

Water Right Number 1294-2

NOVEMBER 12 75

1. Considered _____, 19____.
2. Name of Applicant Mrs. ANNIE FERNEN
3. Post Office Address MISSION, SD
4. Amount of Water claimed 10.40
5. Source of Water supply GROUND WATER
6. Water to be used for IRRIGATION
- Acres to be irrigated 726
7. Water to be diverted and used in TODD County
about 2W 9S miles of MISSION
8. Proof of Publication Received 10-14-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

DUNKER LETTER

10. Remarks:

Map No. 1095-2 Water Division No. 2 KEYAPAH RIVER District 1
 (Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

 SEP 26 1938
 STATE WATER RIGHTS
 RECORDS SECTION

To appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Annie ThermanPostoffice address Mission, State S. Dak

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) _____

3. Name of diversion work Well4. Amount of water claimed (cubic feet per second) 10.45. Source of water supply Well6. Location of point of diversion Center of each proposed self propelled system
in twgs 37 North Range 24 west sections 23, 24, 25, 13
 County Todd7. Annual period or periods during which water is to be used April 1 to October 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigations9. For irrigation use, _____ Total number of acres to be irrigated 72 1/2

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.
E 1/4 of sec 23 Twp. 37N R29W	26 1/4
SW 1/4 Sec 21 Twp 37N R 29W	24 1/4
N 1/2 of NW 1/4 Sec 25 Twp 37N R29W	66
NE 1/4 Sec 12 Twp 37N R 29W	132

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 2 years. Additional time required to complete application of water to the proposed beneficial use 2 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.

Well

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

Water to be pumped from well at the place of use

C. Works proposed to apply water to beneficial use.

center pivot irrigation systemEstimated Total Cost \$240,000Attachments: Attach Form 1, A 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 ToddI, Annie Therman, 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 Annie ThermanSubscribed and sworn to before me this 22 day of September, 1938Sumner H. Boes
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1294-2ANNIE FERNAN

(Applicant)

MISSION

(Post Office Address)

SOUTH DAKOTA 57555

(State)

With the following modifications:

The irrigation wells approved under this Permit will be located near domestic wells and other irrigation 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 or in irrigation wells having prior water rights.

Date of first receipt of application SEPTEMBER 26, 1975

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

Date of receipt of corrected application _____, 19____

Approved NOVEMBER 12, 1975, Recorded in Book 14 Page 56WATER RIGHT PERMIT NO. 1294-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1294-2 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 SEPTEMBER 26, 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 12, 1976
3. The whole of said work is to be completed on or before NOVEMBER 12, 1977
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 12, 1979
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 10.4 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 12, 1979; said water to be used during the following described annual period: APRIL 1 TO OCTOBER 1

Witness my hand this 14TH day of NOVEMBER, 1975

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

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

D. Well Information or Estimates

- (1) Drill Hole, Diameter 32'', Depth 200
- (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16'' Thickness .219
- (3) Perforated Screen
Type Steel, Diameter 16'', Length 100'
- (4) Gravel Pack, Thickness 6'', Length of gravel pack 200

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 Sands coarse and Sand Stone
same medium sands

Depth to top of water bearing material 25''
Depth to bottom of water bearing material 125''
Thickness of water bearing material 200''
Depth to water (ground surface to water level) 75''

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

On same owner's property 80 rds. On property owned by others 70 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.

Annie Fennell
Signature of Applicant

WELL DRILLERS REPORT
SOUTH DAKOTA WATER RIGHTS COMMISSION

4-78

Well Owner:

Name AgriCel
Box 286
Address Elgin, Nebraska 68636

Water Level Information:

Static water level 46 below land surface
If flowing: closed in pressure PSI
rate of low GPM

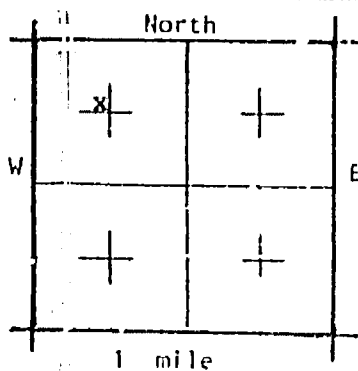
Controlled by:

