

Water Right Number 1299-2

1. Considered NOVEMBER 12 19 75
2. Name of Applicant HARVEY GUNNINK
3. Post Office Address CROOKSTON, NB
4. Amount of Water claimed 5.20
5. Source of water supply GROUND WATER 200' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 364
7. Water to be diverted and used in TODD County
about 4 W. 14 S miles of Mission
8. Proof of Publication Received 10-29-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____

10. Remarks:

No. 1299-2Map No. 1099-2 Water Division No. 2 KEYAPAPA RIVER District
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

11.00

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant HARVEY GARNICK
Postoffice address CRACKSTON, State NEBE
If a corporation show date and place of incorporation _____2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work Well4. Amount of water claimed (cubic feet per second) 1000 GPM 5.2 CFS.5. Source of water supply Well6. Location of point of diversion CENTER OF FIELD CENTER NE¹ SECTION 8,
CENTER SW¹ SECTION 9 AND CENTER SE¹ SECTION 20,
T36N, R29W County Todd7. Annual period or periods during which water is to be used MAY TO OCT8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 364

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.
NE 1/4 Sec 8 T36 R29W	160		
SW 1/4 Sec 9 T36 R29W	132		
SE 1/4 Sec 20 T36 R29W	132		

*Attach sheet if more space is needed

10. Time required to complete construction of supply system 5 years. Additional time required to complete application of water to beneficial use 0 years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County Tribune, Mission, S.D.

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.

Well

C. Works proposed to apply water to beneficial use.

Center Pivot SprinklerEstimated Total Cost \$50,000 Payroll
4 SprinklerAttachments: 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 FlaggI, Harvey Garnick 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 constructionSigned Harvey GarnickSubscribed and sworn to before me this 8th day of October 19 75Betty Westlund
Notary Public (or other qualified officer)A. W. Black II

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1299-2
HARVEY GUNNICK CROOKSTON
 (Applicant) (Post Office Address)
NEBRASKA 69212 With the following modifications:
 (State)

The irrigation well 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 with draws 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 OCTOBER 8 19 75
 Date of return to applicant for correction, amendments or changes required _____ 19 ____
 Date of receipt of corrected application OCTOBER 10 19 75
 Approved NOVEMBER 13 19 75, Recorded in Book 14 Page 59

WATER RIGHT PERMIT NO. 1299.2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1299-2 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 8 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 13 19 78
3. The whole of said work is to be completed on or before NOVEMBER 13 19 80
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 13 19 80
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 5.20 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 19 75; said water to be used during the following described annual period: MAY TO OCTOBER

Witness my hand this 14TH day of NOVEMBER 19 75

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____ 19 ____

Water License issued _____ 19 ____

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 30", Depth 200 ft
 (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 16" Thickness 5/16"
 (3) Perforated Screen.
 Type Steel, Diameter 16", Length 160
 (4) Gravel Pack, Thickness 7", Length of gravel pack 200 ft

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 0-40 - Sand + Sand Stone - 20-40. Sand, Sand Stone

LAYERS: Med. Coarse Sand 40-60 4 Med Sand Coarse Sand 2 Med 14 Med
Coarse Sand + Sand Stone 60-80 18 Med Coarse Sand + Stone, 1 Med Stone
1 Med Coarse Sand ss 80-100 Med Coarse Sand ss 1 Med Coarse Sand ss Small
1 Med Stone layer 100-120 Med Coarse Sand Sand Stone 120-140 Med Coarse Sand ss
 Depth to top of water bearing material _____ (Below)

Depth to bottom of water bearing material 200 FT.

Thickness of water bearing material _____

Depth to water (ground surface to water level) 36 ft

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

On same owner's property 80 ft rds. On property owned by others 160 ft 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.

7 Med Coarse Sand ss. Small Limestone layer Med Coarse Sand
140-160 Med Coarse Sand ss
160-180 12 Med Coarse Sand ss. 30 clay ss Fine Med Sand ss.
180-200 Fine Sand Red Rock.

