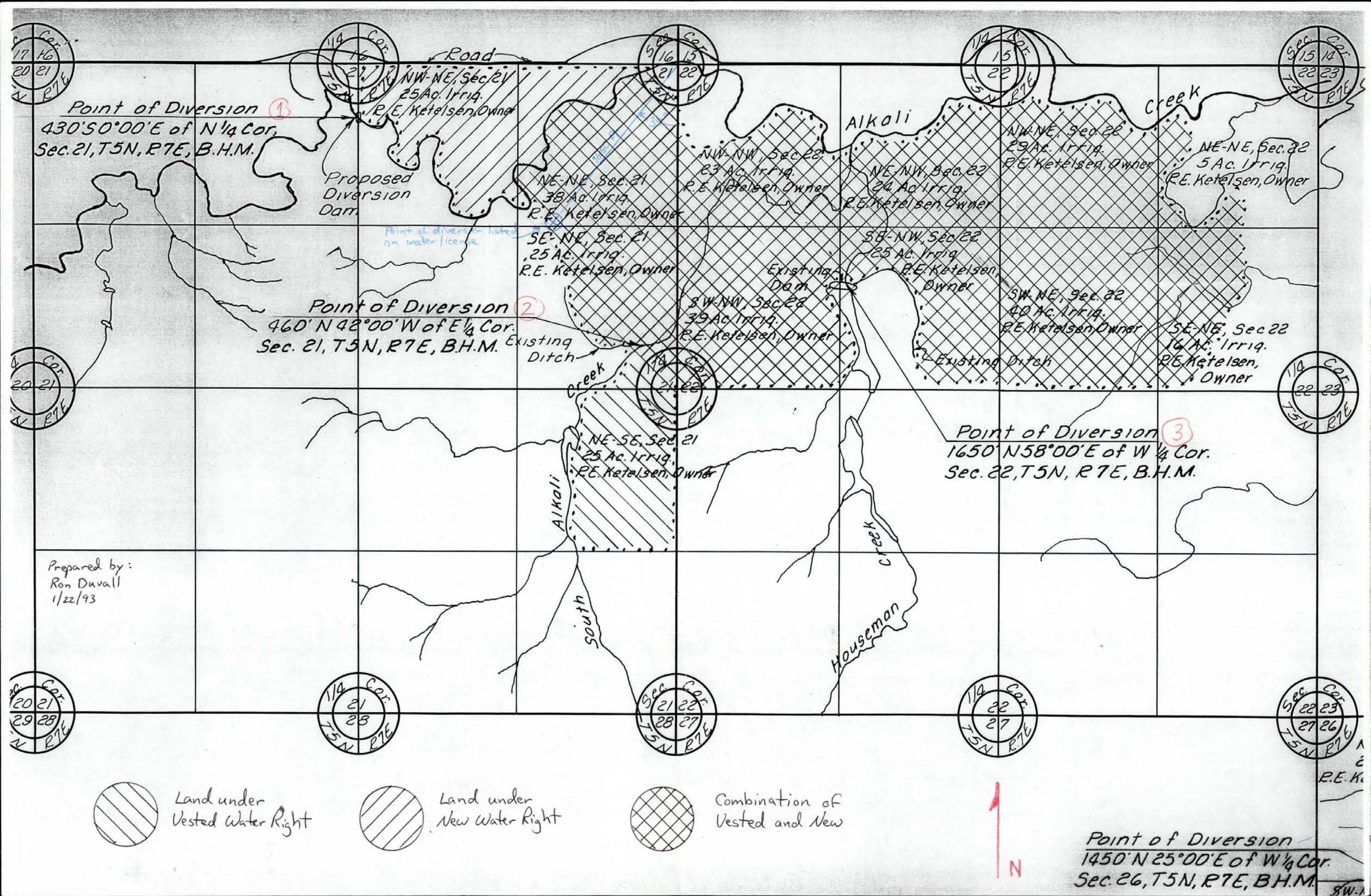
Ron
1/22/93

Prepared by:
Ron Duvall
1/22/93

LEGEND

-  Land under Vested Water Right
-  Land under New Water Right

Point of Diversion Between



PLAT OF THE KETELSEN SPREADER PROJECT

Located in Sections 21, 22, and 26, Township 5 North, Range 7 East of the 6th in Meade County, South Dakota, drawn and prepared as a part of the Application for Permit to appropriate water of Raymond F. Ketelsen, Box Elder, South Dakota, to supply water for irrigation of areas as shown on this plat.

