

Considered: _____

WATER PERMIT NO. 2073-2 41

HAP No. Same 775-2939

Name of Applicant Lamone & Richard Kerner

Post Office Address RR 1, Box 40 Burke, SD 57523

Amount of Water Claimed 0.63 (no add'l) Total Acres 43.4 (no add'l)

Source of Water Supply runoff

Water to be used for irrigation County Gregory

About 11 miles S of Burke

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Feb 9, 1989 Fee \$50⁰⁰ Remarks Adding a diversion pt (3 ac ft dam) to No. 1546A-2

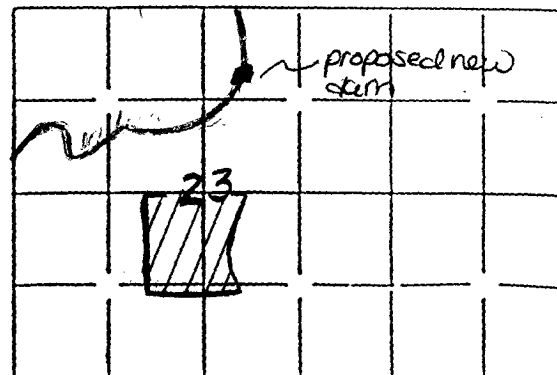
Corrected Application Received Feb 23, 1989 Period of Annual Use Apr 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED _____ APPROVED / CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point NW 1/4 NE 1/4 Section 23, T95N, R72W

Land to be Irrigated E 1/2 SW 1/4 Sec 23 T95N-R72W
W 1/2 SE 1/4 " " "



Well Log: Driller NA Licensed YES _____ NO _____

Depth of Well: _____ REMARKS _____

Type of Map Aerial PREPARED BY Kerry Stiner Reviewed and the Number assigned on March 9, 1989 By Dusan A. Bowar

(See instructions)

No. 2073-2 Hydrologic Unit 10150001
Basin Nebraska
Newspaper Burke Gazette, Box 359, 57523

Application For Soil/Water Compatibility Permit and Permit To Appropriate Water

- Type of Application: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
- ☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
- ☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
- Name of Applicant LAMONE AND RICHARD KERNER Phone No. 775-2939
- Street Address RR 1 Box 40 City Burke State SD Zip Code 57523
- (Street, RR or Box) (City) (State) (Zip Code)
2. Amount of water claimed (c.f.s.) 0.63 Total acres irrigated 43.4
3. Source of Water supply runoff
4. Location of point of diversion NW 1/4 NE 1/4 - 23-95-72
73 rods S and 152 rods W of the NE corner of said Section
County _____
5. Counties where water will be used Gregory
6. Annual period during which water is to be used April 1 - November 30
7. 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.
NE 1/4 SW 1/4	27.6 (CA)
SE 1/4 SW 1/4	2.4 (CD)
NW 1/4 SE 1/4	12.0 (DB)
SW 1/4 SE 1/4	1.4 (DC)

Land Description	No. Acres Irr.
Land all in Section	
23 T95N-R72W	
total acres	43.4

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: X Towline: _____ Center Pivot: _____ Gun: _____ Other: _____ (Specify) _____
9. Crops to be Irrigated: corn
10. Give a description of proposed project. (Attach sheet if more-space is needed)

I want to add a diversion point from an existing dam to use more runoff water instead of pumping all the water from wells.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Gregory)^{ss}

I, Richard Kerner, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Richard Kerner

JACK GUNVORDAHL
Notary Public, Gregory County, S.D.
Commission Expires August 18, 1993

Subscribed and sworn to before me this 20th day of February 19 97

Jack Gunday
Notary Public

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter _____ Depth _____
- b) Casing Type _____ Diameter _____ Thickness _____
- c) Screen Type _____ Diameter _____ Thickness _____
- d) Gravel Pack Thickness _____ Length of Gravel Pack _____
- e) Depth to Top of Water Bearing Material _____
- f) Depth to Water (ground surface to water level) _____
- g) Distance to nearest existing domestic well: _____
- On applicants property _____ On property owned by others _____