[Signature]
 Signature of Applicant

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____

Well owner Harvey Gunnick Crookston, Nebraska
(Name) (Address)

Date well drilling completed 12-18-75 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to bottom in feet	Description of layer	Depth to top of water producing aquifer _____ ft.
0-20	sand & ss	Depth to static water level _____ ft.
20-33	sand, ss layers of mag	Name of producing aquifer (if known) _____
33-44	med - c. sand	Total depth of drill hole _____ ft.
44-46	mag	Depth to bottom of casing _____ ft.
46-78	med-c. sand, ss	Casing information: In the space below show kind, size, weight, length, per diameter, etc., for production casing and surface casing, if used. Casing is 16" .219 wall steel
78-79	limestone	
79-89	med-c. sand, ss	
89-100	med-c. sand, ss, limestone layers	
100-126	med-c. sand, ss	
126-133	med-c. sand, ss, small limestone layers	Screen information: In the space below show length of screen below bottom of casing, diameter, opening of screen or casing perforations Perforated casing has 40 mill slots per foot. Slots are .150 x 3 inches.
133-172	med-c. sand, ss	
172-175	clay	
175-180	fine-med sand, ss	
180-200	fine sand & Red Rock	

Attach sheet if more space is needed
ss - sandstone
c. sand - coarse sand

If a flowing well, flow of completed well _____ G.P.M.

Sargent Irrigation Company
Name of Drilling Contractor

(2) PUMP INSTALLATION

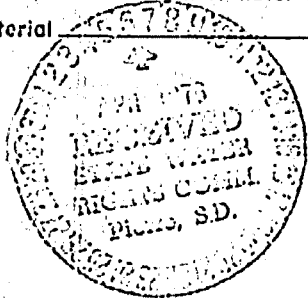
Company name and size of pump 6" Sargent Pipe HP LO
Type of pump turbine Capacity of installed pump 300 G.P.M.
Depth of pump placement 185 ft., Date of pump installation 2-10-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.408 of Chapter 43.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material 2.5780

Sargent Irrigation Company
Name of Pump Installation Contractor



NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: _____ 1/4 _____ 1/4 _____ Section _____ Township _____ Range _____

Well owner Harvey Gunnick Crookston, Nebraska
(Name) (Address)

Date well drilling completed 12-22-75 Purpose of well irrigation
(Domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing casing	
0-6	sand	76	ft.
6-40	sand, ss, mag layers	66	ft.
40-50	med-c. sand, ss		
50-60	med-c. sand, ss, small mag layers	215	ft.
60-70	cs	215	ft.
70-76	clay		
76-108	med-cs, ss		
108-120	med-cs, ss, small mag layers		
120-152	med-cs, ss		
152-154	clay		
154-188	cs		
188-190	clay		
190-200	med-cs, ss		
200-212	med-cs		
212-226	clay, Red Rock		

Depth to top of water producing casing _____ 76 ft.

Depth to static water level _____ 66 ft.

Name of producing casing (if known) _____

Total depth of drill hole _____ 215 ft.

Depth to bottom of casing _____ 215 ft.

Casing information in the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.

Casing is 16" .219 wall steel.

Screen information in the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

Perforated casing has 40 mill slots per foot. Slots are .150 x 3 inches.

If a flowing well, flow of completed well _____ G.P.M.

Sargent Irrigation Company
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump 6" Sargent Pipe HP 60

Type of pump turbine Capacity of installed pump 450 G.P.M.

Depth of pump placement 190 ft., Date of pump installation 2-10-76

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required. See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



Sargent Irrigation Company
Name of Pump Installation Contractor

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 OF
Irrigation System: _____
Water Quality: _____
Soils Capability: _____
Approved: [Signature]
Disapproved: _____

Sample #2

NAME: Harvey Gunnink
ADDRESS: Cookston, Neb. 68212
COUNTY: Todd, So. Dak

LEGAL DESCRIPTION

1. WELL LOCATION: SE 1/4 Sec 20 Twp 36 N Range 29 W.
2. AREA TO BE IRRIGATED: Same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): SPRINKLER
4. CROPS TO BE IRRIGATED: Corn & Hay

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 0-3%, 4-7% 3 to 9%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Heavy silt loam, Med. Fine sandy loam, Argilmo-Tassel Fine Sandy loam, Med. Heavy Fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-820
8. SALINITY: EC = 388 (low-medium)
9. SODIUM: SAR = 0.20 (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:

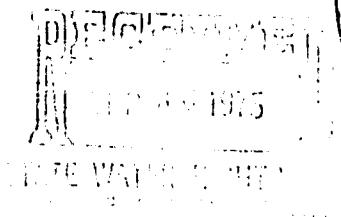
that the legal description for the location of the well and land to be
irrigated is true and correct.