☒ Valve ☐ Reducers ☐ Other

If other; specify

Well Location:

Mark location
with an "X"



County Todd

SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 25 Twp. 37 Rg. 29

Well Test Data:

☒ Pumped
☐ Bailed Describe:
☐ Other

Pumping Level Below Land Surface

<u>117</u> ft. After	<u>1</u> Hrs. pumped	<u>747</u> GPM
<u>122</u> " "	<u>1</u> " "	<u>806</u> " "
<u>129</u> " "	<u>2</u> " "	<u>823</u> " TA

Proposed Use:

☐ Domestic ☐ Municipal ☐ Test
☒ Irrigation ☐ Industrial ☐ Stock
Holes

Method of Drilling:

☐ Forward Rotary ☐ Bored ☐ Jetted
☒ Reverse Rotary ☐ Cable ☐ Other

Well Construction:

Diameter of Hole 34
Depth 220
Casing ☒ Steel ☐ Concrete
☐ Plastic ☐ Other
If other, specify

Was casing end left open No
Was a well screen installed Yes

Describe Well Screen
Diameter 16" Material Steel
Slot size 3" x .125

Was well gravel packed Yes
Was well grouted No
Was water sample taken No

Well Log:

Formation	Depth	
	From	To
sand, ss, sm. mag layers	0	24
clay	24	28
sand, ss, mag layers	28	40
sand, ss, sm. mag layers	40	60
sand, sandstone	60	66
sand, ss, sm. mag layers	66	80
med sand, sm. mag layers	80	100
clay, sm. med sand, ss ly.	100	114
med sand, sandstone	114	160
med coarse sand	160	173
clay	173	175
med coarse sand	175	193
clay	193	196
med coarse sand	196	211
(Use Back if Necessary)		
fine-med sand, ss, clay ly	211	220
red rock	220	40

Date Completed: April 30, 1980

Driller:

Sargent Irrigation Co. 273
Driller's or Firm's Name License NO.
Box 70 West Highway 20

Bassett, Nebraska 68714
Address

[Signature] 5-12-80
Signed By Date

Remarks:

ss sandstone
sm small
ly layers

Conservation
Commission
Form WI #1

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)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: _____

Revised: _____

NAME: Annie Farmer

ADDRESS: Mission 5110. 57.555

COUNTY: Todd

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 of Sec 13 Twp 37 North Range 29 West
2. AREA TO BE IRRIGATED: same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): sprinkler
4. CROPS TO BE IRRIGATED: Corn, alfalfa & Milo

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2% 0-3% 3-7% 7-21%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Ansclmo-Vetal Fine sandy loam,
Holt Fine Sandy loam, Holt-Vetal Fine Sandy loam, Ansclmo-Tassel Fine Sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-717
8. SALINITY: EC = 416 μ mhos/cm (Low-Medium)
9. SODIUM: SAR = 0.23 (Low)
Residual Na_2CO_3 0.47 me/l (Low)

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 from

_____ and:

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

Annie Ferner

Subscribed and sworn before me this

8th day of Aug 1975.

David L. Lumsden

Notary Public S. Dak

(Title)

6-21-82



Conservation
Commission
Form WI #1

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)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils: _____

Approved: _____

Disapproved: _____

NAME: _____

ADDRESS: _____

COUNTY: _____

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 of Sec 23 TWP 37 North Range 29 West
2. AREA TO BE IRRIGATED: same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): sprinkler
4. CROPS TO BE IRRIGATED: Corn, alfalfa + milo

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-3%, 2-5%, 3-9%, 0-3%, 3-9%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Anseline-Vetol fine sandy loam, Anseline
fine sandy loam, Holt-Vetol fine sandy loam, Holt fine sandy loam, Valentine-Danday complex

WATER QUALITY

(TO BE COMPLETED BY COMMISSION) See WI-1 for Sec 13

7. SAMPLE NO.: _____

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 from

_____.
and:

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

Annie Ferner.