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

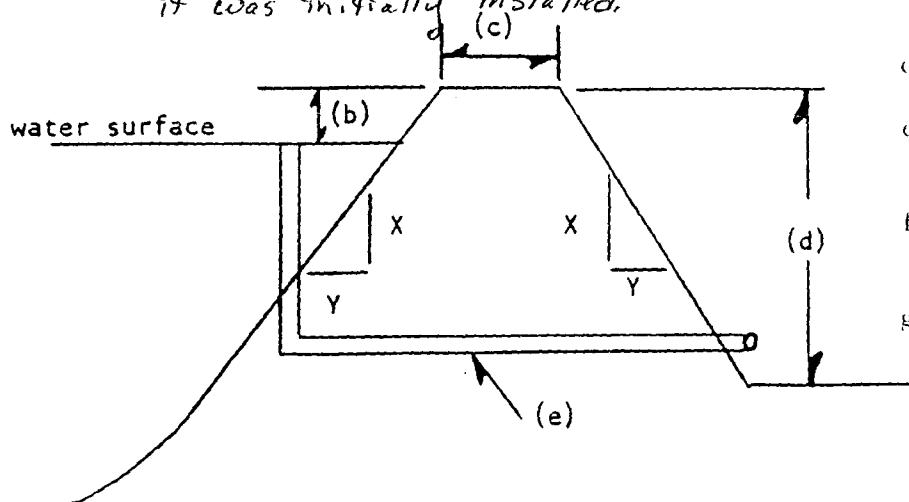
If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

- * Soil Cons Service

Box 339 Burke, SD

- * duct cut has been modified after it was initially installed.



- b) Freeboard 3'
- c) Crest Width 20'
- Crest Length 498'
- d) Height 20'
- e) Primary Outlet Capacity _____
If Pipe, diameter 36"
- f) Secondary Spillway Capacity _____
Spillway width 25'
- g) X & Y Slope _____
Upstream 5
- Downstream 5

Surface Area of Impoundment 0.3 ac

Storage 3.0 acre feet

Drainage area above dam 640


Signature of Applicant

SOUTH DAKOTA
WATER PERMIT No. 2073-2 FOR IRRIGATION

Date of first receipt of application February 9, 1989.

Date Soil/Water Compatibility Permit received March 13, 1989.

Date of return to applicant for corrections, amendments or changes required February 10, 1989.

Date of receipt of corrected application February 23, 1989.

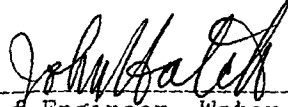
The Water Management Board approved Water Permit Application No. 2073-2 on May 10, 1989 for Lamone and Richard Kerner, RR #1 Box 40, Burke, SD 57523 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. authorizes storage of 3 acre-feet of runoff water in a dam located in the NW1/4 NE1/4 Section 23, T95N-R72W. Water is to be used to irrigate 43.4 acres located in the E1/2 SW1/4, W1/2 SE1/4 Section 23, T95N-R72W. This permit does not authorize any increase in the 0.63 cubic feet of water per second diversion rate authorized by Water Right No. 1546A-2.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 to November 30.
3. The date from which applicant may claim right is February 9, 1989.
4. One-fifth of the construction is to be completed on or before November 10, 1991.
5. All construction is to be completed on or before May 10, 1994.
6. Water is to be put to beneficial use on or before May 10, 1998.
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

- 1) This permit is approved subject to the irrigation water use questionnaire being submitted each year.
- 2) Approval of this Permit authorizes filling the 3 acre feet dugout/dam more than once each year as needed.

