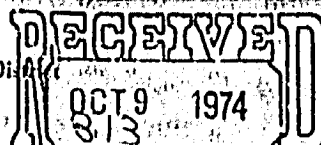


Water Right Number 12162

1. Considered NOVEMBER 13, 1974
2. Name of Applicant GAYLE TINANT
3. Post Office Address VALENTINE, NEBRASKA
4. Amount of Water claimed 8.5
5. Source of Water supply GROUND WATER (3 WELLS)
6. Water to be used for IRRIGATION
- Acres to be irrigated 595
7. Water to be diverted and used in TODD County
about 16S, 2W miles of MISSION
8. Proof of Publication Received 11-4-74
Not Received _____
9. Application Approved V. ~~Approved~~ P.S.
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1216-2
 Map No. 1028-2 Water Division No. 2 KEYAPAH RIVER
 (Blanks to be Filled by the Engineer for the W. R. C.)


APPLICATION FOR PERMIT

STATE WATER RIGHTS COM
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant Gayle T. H. H.
 Postoffice address Valentine Nebraska 69201 State Nebraska
 If a corporation show date and place of incorporation N.A.
2. Method of accomplishing work (contract, employment of others, or by direct labor) Direct Labor
 3. Name of diversion work Gayle T. H. H. Irrigation Project #1
 4. Amount of water claimed (cubic feet per second) 8.5 cfs
 5. Source of water supply 3 wells
 6. Location of point of diversion 1/4 - 2770' 358°W of NE corner of Sec 23; H 21-1880' N 45° E
of SW corner of Sec 24; H 3 1880' S 45°W of NE corner of Sec 26
All in T36N R29W County Todd
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
 9. For irrigation use, Total number of acres to be irrigated 595

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.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 6 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County Tribune
 12. Principal Features of the Proposed Water Supply System.

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

3 wells with deep well turbines

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

closed conduit

C. Works proposed to apply water to beneficial use.

center pivot irrigation machineEstimated Total Cost \$130,000
 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 Pierre
 I, Gayle T. H. H. 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 Gayle T. H. H.Subscribed and sworn to before me this 21 day of Sept. 1974

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1216-2GAYLE TINANT

(Applicant)

VALENTINE

(Post Office Address)

NEBRASKA 69201

(State)

With the following modifications:

The irrigation wells approved under this Permit ^{ARE} located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application OCTOBER 9, 19 74

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

Date of receipt of corrected application _____, 19 _____

Approved NOVEMBER 13, 19 74, Recorded in Book 13 Page 90WATER RIGHT PERMIT NO. 1216-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1216-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is OCTOBER 9, 19 74
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13, 19 77
3. The whole of said work is to be completed on or before NOVEMBER 13, 19 79
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13, 82
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 8.5 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 NOVEMBER 13, 1982; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 18TH day of NOVEMBER, 19 74

WATER RIGHTS COMMISSION

By:

Donald D. Dunsell

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 _____

Water License Issued _____, 19 _____

Chase Well Drilling, Inc.

AINSWORTH, NEBRASKA 68210 • BLOOMFIELD, NEBRASKA 68718

PHONE 387-1530 • PHONE 573-4770

Bob Tinant
Crookston, Nebr.
Well # 2
West of his son's place

WELL LOG

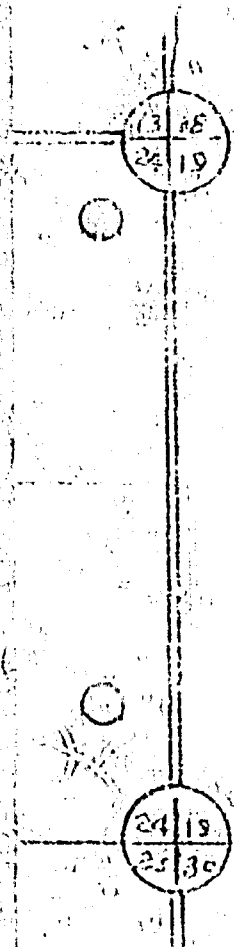
0	7	Sand and clay
11	11	Firm sand
18	19	Loose sand
20	20	Firm sand
30	30	Loose sand
31	31	Firm sandstone
40	40	Loose sand
50	50	Sand
51	51	Hard sandstone
55	55	Sand
80	80	Firm sandstone
106	106	Sand and loose sandstone
123	123	Firm sandstone
132	132	Clay and sandstone
140	140	Hard sandstone
143	143	Firm sandstone
145	145	Hard sandstone
160	160	Loose sandstone
180	180	Firm sand
200	200	Loose sandstone
220	220	Sand (good)
245	245	Sand and clay streaks
290	290	Clay
	300	Red clay and rock