Subscribed and sworn before me this

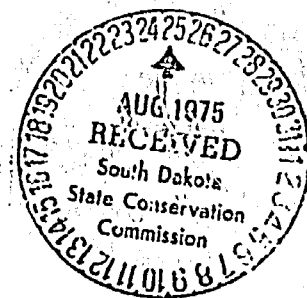
8th day of Aug 1975.

David Greenhaw

Notary Public - S.D.

(Title)

6-21-82



Conservation
Commission
Form WI #1

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: *[Signature]*

Disapproved: _____

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)

NAME: Annie Kerner

ADDRESS: Mission S.W. 57555

COUNTY: Todd

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4 of Sec 24 Twp 37 North Range 29 W
2. AREA TO BE IRRIGATED: Same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): sprinkler
4. CROPS TO BE IRRIGATED: Corn, alfalfa & milo.

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 3-9% 0-5%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Half-Vetal fine Sandy loam,
Vetal fine Sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION) (See WI-1 for sec 13)

7. SAMPLE NO.: _____
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 from

and:

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

Annie Therman

Subscribed and sworn before me this

8 day of Aug 1975.

James Therman

Notary Public S.D.

(Title)

6-21-82



Conservation
Commission
Form WI #1

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)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capable: _____

Approved: _____

Disapproved: _____

NAME: Annie Kerner

ADDRESS: MISSION S.D. 57555

COUNTY: Todd

LEGAL DESCRIPTION

1. WELL LOCATION: SE 1/4 of Sec 23, Twp 27 North, Range 29 West
2. AREA TO BE IRRIGATED: same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): sprinkler
4. CROPS TO BE IRRIGATED: Corn, alfalfa & milo

ABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 2-5%, 5-7%, 7-10%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Archee Velal Fine Sandy loam, Arsdale
Fine sandy loam, Holt Velal Fine Sandy Loam, Holt Fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION) See WI-1 for sec. 13

7. SAMPLE NO.: _____

8. SALINITY: _____

9. SODIUM: _____

and:

Anna - Helen.

8 day of Aug 19 72.

David L. Howard

Notary Public Sd

(Title)

6.21-82



Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SECL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation)

FOR COMMISSION USE ONLY

Irrigation System: _____

Water Quality: _____

Soils Capable: _____

Approved: _____

Disapproved: _____

NAME: _____

Annie Hansen

ADDRESS: _____

Mission St. 10. 57555

COUNTY: _____

Tadd

LEGAL DESCRIPTION

1. WELL LOCATION: SE 1/4 of Sec 24 Twp 37 North Range 29 West

2. AREA TO BE IRRIGATED: _____

TYPE OF IRRIGATION

3. GRAVITY

SPRINKLER (Indicate Type): sprinkler

4. CROPS TO BE IRRIGATED: _____

Corn, alfalfa & milo

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 3-4%, 0-2%, 3-4%, 0-3%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Vetal fine sandy loam, Valentine-Dundy complex, Kaya Silt loam, Hill Vetal fine sandy loam, Dyer loamy fine sandy

WATER QUALITY (TO BE COMPLETED BY COMMISSION) see WI-1 for Sec 13

7. SAMPLE NO.: _____

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 from

and:

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

Annie Hansen.

Subscribed and sworn before me this

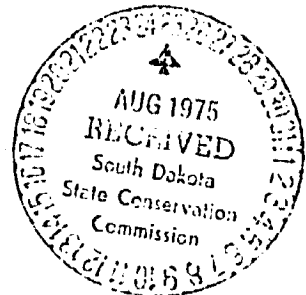
8th day of June 1975

Ernest J. Hansen

Notary Public - SD

(Title)

6-21-75



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)

Soils Capable of Irrigation: _____

Approved: _____

Disapproved: _____

NAME: Annie Farnen

ADDRESS: Mission S.D. 57555

COUNTY: Todd

LEGAL DESCRIPTION

1. WELL LOCATION: N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec 25 Twp 37 North Range 29 West

2. AREA TO BE IRRIGATED: Same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): sprinkler

4. CROPS TO BE IRRIGATED: Corn, alfalfa & milo

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 3-4%, 0-2%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Anseline Velut fine sandy loam
Holt Velut fine sandy loam, Kiva Silt loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION) See WI-1 for sec 13