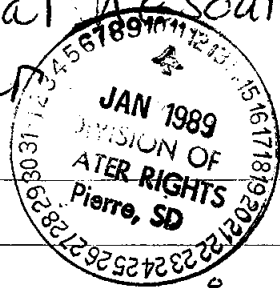
WATER MANAGEMENT BOARD

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

JUN 13 1989

(date)

To the Department of Water and Natural Resources
John Hatch, Chief Engineer



Dear Sirs:

I am writing concerning my Water Permit No. 1546-2. I am currently irrigating from two wells and a storage dam. I recently purchased the land adjacent to my irrigated land on the north. It would be more economical for me to pump part of the water from a dam that already exists on this land. The acres to be irrigated will be the same. The only difference would be that I would not need as much water to be pumped from the wells. The dam I propose to pump from is located in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 23 Township 95, Range 72. Please let me know if I could change my permit to include this dam. Thank you,

Sincerely yours,
Richard Kerner

(over)

Richard Kerner

R. R. 1 Box 40

Burke, So Dak. 57523



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

January 30, 1989

Richard Kerner
RR 1, Box 40
Burke SD 57523

Dear Mr. Kerner:

I am writing in response to your letter received on January 11, 1989 regarding your irrigation project. You indicated that you would like to use a second dam as an additional diversion point to irrigate the acreage specified on Water Permit No. 1546-2.

An application for a water permit does need to be submitted to add the second dam for irrigation of acreage specified on Water Permit No. 1546-2. Enclosed are application forms with an instruction sheet for your use.

Please contact me if you have any questions.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, February 10, 1980

RECEIVED OF Richard Kerner, RR 1 Box 40, Burke, SD 57523

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

Fee for Application for Permit No. <u>2073-2</u> to Appropriate Water, to construct works and to put water to beneficial use _____	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	50 00

By John Hatch / mra
Chief Engineer

CONSERVATION COMMISSION MEETING

DATE: March 7, 1989

Page 1 - APPROVED

NAME: Lamone & Richard Kerner WATER QUALITY: 89-0059

ADDRESS: RR 1, Box 40 SALINITY: 300

ADDRESS: Burke, SD 57523 SAR: 0.46

SODIUM: 16.09

COUNTY: Gregory ADJ SAR: 0.80

LEGAL DESCRIPTION: E1/2 SW1/4; W1/2 SE1/4; all of Sec. 23-T95N-R72W = 43.4 acres

APPLICATION #: 4344

TYPE OF IRRIGATION: Gravity

WATER SOURCE: Surface

REQUIREMENTS:

MANAGEMENT RECOMMENDATIONS:

We recommend the use of a form of conservation tillage to control soil erosion and conserve soil moisture.

We have noted that you are using gravity irrigation on very coarse soils, which may result in poor water management, such as pumping more than would be needed if applied using another method.

TYPE OF PERMIT GRANTED AND REASON:

The approved recommendation is based on the water quality and soil type. The staff has determined that no long term hazard should develop.

NOTE: Adding a diversion point.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT OF
Division of Conservation
Burke, SD

Office Use Only

4344

WR#

OWNERS NAME: Lamone & Richard Kerner OWNERS ADDRESS: RR 1, Box 40
Burke, SD 57523

COUNTY LAND LOCATED IN: Gregory PHONE: 775-2939

LEGAL DESCRIPTION:

☐ Well

☒ Surface

1. LOCATION NE 1/4, NW 1/4, Sec. 23-T95N-R72W

Depth _____

Legal Description	Acres	Legal Description	Acres
NE 1/4, NW 1/4, Sec. 23-T95N-R72W	27.6		
SE 1/4, SW 1/4	2.4		
NE 1/4, SE 1/4	12.0		
SW 1/4, SE 1/4	1.4	TOTAL ACRES =	43.4

2. TYPE OF IRRIGATION: GRAVITY: ☒ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: corn

WATER QUALITY:

4. WATER SAMPLE NUMBER: 89-0059

7. ADJUSTED (SAR): 0.80

5. SALINITY (EC X 10⁶): 300

8. PERCENT SODIUM 16.09

6. SODIUM (SAR): 0.46

Requirements:

Director, Division of Conservation

Date

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☐ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

NOT TO SCALE



T2755

68-K

NC

Existing proposed
storage dam
Kerry Street
Bottom Service

44.9 NHFL
7

23

35.6 NHFL
2

irrigated
field
TAB

54.4 NHFL
5

McE
Kerry St
4 mile

15.9 NHFL
3

45.4 NHFL
4

ACOP
95-72

App'l N

Section nearest well over 80 rods. Subst. 240 rods.

