

Water Right Number 1546-2

~~XXXXXXXXXX~~

1. Considered 3-23, 19 77
2. Name of Applicant LOUISE & RICHARD KERNER
3. Post Office Address BURKE
4. Amount of Water claimed 2.7
5. Source of Water supply 3-150' WELLS
6. Water to be used for IRRIGATION
- Acres to be irrigated 190
7. Water to be diverted and used in GREGORY Coun.,
about 125, 2W miles of BURKE
8. Proof of Publication Received 3-17-77
Not Received _____
9. Application *Will be processed* Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 1546-2Map No. 1317-2 Water Division No. 2 BURKE CREEK District _____
(Blanks to be filled by the Engineer for the W. H. C.)

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE-Draw a line through items not applicable)

1. Name of Applicant LaMone & Richard Kerner
 Post-office address Burke, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work LaMone & Richard Kerner #1
4. Amount of water claimed (cubic feet per second) 2.7 cfs
5. Source of water supply Irrigation Wells
6. Location of point of diversion Well # 1 & 2: NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of 23-95-72
Well #3: NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of 23-95-72
7. Annual period or periods during which water is to be used January 1 - December 31, Annually
MARCH 1 - DECEMBER 31, 1972 County GREGORY
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 190

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 $\frac{1}{4}$ of SW $\frac{1}{4}$ of 23-95-72	40	NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of 23-95-72	15
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of 23-95-72	40	SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of 23-95-72	15
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of 23-95-72	40		
SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of 23-95-72	40		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 4 years. Additional time required to complete application of water to the proposed beneficial use 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Burke Gazette
12. Principal Features of the Proposed Water Supply System.

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

Irrigation well

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

Pipelines

C. Works proposed to apply water to beneficial use.

Center Pivot

Estimated Total Cost \$ 75,000.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of GREGORY)

I, RICHARD KERNER 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 Richard KernerSubscribed and sworn to before me this 14 day of FEB 19 72

Notary Public (or other qualified officer)

Register of Deeds
 GREGORY COUNTY
 BURKE, S. DAK.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1546-2
LA MONE & RICHARD KERNER BURKE
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57523 With the following modifications:
 (State)

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 adequate domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application FEBRUARY 16, 19 77
 Date of return to applicant for correction, amendments or changes required _____, 19 ____
 Date of receipt of corrected application FEBRUARY 18, 19 77
 Approved MARCH 23, 19 77, Recorded in Book 17 Page 287

WATER RIGHT PERMIT NO. 1546-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1546-3 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 FEBRUARY 16, 19 77
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 23, 19 79
3. The whole of said work is to be completed on or before MARCH 23, 19 81
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 23, 19 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 2.7 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is

actually and beneficially applied for irrigation on or before MARCH 23, 19 82; said water to be used during the following described annual period: MARCH THRU OCTOBER
MARCH

Witness my hand this 18TH day of APRIL, 19 77

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19 ____

Water License Issued _____, 19 ____

(SOILS INFORMATION ON REVERSE SIDE)

APPROVED/DI' PROVED

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

Submitted by: Richard Kertzer
 Address: Box 1, SD 57523

Date Rec'd: February 2, 1977
 Sample No. 77-277
 Identification 2011 100
Box, Sec. 23, T 95N, R 72W

WATER ANALYSIS

Calcium (Ca)	61	ppm*	3.05	me/l**
Magnesium (Mg)	4	ppm	0.32	me/l
Sodium (Na)	8	ppm	0.32	me/l
Potassium (K)	6	ppm	0.36	me/l
Sulfate (SO ₄)	26	ppm	2.32	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	20	ppm	0.55	me/l
Bicarbonate (HCO ₃)	93	ppm	1.52	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)	76	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	467	microhmhos per cm at 25° C.		
Sodium Adsorption Ratio	0.27			
Sodium	8.00	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.5A			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grams per gallon

COMMENTS: Total cations 3.80 me/l
 Total anions 3.20 me/l

By: Shirley Mattan

Service Performed

Amount Due

Irrigation analysis

\$15.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 77-277

Amount Enclosed \$

Signed

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 36", Depth 150
- (2) Casing, Type Concrete Diameter 16 Thickness 3/4"
(wood, concrete, steel, etc)
- (3) Perforated Screen,
Type Concrete Absetos, Diameter 16", Length 52'
- (4) Gravel Pack, Thickness 10", Length of gravel pack 135'

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 Fine sands & Mag.

Depth to top of water bearing material 60'

Depth to bottom of water bearing material 150'

Thickness of water bearing material 90'

Depth to water (ground surface to water level) 60'

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

On same owner's property 80 rds. On property owned by others 250 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.

Richard Kemer
Signature of Applicant

Form 6 - Notice of Intent to Appropriate Water

No. 1546-2

Publish first publication, on or before March 10, 19 77

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 4, 19 77

Notice is hereby given that LaMone & Richard Kerner
whose post office address is Burke 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
2.7 cubic feet of water per second of time from the ground water through the
LaMone & Richard Kerner, the point of diversion of which is to be located in the

NE 1/4 SW 1/4 & NW 1/4 SE 1/4
of Section 23, Twp. 05N, Range 72W. Said water to be used for the purpose
of providing irrigation on the following described land:

SW 1/4, SE 1/4, Section 23, T05N, R72W

This application No. 1546-2 will be considered by the Water Rights Commission at their office at
Pierre upon the 23rd day of March, 19 77, at 10:00 A.M. All interested
persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

~~BURTON K. JONES~~ JAMES WINTERTON
Water Rights Specialist

BFJ/bw
cc:

LaMone & Richard Kerner, Burke, SD 57523



February 10, 1977

Mr. Richard Kerner
Burke, SD 57523

Dear Mr. Kerner:

Your water sample (Lab. No. 77-177) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

Your water, as indicated by this analysis, is satisfactory for use on the soils you indicate will be irrigated. If a salt problem or a water table problem should develop, contact extension personnel for assistance.