7. SAMPLE NO.: _____

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 from

_____.

and:

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

Annie Turner

Subscribed and sworn before me this

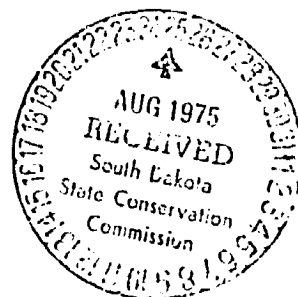
8th day of Aug 19 75.

James J. [unclear]

Notary Public S.D.

(Title)

6-2-72



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

Submitted by: Annie Fernen
 Address MISSION, SD 57555

Date Rec'd August 12, 1975
 Sample No. 75-717
 Identification NEEL
NEL, Sec. 23, T 37N, R 29W

WATER ANALYSIS

Calcium (Ca)	64	ppm*	3.20	me/l**
Magnesium (Mg)	4	ppm	0.33	me/l
Sodium (Na)	7	ppm	0.29	me/l
Potassium (K)	8	ppm	0.22	me/l
Sulfate (SO ₄)	3	ppm	0.06	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	3	ppm	0.09	me/l
Bicarbonate (HCO ₃)	244	ppm	4.00	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)	200	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	416	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.23			
Sodium	7.17	% of cations		
Residual sodium carbonate	0.47	me/l		
pH	7.21			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 4.04 me/l
 Total anions 4.15 me/l

By: Shirley Littan

Service performed	Amount Due
Irrigation	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-717

Amount Enclosed \$

Signed

No. 1294-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Margaret Figer hereby

certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Todd County 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

City of Mission

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

Thursday, October 2, 1975

Thursday, October 9, 1975

Margaret Figer
(Signature)

Co-Owner - T.C. Tribune
(Title)

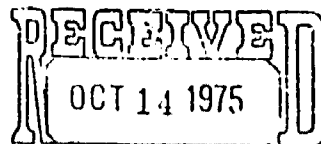
October 10, 1975
(Date Signed)

Notice of intent to
appropriate water

Notice is hereby given that
Mrs. Annie Fernen whose post
office address is Mission, South
Dakota, has made an application
in accordance with the provi-
sions of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 19.4 cubic
feet of water per second of time
from ground water through the
Fernen Wells, the points of
diversion of which are to be
located in the Center of the NE¹/₄
and SE¹/₄, Section 23, in the
Center of the SW¹/₄ and SE¹/₄,
Section 24; Center of the NW¹/₄,
Section 25, and Center of the
NE¹/₄ of Section 13, Twp. 37N,
Range 29W. Said water to be used
for the purpose of providing
irrigation on portions of the
following described land: NE¹/₄,
Section 13; E¹/₂, Section 23; S¹/₂,
Section 24, and N¹/₂ NW¹/₄,
Section 25, all in T37N, R29W.

This application No. 1294-2
will be considered by the Water
Resources Commission at their
office at Pierre upon the 12th,
day of November, 1975, at 2:30
p.m.. All interested persons may
appear and be heard.

WATER RESOURCES
COMMISSION
By: Burton F. Jones
Water Rights
Specialist



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Publish first publication, on or before October 30, 19 75

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

September 25, 19 75

Notice is hereby given that Mrs. Annie Fernen

whose post office address is Mission, 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 10.4 cubic feet of water per second of time from the ground water

Fernen Wells, the point of diversion of which is to be located in the Center of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 23, in the Center of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$; Section 24; Center of the NW $\frac{1}{4}$, Section 25, and Center of the NE $\frac{1}{4}$

of Section 13, Twp. 37N, Range 29W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE $\frac{1}{4}$, Section 13; E $\frac{1}{4}$, Section 23; S $\frac{1}{4}$, Section 24, and NW $\frac{1}{4}$, Section 25, all in T37N, R29W