BEST IMAGE POSSIBLE FROM POOR ORIGINAL

Gayle Tinant

Triggen Pay #1
Valentine, Nebraska
Tad County

Land Description	Acres	Triggen
NW 1/4 of NW 1/4 Sec 22	36	36
NE 1/4 of NW 1/4 Sec 22	36	36
SW 1/4 of NW 1/4 Sec 22	36	36
SE 1/4 of NW 1/4 Sec 22	36	36
NW 1/4 of NE 1/4 Sec 22	36	36
NE 1/4 of NE 1/4 Sec 22	36	36
SW 1/4 of NE 1/4 Sec 22	36	36
SE 1/4 of NE 1/4 Sec 22	36	36
NW 1/4 of SW 1/4 Sec 22	36	36
NE 1/4 of SW 1/4 Sec 22	36	36
SW 1/4 of SW 1/4 Sec 22	36	36
SE 1/4 of SW 1/4 Sec 22	36	36
NW 1/4 of SE 1/4 Sec 22	36	36
NE 1/4 of SE 1/4 Sec 22	36	36
SW 1/4 of SE 1/4 Sec 22	36	36
SE 1/4 of SE 1/4 Sec 22	36	36



Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

(1) Drill Hole, Diameter 20", Depth 220'
 (2) Casing, Type Steel Diameter 12" Thickness 3/16"
 (wood, concrete, steel, etc)
 (3) Perforated Screen.
 Type Stuffed Diameter 12" Length 40'
 (4) Gravel Pack, Thickness 4" Length of gravel pack 50'

E. Dugout Information or Estimates.

(1) Surface dimensions _____, Depth _____

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

(1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials See attached copy of log
from chase well Drilling

Depth to top of water bearing material 140'

Depth to bottom of water bearing material 220'

Thickness of water bearing material 80'

Depth to water (ground surface to water level) 80'

(2) Distance to nearest existing household or livestock watering wells.

On same owner's property _____ rds. On property owned by others _____ rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Well #1	owners property	160 rds
	other property	160 rds
Well #2	owners property	80 rds
	other property	160 rds
Well #3	owners property	80 rds
	other property	240 rds

Raymond J. Smith
 Signature of Applicant

Registration No. County of Date Filed

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Ainsworth
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the NE Quarter, Section No. 23
Township 36 North, Range 29, owned by Gayle Tinant
whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 11 day of July, 1975, and completed on
the 11 day of July, 1975.

3. That the well is cased and screened in the following manner: 16" Steel - 160' of
(Give kind of casing, length and position of plain and
perforated on the bottom and 100' of plain on the bottom
screen casing, weight of metallic casing, etc.)

4. That the diameter of drilled hole is 30 inches.

5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata
penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	10	Topsoil and sand
10	119	Sand and sandstone
119	200	Hard sandstone
200	210	Sandstone and fine sand
210	220	Medium sand
230	255	Sand and clay streaks
255	270	Clay

Date Signed 8-11-75

Pat Chase
Driller

(If more space is required please use reverse side of this page.)

Revised April 1, 1963
Err. 87-2

Registration No. _____ County of _____ Date Filed _____

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Ainsworth
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the _____ Quarter, Section No. _____ Township _____ North, Range _____, owned by Gayle Tinant whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 11 day of July, 1975, and completed on the 11 day of July, 1975.