1 well

Drilled just 80 ft
and just below 20'

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: NE 1/4 S4 1/4 Section 23 Township 95 Range 72
Well owner Kerner Bros. Birke, South Dakota
(Name) (Address)
Date well drilling completed 5/20/77 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 aquifer
0-2	Top soil	25 ft.
2-4	Mag.	Depth to static water level 25 ft.
4-25	Sand & gravel	Name of producing aquifer (if known)
25-36	Gravel	Total depth of drill hole 91 ft.
36-38	Fine sand	Depth to bottom of casing 91 ft.
38-46	Mag.	Casing information: In the space below show kind, size, weight, lengths per diameter, etc., for production casing and surface casing, if used.
46-48	Sand	16" asbestos concrete 3/4" thick
48-54	Mag.	Screen information: In the space below show layout of screen below bottom of casing, diameter and kind of screen or casing perforations.
54-65	Green mag.	39" asbestos concrete 1/8" perforated
65-86	Fine sand	If a flowing well, flow of completed well 65 G.P.M.
86-91	Clay	

Attach sheet if more space is needed

oliver Well Drilling

Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP
Type of pump _____ Capacity of installed pump _____ G.P.M.
Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells an air-tight water surface measuring tube is required: See Section 46.403 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

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



Name of Pump Installation Contractor

PLEASE COMPLETE
ENTIRE FORM

Restoration to normal level, 40 rods, over, Nelson, 240 rods
20 ft

WELL DRILLERS REPORT
Division of Water Rights
Department of Water & Natural Resources

Well 4T
Home place
#2 well
6/60

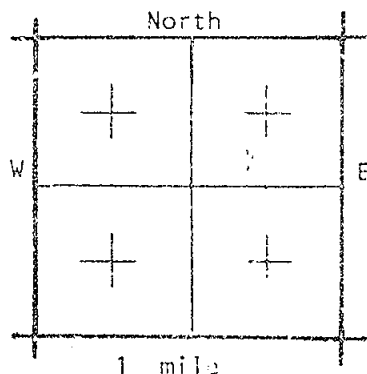
Well Owner:

Name Richard K. Korman

Address Bunker So. Dak

Well Location:

Mark location
with an "X"



County DeWitt

1/4 Sec. 43 Twp. 95 Rg. 72

Proposed Use:

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

Method of Drilling:

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

Well Construction:

Diameter of Hole 36"

Depth 45'

Casing ☐ Steel ☒ Concrete

☐ Plastic ☐ Other

If other, specify _____

Was casing end left open _____

Was a well screen installed _____

Describe Well Screen _____

Diameter _____ Material _____

Slot size _____

Was well gravel packed YES

Was well grouted _____

Was water sample taken _____

Remarks:



Water Level Information:

Static water level 32' below land surface

If flowing: closed in pressure _____ PSI
rate of flow _____ GPM

Controlled by:

☐ Valve ☐ Reducers ☐ Other

If other, specify _____

Well Test Data:

☐ Pumped _____

☐ Bailed Describe: _____

☐ Other _____

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ " " _____ " " _____ " "

_____ " " _____ " " _____ " "

Well Log:

Formation	Depth	
	From	To
Top 20'	0	20
gravelly sand	20	30
fine sand	30	40
gravelly sand	40	50
fine sand	50	60
gravelly sand	60	70
fine sand	70	80
gravelly sand	80	90
fine sand	90	100
gravelly sand	100	110
fine sand	110	120
gravelly sand	120	130
fine sand	130	140
gravelly sand	140	150
fine sand	150	160
gravelly sand	160	170
fine sand	170	180
gravelly sand	180	190
fine sand	190	200

(Use Back if Necessary)

Date Completed: Feb 11 - 81

Driller:

JURVEK Well Drilling

Driller's or Firm's Name

#5

License NO.