This application No. 1294-2 will be considered by the Water Resources Commission at their office at Pierre upon the 12th day of November, 19 75, at 2:30 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Mrs. Annie Fernen, Mission, S.D. 57555



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57101

October 28, 1975

Mr. Burton F. Jones
Water Rights Specialist
Water Resources Commission
Pierre, South Dakota 57501

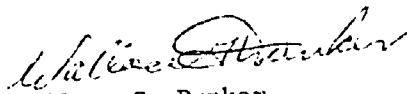
Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on November 12, 1975, at 2:30 p.m., a Hearing will be held by the Water Resources Commission at their office at Pierre, South Dakota on the application of Mrs. Annie Ferner of Mission, South Dakota for a permit to appropriate for beneficial use 10.4 cubic feet of water per second of time from ground water, the point of diversion being in the center of the NE $\frac{1}{4}$ and SE $\frac{1}{4}$, Sec. 23, in the Center of the SW $\frac{1}{4}$ and SE $\frac{1}{4}$; Sec. 24; Center of the NW $\frac{1}{4}$, Sec. 25, and Center of the NE $\frac{1}{4}$, all in T 37N, R 20W., for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from within the boundaries of the Rosebud Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A., Sec. 381; Winters v. United States, 207 U.S. 564, 28 S. Ct. 207; United States v. Powers, 94 F.2d 783; United States v. McIntire, 101 F.2d 650; and United States v. Alexander, 131 F.2d 359.

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 by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,


Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director, Aberdeen, South Dakota
Superintendent, Rosebud Indian Reservation
Mr. Parnell Hagan, Area Soil Conservationist, B.I.A., Aberdeen SD
Mrs. Annie Ferner, Mission, South Dakota 57555



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

November 14, 1975

Mrs. Annie Fernan
Mission
South Dakota 57555

Dear Mrs. Fernan:

Enclosed herewith is your Water Right Permit No. 1294-2 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. 1294-2.

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 July 16, 1975 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.

Respectfully,
WATER RIGHTS COMMISSION

JOHN HATCH
Chief Engineer

JH/BFJ/bw
Encl: As stated

1164-2
1294-2
1476-2
1481-2

WATER RIGHTS DIVISION (605) 733-3352

May 14, 1982

David Danielski
RR#1,
Crookston, Nebraska 69201

Dear Mr. Danielski:

This letter is in regard to our telephone conversation May 11, 1982 in which you indicated you owned land covered under Permit Nos. 1164-2, 1476-2, 1481-2 and portions of land under Permit No. 1294-2. Enclosed please find copies of the above mentioned permits together with maps showing the permitted acreages.

As we previously discussed, since you own only portions of the land covered under Permit No. 1294-2, only that portion will be transferred to your name. The Permit will be split and given an "A" number, i.e., 1294-2A. You indicated that Willis Nelson, Tilden, Nebraska owned the remaining land covered under Permit No. 1294-2. Mr. Nelson will be contacted concerning such transfer.

Enclosed please find partially completed transfer forms for transferring Permit Nos. 1164-2, 1476-2, 1481-2 and portions of 1294-2. Please check over the accuracy of the legal descriptions, date, sign and have all the forms notarized before returning them to this office with a \$2.50 filing fee for each transfer. The permits can then be transferred to your name.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:Ms
Enc. 4

DIVISION OF WATER RIGHTS

(605) 773-3352

May 14, 1982

Willis Nelson
Tiiden, Nebraska 68781

Dear Mr. Nelson:

On May 11, 1982, David Danielski, Crookston, Nebraska contacted this office concerning land he owned in Todd County, South Dakota covered under various water right permits. Mr. Danielski indicated he owned portions of the land covered under Permit No. 1294-2, listed in the name of Annie Fernan. He further indicated the remaining land covered under said permit was owned by you.

The following is a description of the land covered under Permit No. 1294-2, Annie Fernan: $NE\frac{1}{4}$ Section 23 (to be transferred to David Danielski), $S\frac{1}{2}$ Section 24, $N\frac{1}{2}NW\frac{1}{4}$ Section 25, and $NE\frac{1}{4}$ Section 13, all in T37N, R29W. Enclosed please find a transfer form for transferring the remaining portion of the above mentioned land under permit No. 1294-2 to your name. Please check over the accuracy of the legal descriptions on the form, date, sign and have notarized before returning the transfer form to this office with a \$2.50 filing fee, as required by Statute.