_____.

Subscribed and sworn before me this

_____ day of _____ 19____.

(Title)



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

Submitted by: Harvey Gunnink Date Rec'd September 5, 1975
Address Crookston, Nebraska 69212 Sample No. 75-820
Identification #2 Well-
SEA, Sec. 20, T 36N, R 29W

WATER ANALYSIS

Calcium (Ca)	61	ppm*	3.05	me/l**
Magnesium (Mg)	5	ppm	0.41	me/l
Sodium (Na)	6	ppm	0.26	me/l
Potassium (K)	4	ppm	0.12	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	220	ppm	3.60	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)	180	ppm (as CaCO ₃)		
Alkalinity (Enolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	388	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.20			
Sodium	6.77	% of cations		
Residual sodium carbonate	0.14	me/l		
pH	7.50			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 3.84 me/l
Total anions 3.70 me/l

By: Shirley Kitten

Service Performed	Amount Due
Irrigation analysis	\$6.00
Make checks payable to: Water Quality Laboratory	
Cut along dotted line and return the lower portion with payment	
Sample No. <u>75-820</u>	Amount Enclosed \$
	Signed

Conservation
Commission
Form W1 61

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: DEC 11/1994

Disapproved: _____

SAMPLE #1.

NAME: Harvey P. Pank

ADDRESS: Crabtree Road 69212

COUNTY: Todd So Dak

LEGAL DESCRIPTION

1. WELL LOCATION: NE 1/4 Sec 8 Twp 21 N Range 29 W

2. AREA TO BE IRRIGATED: 1000

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): SPRINKLER

4. CROPS TO BE IRRIGATED: Corn & Soy

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%, 2-4%, 4-6%, 6-8%, 8-10%

6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Very Fine Sandy Loam, Very Fine Sandy Loam, Very Fine Sandy Loam

Very Fine Sandy Loam, Very Fine Sandy Loam, Very Fine Sandy Loam
Very Fine Sandy Loam, Very Fine Sandy Loam, Very Fine Sandy Loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-819

8. SALINITY: EC = 340 μ mhos/cm (low medium)

9. SODIUM: SR = 0.17 (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.

Subscribed and sworn before me this

_____ day of _____ 19____.

(Title)



Conservation
Commission
Form WI 01

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 OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: John H. Jones

Disapproved: _____

Sample # 1

NAME: HARVEY GUNNICK
ADDRESS: CREEKSTON, NEBR. 69212
COUNTY: Todd So. DAK.

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4 of Sec 9 Twp 36 N. Range 29 W
2. AREA TO BE IRRIGATED: Same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): SPRINKLER
4. CROPS TO BE IRRIGATED: CORN + HAY

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 3-7%, 0-2%, 7-21%, 2-5%, 0-2%, 0-3%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Well sorted fine sandy loam, Keya silt loam, Anselmo T. soil fine sandy loam, Anselmo fine sandy loam, Veta fine sandy loam, Tuthill Veta fine sandy loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-819
8. SALINITY: EC = 340 μ mhos/cm (low-medium)
9. SODIUM: SAR = 0.17 (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.

_____.

Subscribed and sworn before me this

_____ day of _____ 19____.

(Title)



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

Submitted by: Harvey Gunnink Date Rec'd September 5, 1975
 Address Crookston, Nebraska 69212 Sample No. 75-819
 Identification #1 Well-
NE 1/4, Sec. 8, T 36N, R 29W

WATER ANALYSIS

Calcium (Ca)	46	ppm*	2.30	me/l**
Magnesium (Mg)	9	ppm	0.74	me/l
Sodium (Na)	5	ppm	0.21	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.05	me/l
Bicarbonate (HCO ₃)	210	ppm	3.44	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)	172	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	340	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.17			
Sodium	6.26	% of cations		
Residual sodium carbonate	0.44	me/l		
pH	7.49			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