Bunker So. Dak

Address

Richard K. Korman

Signed By

Feb 21 - 81

Date

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

February 10, 1989

Lamone and Richard Kerner
RR 1, Box 40
Burke SD 57523

Dear Mr. Kerner:

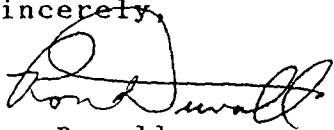
This letter is in response to your water permit application received on February 9, 1989 to add a diversion point. The following information is needed to complete the application:

The application needs to be signed in the presence of a notary public. The Register of Deeds stamped your original applications instead of a notary public. Enclosed are typed application forms completed from the information supplied on your handwritten application. Please sign the forms in the presence of a notary public and return the applications to the Division of Water Rights.

Upon receipt of the notarized applications, one of the applications will be forwarded to the Division of Conservation for consideration of the soil/water compatibility application. If the soil/water permit is approved, then the water permit application will be scheduled for consideration by the Water Management Board.

Please contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



Conversation or File Documentation

NAME OF PERSON OR FILE: Lamone & Richard KernerADDRESS: RR1, Box 40 Burke, SD 57523 COUNTY GregoryDATE: March 29, 1989 TELEPHONE 775-2939RE: Publication notice sent to Mr. Kerner

COMMENTS:

Mr. Kerner called today regarding the notice of hearing he received. He said the dam in this application would not be receiving water from the two wells authorized by Water Right No. 1546A-2. It was decided that the last portion of the second sentence in the first paragraph of the notice would be removed (see copy of notice). I called the Burke Gazette and arranged the change in the notice.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Susan A. Bowser



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 30, 1989

Lamone & Richard Kerner
RR 1, Box 40
Burke SD 57523

Dear Mr. Kerner:

Enclosed is a Revised Report prepared for your Water Permit
Application No. 2073-2.

Sincerely,

Karen Schlaak

KAREN SCHLAACK
Senior Secretary
605 773-3352

enclosures



REVISED REPORT ON APPLICATION NO. 2073-2
LAMONE & RICHARD KERNER
MARCH 14, 1989

Application No. 2073-2 proposes to add an additional diversion point to existing Water Right No. 1546A-2. The additional point of diversion will be from a 3 acre-foot dugout/dam combination located in NW 1/4 NE 1/4 of Section 23, T95N, R72W in Gregory County.

Water Permit No. 1546A-2 was approved to irrigate 43.4 acres from 2 wells plus a 100 acre-foot storage dam which receives water from runoff and the 2 wells. The 3 acre-foot dugout/dam combination associated with application No. 2073-2 will only receive water from runoff.

Application No. 2073-2 does not increase the amount of land being irrigated and does not authorize an increase in the diversion rate of 0.63 cfs as authorized by Water Right No 1546A-2.

Conclusion

1. There is unappropriated water available for Application No. 2073-2.
2. No existing Water Rights will be adversely affected.
3. Additional fills of the 3 acre-foot dugout/dam combination should be authorized by this application.



Timothy G. Schaal, P.E.
Water Resources Engineer

Approved by:



James Winterton, P.E.
Natural Resources Engineer IV

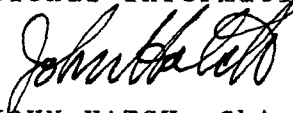
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 2073-2, Lamone & Richard Kerner

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2073-2, Lamone & Richard Kerner, RR 1, Box 40, Burke SD.