It is very important that our ownership records be kept current, if you only own part of the described land, or perhaps no longer own any of the land, please notify this office. If you own the land, but have not or do not intend on irrigating in the future, please contact this office.

Your assistance in this matter would be appreciated. If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

WATER RIGHTS DIVISION (605) 773-3352

May 24, 1982

Willis L. Nelson
RR#1
Tilden, Nebraska 58781

Dear Mr. Nelson:

This letter is in regard to Permit No. 1294-2 and your recent letter in which you listed the lands you own in Todd County, South Dakota. According to your letter, the only land covered under Permit No. 1294-2 you do not own is the NE $\frac{1}{4}$, Section 13, T37N, R29W. The remaining land (S $\frac{1}{2}$ Section 24 and N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 25, T37N, R29W) you now own.

This office received word that the NE $\frac{1}{4}$ Section 13, has never been irrigated. Since the time limit for putting the water to beneficial use has lapsed, that portion of the permit is no longer valid. Although you do not own the NE $\frac{1}{4}$ of Section 13, it can be transferred to you along with the rest and then deleted at the time of inspection and issuance of the Water License.

Enclosed please find a transfer form for transferring the permit to your name. Please sign, have notarized and return it to this office with a \$2.50 filing fee.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

Heurtenon -

The land descriptions
on your water permit
1294-2 is incorrect.

I am listing below
all land owned by me
in South Dakota.

SW 1/4 Section 33, TWP 37N, Range 29
SE 1/4 Section 24, TWP 37N, Range 29
SW 1/4 Section 24, TWP 37N, Range 29
NW 1/4 Section 25, TWP 37N, Range 29



Lincum Co

Willis L. Nelson

Tilden, Neb 68781

(Rural Route 1)

1294-2 ANNIE FERNEN

WILLIS NELSON FARMS THIS

SENT IN DATA ON

1272-2

NE $\frac{1}{4}$ OF 13 NEVER IRRIGATED

ALSO SYSTEM ON NE $\frac{1}{4}$ OF
25, FARMED BY SOMEONE ELSE
80 acres under one permit, bought
SOUTH 80 acres from Wayne Cornish, now
a pivot on it.

SEND FORMS TO WILLIS NELSON

SECOND NOTICE

1164-2
1204-2
1476-2
1481-2

WATER RIGHTS DIVISION (605) 773-3352

August 4, 1982

David Danielski
RR#1
Crookston, Nebraska 69201

Dear Mr. Danielski:

On May 14, 1982 notice was sent to you concerning the transfer of Water Permit No. 1164-2, Richard Hand; portions of Permit No. 1204-2, Annie Fernan; No. 1476-2, Stanley H. Sedlmajer; and No. 1481-2, Conrad Schelhaas. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please check over the accuracy of the land descriptions, data, sign and have them notarized before returning the forms to this office. A \$2.50 filing fee is required for each transfer (Total of \$10.00).

If you are not the present owner of the land covered under these permits, please notify this office. It is very important the ownership records be kept current. This office is in the process of updating the mailing labels for sending out our 1982 Irrigation questionnaires. In order for the questionnaires for these permits to be sent directly to you, the transfers will have to be received in this office within the next two weeks. Otherwise, the questionnaires will be mailed to the previous owner.

If you have any questions, please contact this office.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms
Enc.

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No. 4 8873

PIERRE, June 25, 1982, 19

RECEIVED OF Willis Nelson, Route #1, Tilden, NE 68781
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. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing <u>Transfer of water right</u> _____		2 50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL		2 50

WATER RIGHTS COMMISSION
By [Signature]
Chief Engineer, Executive Officer
Joint Notice/08/82

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: _____

This is to notify you that the title to the lands described as follows:

S¹ Section 24, ~~N¹ NW¹ Section 25, and NE¹ Section 18~~ all in

T37N, R29W

formerly owned by Annie Fernan

has been transferred to Willis Nelson, Tilden, NE 68781

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1294-2 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Office of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Todd) ss.