The VI-1, soils information, and a copy of the water analysis are being forwarded to the State Conservation Commission for their action.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF:ckb
Enclosures
cc: State Conservation Commission

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, C. J. Fahrenbacher hereby
certify that the indexed printed copy of Notice of Intent to Appropriate

Water was taken from the Burke Gazette

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

town Burke of

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

Wednesday, March 9, 1977

Wednesday, March 16, 1977

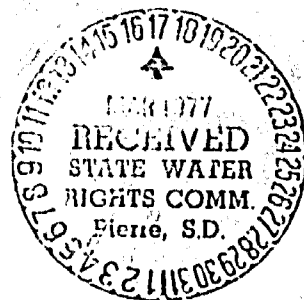
C. J. Fahrenbacher
(Signature)

Publisher

(Title)

3-16-77
(Date Signed)

NOTICE INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
March 4, 1977
Notice is hereby given that
LaMone and Richard Kerner,
whose post office address is
Burke, 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 2.7
cubic feet of water per second of
time from ground water through
the LaMone and Richard Kerner
#1, the point of diversion of which
is to be located in the NE 1/4 SW 1/4
& NW 1/4 SE 1/4 of Section 23, Twp.
95N, Range 72W. Said water to
be used for the purpose of
providing irrigation on portion of
the following described land:
SE 1/4 E 1/4 SW 1/4 Section 23,
T95N, R72W. This application No. 1546-2 will
be considered by the Water
Rights Commission at their office
at Pierre upon the 23rd day of
March, 1977, at 10:00 A.M. All
interested persons may appear
and be heard.
WATER RIGHTS COMMISSION
By: JAMES WINTERTON
James Winterton
Water Rights Specialist
Publ. Mar. 9 & 16 (35)



PETITION TO THE WATER RIGHTS COMMISSION

(APPLICATION NO. 1546-2)

We, the undersigned, residents of Gregory County, South Dakota, feel that approval of the above application could cause detrimental effects to the ground water aquifer in this area of Gregory County. We strongly urge this Commission to require further testing by the South Dakota Geological Survey crew to determine the possible effects upon domestic water in this surrounding area of Gregory County, South Dakota.

NAME:	ADDRESS:	DATE:	TOWNSHIP IN WHICH PETITIONER RESIDES OR OPERATES LAND:
Reginald Steffen	Burke	3-22-77	Lone Star
Richard Dulya	Burke	3-22-77	Lone Star
Bernard Peterson	Burke	3-22-77	Lone Star
Karla Petersmann	Burke	3-22-77	Lone Star
John Lindstrom		3-22-77	Lone Star
Dean Lindstrom		3-22-77	Lone Star
Heldegard Lindstrom		3-22-77	Lone Star
Howard Martin		3-22-77	Lone Star
Alvin Martin		3-22-77	Lone Star
Bradley A Boer		3-22-77	Lone Star
Robert Martin		3-22-77	Lone Star
Betty Martin		3-22-77	Lone Star
Jim Fiedle		3/22/77	Lone Star
Naomi Fiedle		3/22/77	Lone Star

(APPLICATION NO. 1546-2)

NAME :

DATE:

TOWNSHIP IN WHICH PETITIONER
RESIDES OR OPERATES LAND:

A. J. Steffen	Burke, S. Dak	22 Mar	Lone Star
Carole Steffen	Burke, S. Dak	22 Mar	Lone Star
Arlene Steffen	Burke, S. Dak	3-22-77	Lone Star
Robert Frank Burke	517	3-22-77	Lone Star
Anna Frank	Burke, S. Dak	3-22-77	Lone Star

SOUTH DAKOTA
Department of
Water & Natural Resources

Job Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

No. 1546A-2

1546-2

September 6, 1984

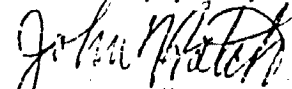
LaMone & Richard Kerner
RF#1, Box 40
Burke, South Dakota 57523

Dear Sirs:

Enclosed herewith is, Water License No. 1546A-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. 1546-2 have been incorporated into this Water License No. 1546A-2.

WNR-817 3/83

NOT TO SCALE

95-72

38.2

(3-5)

44.5

23

47.5

106.9

Mon

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Owll

95-72

Map No. 1546-2

INVENTORY & EVALUATION

* { INDIVIDUAL
GROUP
UNIT OF GOVERNMENT

REQUESTED BY Richard Kerner LOCATION Burke, S. D.

ASSISTED BY Ralph Smith, DC DATE July 29, 1976

SITUATION: Cooperator requesting technical assistance in developing an application for a water right, to the State of S. D. He desires a map to go with the application which identifies location of the spring, aqueduct & dam, also the field location and size. A soil and Capability Map and Legend is also requested. Area is E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of 23-95-72

SUGGESTED SOLUTION (S): Developed Soil and Conservation Map and Legend of E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of 23-95-72 for Cooperator, also included Aerial photo showing location and size of proposed field to be irrigated if and when Cooperator gets plans developed.