The Chief Engineer is recommending APPROVAL of Application No. 2073-2 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
2. Approval of this Permit authorizes filling the 3 acre feet dugout/dam more than once each year as needed.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
March 23, 1989

**South Dakota Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 28, 1989

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

Lamone & Richard Kerner
RR #1, Box 40
Burke, SD 57523

Dear Sirs:

Your Application No. 2073-2 for a permit to appropriate water for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of your intent to appropriate water has been sent to the Publisher of the Burke Gazette printed at Burke, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Intent to Appropriate Water and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. We must receive Proof of Publication before the application can be considered by the Water Management Board.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 28, 1989

Burke Gazette
Box 359
Burke, SD 57523

Dear Sir:

Enclosed is a Notice of Hearing on Application No. 2073-2 to be published twice. Please publish the first notice on or before April 5, 1989 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Lamone & Richard Kerner, RR #1, Box 40, Burke, SD 57523.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Ron Duvall
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to
Appropriate Water by Application No. _____ which was first published in our issue
of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper



Instruction to Newspaper - Publish first Notice on or before April 5, 1989 with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2073-2 to Appropriate Water

Notice is given that Lamone & Richard Kerner, RR #1, Box 40, Burke, SD 57523 has filed an application for a water permit to store 3 acre-feet of water in a dam located in the NW1/4 NE1/4 Section 23, T95N-R72W. (This dam will impound runoff water, and ~~receive water from two wells~~, located in the E1/2 SW1/4, SW1/4 SW1/4 Section 23, T95N-R72W; that are authorized under Water Right No. 1546A-2.) Water is to be used to irrigate 43.4 acres located in the E1/2 SW1/4, W1/2 SE1/4 Section 23, T95N-R72W. This application does not authorize an increase in the diversion rate of 0.63 cubic feet of water per second authorized by Water Right No. 1546A-2. Additional fills of the 3 acre-feet dam are requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2073-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

No. _____



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Gregory) ss.

I, C. J. Fahrenbacher hereby

certify that the annexed 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 _____

City of Burke

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

Wednesday, April 5, 1989

Wednesday, April 12, 1989

C. J. Fahrenbacher
(Signature)

Publisher

(Title)

4-12-89

(Date Signed)

Cost of Printing: \$38.91

NOTICE OF HEARING

On Application No. 2073-2
to Appropriate Water

Notice is given that Lamone & Richard Kerner, RR #1, Box 40, Burke, SD 57523 has filed an application for a water permit to store 3 acre-feet of water in a dam located in the NW 1/4 NE 1/4 Section 23, T95N-R72W. This dam will impound runoff water. Water is to be used to irrigate 43.4 acres located in the E 1/2 SW 1/4, W 1/2 SE 1/4 Section 23, T95N-R72W. This application does not authorize an increase in the diversion rate of 0.63 cubic feet of water per second authorized by Water Right No. 1546A 2. Additional fills of the 3 acre-feet dam are requested by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2073-2 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board at 523 E. Capitol, Joe Foss Building, Room 216, Pierre, SD on May 10, 1989 at 10:00 am. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by April 28, 1989. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre, SD 57501 (605-773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and

mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any persons filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by April 28, 1989.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

Apr.5-12

(98)



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

Lamone and Richard Kerner
RR #1 Box 40
Burke, SD 57523-8561

Dear Sirs:

Enclosed is Water Permit No. 2073-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 1994

2073-2

Lamone and Richard Kerner
RR 1, Box 40
Burke, SD 57523

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2073-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414287

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 3, 19 94

RECEIVED OF Richard Kerner, RR 1 Box 40, Burke, SD 57523

^R
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>2073-2</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

Permit No. 2073-2
Niobrara - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Lamone & Richard Kerner of RR1 Box 40, Burke, SD 57523 holder of Permit No. 2073-2, bearing the priority of February 9, 1989 authorizing the storage of 3 acre-feet of water for irrigation purposes, in Gregory County.