8. That the well is cased and screened in the following manner: 16" Steel - 140' of
(Give kind of casing, length and position of plain and screen casing, weight of metallic casing, etc.)
perforated on the bottom and 100' of plain on the bottom

4. That the diameter of drilled hole is 30 inches.

5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	10	Topsoil and sand
10	119	Sand and sandstone
119	200	Hard sandstone
200	210	Sandstone and fine sand
210	230	Medium sand
230	255	Sand and clay streaks
255	270	Clay

Date Signed 8-11-75

Pat Chase
Driller

(If more space is required please use reverse side of this page.)

Registration No. _____ County of _____ Date Filed _____

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Lincoln
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the _____ Quarter, Section No. _____
Township _____ North, Range _____, owned by Gayle Tisant
whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 11 day of July, 1975, and completed on
the 11 day of July, 1975

3. That the well is cased and screened in the following manner: 16" Steel - 160' or
perforated on the bottom and 100' of plain on the bottom
(Give kind of casing, lengths and position of plain and
screen casing, weight of metallic casing, etc.)

4. That the diameter of drilled hole is 30 inches.

5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata
penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	10	Topsoil and sand
10	119	Sand and sandstone
119	200	Hard sandstone
200	210	Sandstone and fine sand
210	230	Medium sand
230	255	Sand and clay streaks
255	270	Clay

Date Signed _____

Driller

(If more space is required please use reverse side of this page.)

Registration No. _____ County of _____ Date Filed _____

#1

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Ainworth
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the N E Quarter, Section No. 23
Township 36 North, Range 29, owned by Gayle Tinant
whose postoffice address is Valentine State of Nebraska
2. That the drilling was begun on the 25 day of June, 1975, and completed on
the 25 day of June, 1975.
3. That the well is cased and screened in the following manner: 16" Steel - 160' of
(Give kind of casing, length and position of plain and
perforated on the bottom and 80' of plain on top
screen casing, weight of metallic casing, etc.)
4. That the diameter of drilled hole is 30 inches.
5. That Reverse Rotary type of drilling machinery was used.
6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	4	Top soil
4	10	Sand
10	119	Sand and sandstone
119	120	Hard sandstone
120	200	Sand and sandstone
200	210	Sandstone and fine sand
210	230	Medium sand
230	240	Sand and small clay streaks
240	255	Sand
255	260	Clay
260	270	Clay to red rock

Date Signed 8-11-75

Pat Chase
Driller

(If more space is required please use reverse side of this page.)

Registration No. _____ County of _____ Date Filed _____

#1

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Ainworth
(Name of Driller) (Postoffice Address)

County of Brown State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the _____ Quarter, Section No. _____
Township _____ North, Range _____, owned by Gayle Linant
whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 25 day of June, 1975, and completed on
the 25 day of June, 1975

3. That the well is cased and screened in the following manner: 16" Steel - 160' of
(Give kind of casing, lengths and position of plain and
perforated on the bottom and 80' of plain on top
screen casing, weight of metallic casing, etc.)

4. That the diameter of drilled hole is 30 inches.

5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata
penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	4	Top soil
4	10	Sand
10	119	Sand and sandstone
119	120	Hard sandstone
120	200	Sand and sandstone
200	210	Sandstone and fine sand
210	230	Medium sand
230	240	Sand and small clay streaks
240	255	Sand
255	260	Clay
260	270	Clay to red rock

Date Signed 8-11-75

P. J. Chance
Driller

Revised April 1, 1966
Err. 17-3

Registration No. _____ County of _____ Date Filed _____

#1

STATE OF NEBRASKA
CERTIFICATE OF WELL DRILLER

I, Chase Drilling, Inc. of Linworth
(Name of Driller) (Postoffice Address)

County of DeSoto State of Nebraska, do hereby certify that:

1. I am the driller of a well located on the _____ Quarter, Section No. _____
Township _____ North, Range _____, owned by Gayle Grant
whose postoffice address is Valentine State of Nebraska

2. That the drilling was begun on the 25 day of June, 1975, and completed on
the 25 day of June, 1975

3. That the well is cased and screened in the following manner: 16" Steel - 160' of
(Give kind of casing, lengths and position of plain and
perforated in the bottom and 20' of plain on top
screen casing, weight of metal casing, etc.)