SURVAYOR'S CERTIFICATE

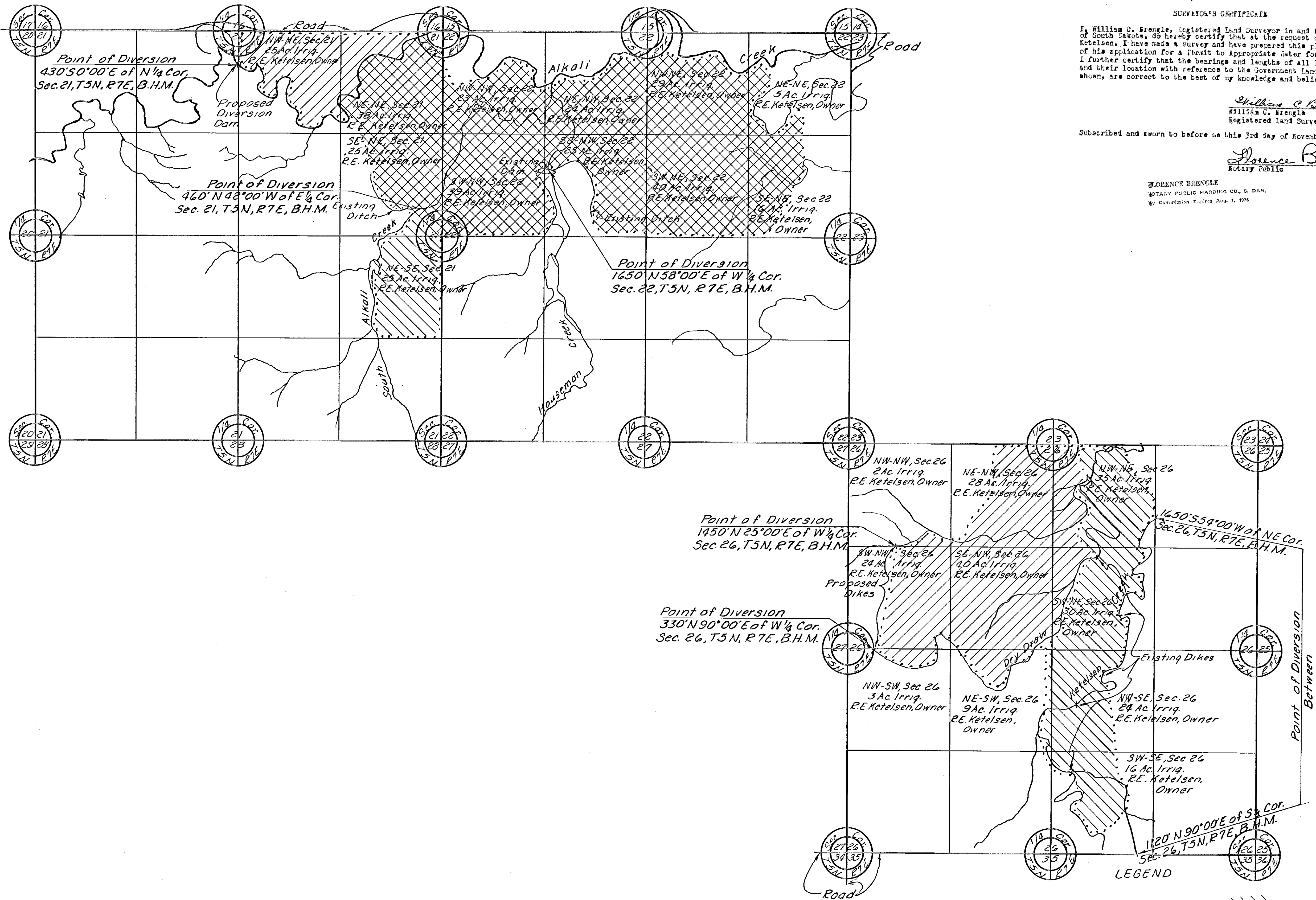
I, William C. Brengle, Registered Land Surveyor in and for the State of South Dakota, do hereby certify that at the request of Raymond F. Ketelsen, I have made a survey and have prepared this plat as a part of his application for a Permit to appropriate water for irrigation. I further certify that the bearings and lengths of all lines shown and their location with reference to the Government Land Corners shown, are correct to the best of my knowledge and belief.

William C. Brengle
 William C. Brengle (SEAL)
 Registered Land Surveyor #1517

Subscribed and sworn to before me this 3rd day of November, 1969.

Florence Brengle
 Florence Brengle (SEAL)
 Notary Public

FLORENCE BRENGLE
 NOTARY PUBLIC HARDING CO., S. DAK.
 My Commission Expires Aug. 1, 1976





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

September 23, 2015

880-1
999-1

Kurt Ketelson
21799 Ketelson Loop
Box Elder SD 57719

Dear Mr. Ketelson:

Thank you for calling with regard to the ownership changes needed for Water Right Nos. 880-1 and 999-1.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing an ownership change. Please review the forms and make any necessary corrections. Upon completion, please sign and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

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

enclosures

RECEIVED

OCT 01 2015

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 880-1

Date: 9/27/2015

I/We request that Water Right No. 880-1

formerly owned by: Raymond Ketelsen

be transferred to: (name & address) TRiangle K Ranch, ~~Kurt Ketelsen~~
21799 Ketelsen Loop, Box Elder, SD, 57719
Telephone No. 605-923-2898

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

355 acres – portions of the NE ¼ Section 21; N ½ Section 22; W ½ NE ¼, NE ¼ SW ¼ and W ½ SE ¼
Section 26 all in T5N, R7E

I/We understand that the validity of Water Right No. 880-1 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 Fifty Dollars (\$50.00) 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 Kurt Ketelsen, (President), the new owner, certify that the above information is true and correct.



(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 10/1, 20 15

RECEIVED OF Kurt Ketelsen 21799 Ketelsen Loop Box Elder SD 57719

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>880-1</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **07498**

By *James Goodman*
Chief Engineer



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

October 1, 2015

880-1
999-1

Kurt Ketelsen
21799 Ketelsen Loop
Box Elder SD 57719

Dear Mr. Ketelsen:

I am writing to acknowledge receipt of the transfer forms and filing fees you submitted for changing ownership on Water Right Nos. 880-1 and 999-1.

The ownership changes have been completed. The water rights formerly held by Raymond Ketelsen are now listed as follows:

- **Water Right No. 999-1: Kurt or Judy Ketelsen**
(land in Section 8, T3N, R9E)
- **Water Right No. 880-1: Triangle K Ranch (Kurt Ketelsen, President)**
(land in Sections 21, 22 and 26, T5N, R7E)

Enclosed for your records are Receipt Nos. 07498 and 07499 in the amounts of \$50 each. If you have any questions, please contact me.

Sincerely,

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

enclosures