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

COMMENTS: Total cations 3.35 me/l
 Total anions 3.53 me/l

By: Shirley Hittan

Service Performed

Amount Due

Irrigation analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-819

Amount Enclosed \$

Signed

Publish first publication, on or before ~~October 30~~ 1975NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 9, 19 75Notice is hereby given that Harvey Gunninkwhose post office address is Crookston, 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 use5.2 cubic feet of water per second of time from the ground water through theGunnink Wells, the point of diversion of which are to be located in theCenter of the NE $\frac{1}{4}$, Section 8, SW $\frac{1}{4}$, Section 9 and SE $\frac{1}{4}$,of Section 20, Twp. 36N, 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 8, SW $\frac{1}{4}$, Section 9, SE $\frac{1}{4}$, Section 20, T36N, R29WThis application No. 1299-2 will be considered by the Water Resources Commission at their office atPierre 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: Harvey Gunnink, Crookston, Nebraska 69212

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

No. 1299-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Jord) ss.

I, Margaret Sigert hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Jord 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

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

Thursday, October 16, 1975
Thursday, October 23, 1975

Margaret Sigert
(Signature)
Co-owner Newspaper
(Title)
10-24-75
(Date Signed)

Notice of Intent to
Appropriate Water

Notice is hereby given that
Harvey Gunnink whose post
office address is Crookston,
Nebraska, has made an applica-
tion in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use 5.2
cubic feet of water per second of
time from ground water through
the Gunnink Wells, the points
diversion of which are to be
located in the Center of the NE¹/₄,
Section 8, SW¹/₄, Section 9 and
SE¹/₄, of Section 20, Twp. 36N,
Range 29W. Said water to be used
for the purpose of providing
irrigation on the portions of the
following described land: NE¹/₄,
Section 8, SW¹/₄, Section 9, SE¹/₄,
Section 20, T36N, R29W.

This application No. 1299-2 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

Publ. Oct. 16 and 23.



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

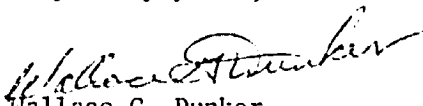
Dear Mr. Jones:

The Area Director of the 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 Harvey Gunnink, of Crookston, Nebraska, for a permit to appropriate for beneficial use 5.2 cubic feet of water per second of time from ground water, the point of diversion being in the center of NE $\frac{1}{4}$ of Sec. 8, SW $\frac{1}{4}$ of Sec. 9, and the SE $\frac{1}{4}$ Sec. 20, T. 36 N., R. 29W., for the purpose of irrigation.

This letter will serve as our written objection to such application for a permit to appropriate ground water from a location 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 lands within, the exterior boundaries of an Indian Reservation. See 25 USCA. 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 Hagen, Area Soil Conservationist, B.I.A., Aberdeen, SD
Mr. Harvey Gunnink, Crookston, Nebraska 69212



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Office Building Number 2, Pierre, South Dakota 57501

Phone 605/224-3151

November 14, 1975

Harvey Gunnink
Crookston
Nebraska 69212

Dear Mr. Gunnink:

Enclosed herewith is your Water Right Permit No. 1299-2 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. 1299-2.

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

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. 1860-2

1299-2

APR 25 1985

Harvey Gunnick
Route #1, Box 22
Crookston, Nebraska 69212

Dear Mr. Gunnick:

Enclosed herewith is, Water License No. 1860-2. 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

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ms

Enclosures

Applicable portions of Water Permit No. 1299-2 have been incorporated into this Water License No. 1860-2.

WNR-817 3/83
Transmittal of Water License

38.4

(3-142)

58.9

Gerald
Vanderburg

20

28.3

Kenneth W. Stephens
Todd Co. Extension Agent
Harvey
Gunnink

97.9

APPROXIMATE
LOCATION
OF
TEST WELL.

36-29

(1-14v)

Kenneth W. Stephens
Todd Co. Extension Agent.

9

62.7

Proposed
location
of well

55.5

36-29

37.6

21.3

39.0

43.0

13.2

8.1

(3-144)

19.5

39.9

Proposed
Location
of well

11.9

Harvey
8
Yankin

46.2

2.1

19.3

Kenneth W. Stephens
Todd Co. Extension agent.

36-29