4. That the diameter of drilled hole is 30 inches.

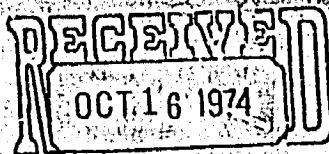
5. That Reverse Rotary type of drilling machinery was used.

6. That the drilled hole is/is not sealed, as follows: Gravel packed from top to bottom

7. That the following is an accurate log of the depth, thickness and character of the different strata
penetrated, and the location of water-bearing strata:

DEPTH IN FEET		MATERIAL DRILLED
FROM	TO	
0	4	Top soil
4	119	Silt
119	120	Sand and sandstone
120	200	Hard sandstone
200	210	Sand and sandstone
210	230	Sandstone and thin sand
230	240	Medium sand
240	255	Sand and small clay streaks
255	260	Sand
260	270	Clay
		Clay to red rock

Date Signed _____ Driller _____



September 30, 1974

STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA



Mr. Gayle Tinant
Valentine, NE 69201

Dear Mr. Tinant:

Enclosed please find a report of analysis for the water sample submitted about the middle of August. We have now received your WI-1 form and are in the process of evaluating the soils of the area you propose. The receipt for the payment of the analysis is also enclosed.

The water which you have is of very good quality and should cause no chemical or salt problem in the soil and, of course, no dispersion will result. However, there are some factors about the land, which you propose to irrigate, which you should be well aware of in the development. In the SW 1/4 of Sec 24 R29 T36N there are three areas of Anslemo-Tassel soils which have very strong slopes, as you are very well aware. These strips are in the northeastern quarter and through the center and in the southwestern part of the quarter. They are Anslemo-Tassel with slopes above 3%. The structure of the soil Anslemo and Anslemo-Tassel complex is a weakly developed structure, and thus, does not stand up well under cultivation. I notice that you propose to raise alfalfa and pasture, and thus, once you get stands established there shouldn't be much problem. However, under cultivation, these structures break down easily and will erode very rapidly; therefore, a transition from grass or alfalfa use to cultivated crop use would result in very serious hazards as far as soil stability is concerned.

The WI-1 form and a copy of this letter and a copy of the water analysis are being forwarded to the State Conservation Commission.

Sincerely,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:111

Enclosures

CC: State Conservation Commission
County Agent
Darral Pahl

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION

FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED

(This Form Required for Proposed Well Irrigation Only)

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: Steve Little

Disapproved: _____

NAME: Gayle Tinant

ADDRESS: Valentine, Nebraska 69201

COUNTY: Todd

LEGAL DESCRIPTION

- #1 - 2770' S 53° W of SE corner of sec 23 T36N R29W
#2 - 1880' N 45° E of SW 86' corner of sec 24 T36N R29W
1. WELL LOCATION: 3 11880' S 45° W of NE corner of sec 26 T36N R29W
2. AREA TO BE IRRIGATED: N 1/2 of sec 23, S 1/2 of sec 24, NE 1/4 of sec 26 T36N R29W

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): center pivot
4. CROPS TO BE IRRIGATED: alfalfa Pasture

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: _____
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: _____

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 74-689
8. SALINITY: _____
9. SODIUM: _____

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:
the land capability for irrigation information has been acquired fr

Soil conservation service

and:

that the legal description for the location of the well and land to be
irrigated is true and correct.