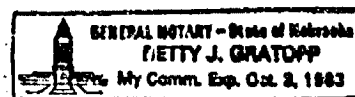
I, Willis L. Nelson being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Willis L. Nelson
(Signed)

Subscribed and sworn to before me this 22 Day of June, 1982

Betty J. Grato
(Notary Public)

*Received 6-25-82
S.G.*



No. 1294-2

 **Department of
Water & Natural Resources**

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

Phone (605) 773-3352

September 2, 1982

Willis Nelson
Tilden,
Nebraska 68781

Dear Mr. Nelson:

Enclosed is receipt No. 4 8873 in the amount of \$ 2.50 which you
paid for transfer of Water Right No. 1294-2.

Our records now show you as the owner of this Water Right.

Sincerely,

KAREN SCHLAAK
Administrative Secretary

enclosure

WNR-821-7/79

Receipt & Notice of filing of Transfer of Water Right

No-1164-2
1294-2
1476-2
1481-2

April 27, 1983

THIRD NOTICE

David Danielski
Rural Route
Crookston, Nebraska 69201

Dear Mr. Danielski:

On May 14 and August 4, 1983 notice was sent to you concerning transfer of Permit No. 1164-2, Richard Hand; portions of Permit No. 1294-2, Annie Fernan; Permit No. 1476-2, Stanley H. Sedlmajer and Permit No. 1481-2, Conrad Schelhaas. Since we have not heard from you on this matter, the Todd County Assessor's Office was contacted to see if you still owned the land. The Assessor's Office indicated you either owned or were buying the land under 1294-2, 1476-2 and 1481-2. They had no record of sale for land under Permit No. 1164-2 - Richard Hand.

If you still own the land covered by these permits, (see description on transfer forms) they should be transferred to your name. The Statutes provide that a permit for irrigation remains appurtenant to the land. If there is an ownership change; however, no such assignment (transfer) shall be binding except upon the parties thereto, unless filed for record in this office.

Enclosed are partially completed transfer forms. Check the accuracy of the land description for each, sign, date and have them notarized before returning the forms to this office. If you do not own any part of these lands, please notify this office.

Section 66 of House Bill 1001 as passed by the 1983 Legislature and effective March 8, 1983 requires Notice of any sale, grant, lease, conveyance or other transfer of a permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

1294-

April 28, 1983

David Danielski
RR#1
Crookston, NE 69201

Dear Mr. Danielski:

This will acknowledge the receipt of the transfer notices you submitted to transfer Permit No. 1164-2, portions of Permit No. 1294-2, and Permit Nos 1476-2 and 1481-2 to your name. However, the transfer cannot be completed without the \$2.50 filing fee for each permit (total of \$10.00).

Please remit this amount as soon as possible. The transfers will be filed upon receipt of the \$10.00 filing fees.

Sincerely,

Genny Young
Water Rights Specialist

GY:ms

1294-2

On May 16, 1983, the

E $\frac{1}{2}$ Section 23, T37N, R29W (264 acres) and 3.77 cfs
was transferred to David Danielski of Crookston NE (1294-2A)
the

S $\frac{1}{2}$ Section 24, T37N, R29W	264	acres
N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 25, T37N, R29W	66	"
NE $\frac{1}{4}$ Section 13, T37N, R29W	132	"
	<u>462</u>	acres - 6.6 cfs

is listed under 1294-2 Willis Nelson, Tilden NE

**SOUTH DAKOTA Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No.

1922-2

1294-2

JUN 20 1986

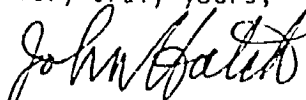
Willis Nelson
RR 1
Tilden, Nebraska 68781

Dear Mr. Nelson:

Enclosed herewith is, Water License No. 1922-2. This is the final water right document completing your process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 1294-2 are incorporated into this Water License No. 1922-2.

WNR-817 3/83

Transmittal of Water License