X. *Ray L. Smith*

Subscribed and sworn before me this:

30th day of September 19 74

Harold Nielson

Notary Public

(Title)

REPORT OF ANALYSIS
 Water Quality Laboratory
 Water Resources Research Institute
 South Dakota State University
 Brookings, South Dakota 57006

Submitted by: Gayle Tinent
 Address: Elentine, Nebraska

Date Rec'd. August 14, 1974
 Sample No. 74-609
 Identification Well-
NW, Sec. 26, T 36N, R 29W

WATER ANALYSIS

Calcium (Ca)	51	ppm*	2.55	me/l**
Magnesium (Mg)		ppm	0.66	me/l
Sodium (Na)	3	ppm	0.13	me/l
Potassium (K)	10	ppm	0.26	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.11	me/l
Bicarbonate (HCO ₃)	200	ppm	3.28	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.
Alkalinity (Methyl Orange)	164	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	302	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.10			
Sodium	3.61	% of cations		
Residual sodium carbonate	0.07	me/l		
pH	8.12			
Others:				

*ppm=parts per million
 **me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 3.60 me/l
 Total anions 3.43 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

6.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 74-609

Amount Enclosed \$

Signed

No. 1216-2Publish first publication, on or before October 31, 19 74**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

October 17, 19 74Notice is hereby given that Gayle Tinantwhose post office address is Valentine, Nebraska ~~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 use8.5 cubic feet of water per second of time from the ground water (3 wells) through the Gayle Tinant Irrigation Project #1, the point of diversion of which is ^{are} to be located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, center of the SW $\frac{1}{4}$, Section 24, and center of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, center of the SW $\frac{1}{4}$, Section 24, and center of the NE $\frac{1}{4}$ of Section 26, Twp. 36N, Range 29W. Said water to be used for the purpose of providing irrigation on the following described land:NE $\frac{1}{4}$, Section 23; SW $\frac{1}{4}$, Section 24 and NE $\frac{1}{4}$, Section 26, all in T36N, R29W

This application No. 1216-2 will be considered by the Water Rights Commission at the Embassy Room #1 at the Downtown Holiday Inn at Sioux Falls, S.D.

~~xxxx~~ upon the 13th day of November, 19 74, at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

DPJ/bw

cc: Gayle Tinant, Valentine, Nebraska 69701

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)

County Todd) ss.

I, Paula V. Coleman hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Todd Co. Tribune

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

Pitts of Michigan

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

October 24, 1974

October 31, 1974

Paula V. Coleman
(Signature)

Boothkeeper
(Title)

11-1-74
(Date Signed)

INTENT TO APPROPRIATE
WATER

Notice is hereby given that
Gayle Tinant whose post office
address is Valentine,aska,
has made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 8.5 cubic feet of
water per second of time from
the ground water (3 wells) in
through the Gayle Tinant Irriga-
tion Project No. 1, the points of
diversion of which are to be
located in the SW 1/4 Section
23, center of the SW 1/4 Section 24,
and center of the NE 1/4 of Section
26, Twp. 36N, Range 29W. Said
water to be used for the purpose
of providing irrigation on the
following described land:

NE 1/4 Section 23, SW 1/4 Section
24 and NE 1/4 Section 26, all in
T36N, R29W.

This application No. 1216-2 will
be considered by the Water
Rights Commission at the Em-
bassy Room No. 1 at the
Downtown Holiday Inn at Sioux
Falls, S. D. upon the 13th day of
November, 1974, at 2:30 p.m. All
interested persons may appear
and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
Publ. Oct. 24 and 31.

RECEIVED
NOV 4 1974
STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA



United States Department of the Interior
OFFICE OF THE SOLICITOR
ROOM 211 - FEDERAL BUILDING
P.O. BOX 549
ABERDEEN, SOUTH DAKOTA 57401

Reference:
Water Rights
341.1

OCT 29 1974

RECEIVED

OCT 30 1974

DEPT. OF NATURAL
RESOURCE DEVELOPMENT

Mr. Burton F. Jones
Water Rights Specialist
South Dakota Dept. of Natural
Resource Development
Office Building Number 2
Pierre, South Dakota 57501

Dear Mr. Jones:

We have been informed that on November 13, 1974, at 2:30 p.m., a hearing will be conducted at the Embassy Room No. 1 at the Downtown Holiday Inn, Sioux Falls, South Dakota, by the Water Rights Commission of the State of South Dakota, upon application No. 1216-2, of Gayle Tinant, of Valentine, Nebraska, for a permit to appropriate for beneficial use 8.5 cubic feet of water per second of time, from ground water from locations in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 23, center of SW $\frac{1}{4}$ Sec. 24, and center of NE $\frac{1}{4}$ Sec. 26, T. 36 N., R. 29 W., Todd County, South Dakota.

Be advised that this letter will serve as our written objection to such application for a permit to appropriate water from lands within the exterior boundaries of the Rosebud Indian Reservation. We believe the issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of waters of or the lands within the exterior boundaries of an Indian reservation. See Winters v. United States, 207 U. S. 564, 28 S.Ct. 207; United States v. Power, 94 F.2d 783; United States v. McIntire, 101 F. 2d 650; and United States v. Alexander, 131 F.2d 359.

Be further advised that in filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction, and merely intend to call the State's attention to such lack of State jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Mr. Gayle Tinant, Valentine, Nebraska 69201
Office of the Area Director, Bureau of Indian Affairs, Aberdeen,
South Dakota 57401
Superintendent, Rosebud Agency, Rosebud, South Dakota 57570
Area Soil Conservationist, B.I.A., Aberdeen, South Dakota 57401



No. 1216-2

Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501
Phone 605/224-3151

November 19, 1974

Mr. Gayle Tinant
Valentine
Nebraska 69201

Dear Mr. Tinant:

Enclosed herewith is your Water Right Permit No. 1216-2 as approved by the Water Rights Commission, authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 1216-2.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Rights Commission when you have completed the system and/or have put the water to beneficial use. The Commission can then schedule an inspection so that your Certificate of Construction and/or your Water License may be issued to you, thus completing your acquisition of a water right.

P.S. This is to inform you that the Office of the Solicitor, United States Department of Interior in a letter dated October 29, 1974, contends that the State of South Dakota lacks jurisdiction with respect to the issuance of permits to use waters within the exterior boundaries of an Indian Reservation.

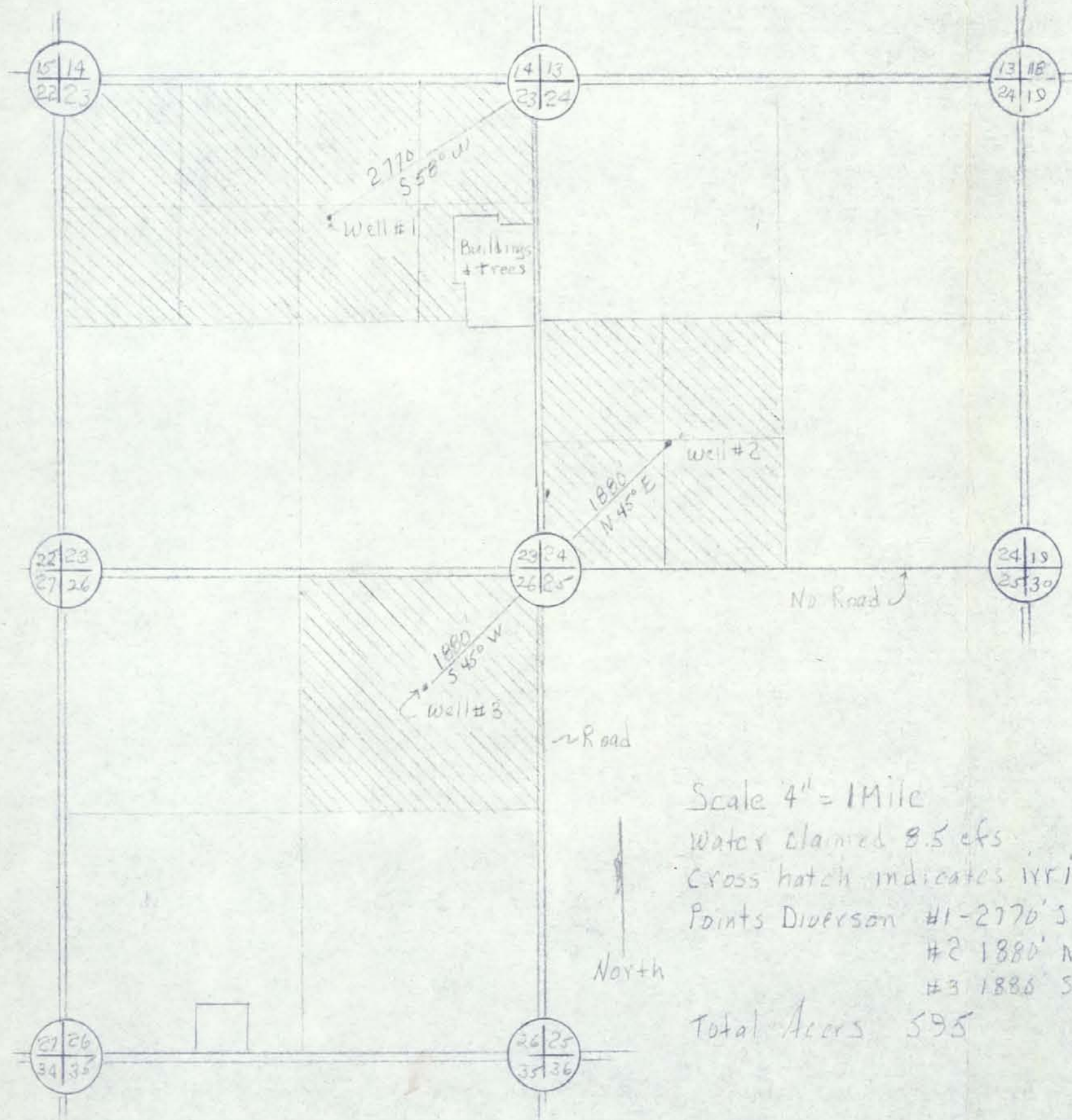
DD/BFJ/bw
Encl: As stated

Respectfully,

WATER RIGHTS COMMISSION

Donald Driscoll
DONALD DRISCOLL
Chief Engineer

T36N R29W



Scale 4" = 1 Mile

Water claimed 8.5 cfs

Cross hatch indicates irrigated area

Points Diverson #1-277° 55' 58" W of NE corner sec 23

#2 1880' N 45° E of SW corner sec 24

#3 1880' S 45° W of NE corner sec 26

Total Acres 595

North

Gayle Tinant

Irrigation Project #1
Valentine Nebraska
Todd County

Land Description Acres Irrigated

NW 1/4 of NW 1/4 Sec 23-36-29	38
NE 1/4 of NW 1/4 Sec 23	39
SW 1/4 of NW 1/4 Sec 23	39
SE 1/4 of NW 1/4 Sec 23	40
NW 1/4 of NE 1/4 Sec 23	20
NE 1/4 of NE 1/4 Sec 23	38
SW 1/4 of NE 1/4 Sec 23	40
SE 1/4 of NE 1/4 Sec 23	10
NW 1/4 of SW 1/4 Sec 24-36-29	39
NE 1/4 of SW 1/4 Sec 24	40
SW 1/4 of SW 1/4 Sec 24	38
SE 1/4 of SW 1/4 Sec 24	39
NW 1/4 of NE 1/4 Sec 26-36-29	39
NE 1/4 of NE 1/4 Sec 26	38
SW 1/4 of NE 1/4 Sec 26	39
SE 1/4 of NE 1/4 Sec 26	40

Surveyor's Certificate

I, John L. Wiersma, do hereby certify that
this map identifies a reasonably accurate
record of the land of:

Gayle Tinant

Valentine, Nebraska

Deputy Surveyor

John L. Wiersma

Surveyor's Seal

Todd County

10-5-74

P.E. #1916

MAP NO 1028-2 APRIL NO 1216-2

Map # 1028-2