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

**** NOTE:**

The majority of the information used to write this report was taken from an inspection made on permit nos. 1546-2 & 1546A-2 performed by staff engineer Tim Schaal at which time 1546-2 was incorporated into 1546A-2. At the time of licensing, 1546A-2 will be incorporated into this Water Permit No. 2073-2. Permit No. 2073-2 adds a diversion point with no increase in irrigated acreage (dam in the NW1/4 NE1/4). Other diversions include: Dam in the NE1/4 SW1/4 Section 23, 2 wells both located in the SW1/4 of Section 23. The dam and wells are authorized under Water License 1546A-2.

A. Works used to divert the water:

(NW1/4 NE1/4)

Pump:

- 1) Make Amarillo
- 2) Serial No. 1BL-39815
- 3) Capacity 600 GPM

Motor:

- 1) Make International
- 2) Model V-8 Gasoline
- 3) Horsepower Rating 100

B. Works used to transport water to place of use:

DISTRIBUTION LINES:

- | | | |
|--------------------|--------------------------|----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>1400</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>10</u> inches | 3) Length <u>1980</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>120</u> feet |

C. Works used to apply water to beneficial use:

SYSTEM TYPE:

Gravity:

- | | |
|------------------------------------|--------------------------------------|
| 1) Length pipe <u>20</u> feet each | 3) Spacing of gates <u>40</u> inches |
| 2) Diameter <u>8</u> inches | 4) Type <u>Aluminum</u> |

The system is in good condition. The points of diversion are located Dam #1 = 2310 feet W and 750 feet S (NW1/4 NE1/4) from the NE corner of Section 23 (authorized under Water Permit No.

2073-2). Dam #2= 1400 feet E and 1450 feet N (NE1/4 SW1/4); Well #1= 1500 feet E and 1320 feet N (NE1/4 SW1/4); Well #2= 1300 feet E and 260 feet N (SW1/4 SW1/4) all from the SW corner of Section 23 T95N-R72W (authorized under Water License No 1546A-2). The works are capable of storing 3 acre-feet of water (#2073-2) which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T95N-R72W

SECTION 23

NE1/4 SW1/4

28 acres

NW1/4 SE1/4

12 acres

SE1/4 SW1/4

2 acres

SW1/4 SE1/4

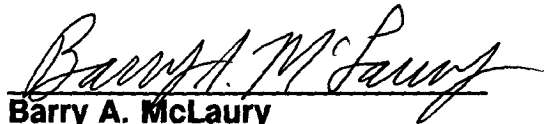
1 acres

comprising a total of 43 acres of land and the license should be issued for 0.61 CFS and 3 acre-feet of storage.

**** NOTE: Water License No. 1546A-2 will be incorporated into this Water Permit No. 2073-2 upon licensing. Water Permit No. 2073-2 adds a diversion point only with no increase in the irrigated acreage or diversion rate.**

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: 8-17-94



Barry A. McLaury

Environmental Scientist

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2073-2

DATE: 8-17-94

Other permit(s) associated with the project: 1546-2 & 1546A-2

DIVERSION POINTS LEGAL LOCATIONS: (Dam): 2310 feet W & 750 feet S (NW1/4 NE1/4) from the NE corner of Section 23 T95N-R72W (authorized under Water Permit No. 2073-2). (Dam): 1400 feet E & 1450 feet N (NE1/4 SW1/4); (Well #1): 1500 feet E & 1320 feet N (NE1/4 SW1/4); (Well #2): 1300 feet E & 260 feet N (SW1/4 SW1/4) all from the SW corner of Section 23 T95N-R72W (authorized under Water License No. 1546A-2).

WELL INFORMATION:

- 1) Well Drilling Firm: Oliver Drilling
- 2) No. of Wells 1
- 3) Depth 91 feet
- 4) Well log is available Y
- 5) Comment: Well #1

Casing:

- 1) Diameter 16 inches
- 2) Length 52 feet
- 3) Type concrete

Screen:

- 1) Type concrete
- 2) Length 39 feet
- 3) Static water level 25 feet

Pump:

- 1) Make Jacuzzi Submersible
- 2) Size 2 inch
- 3) Capacity 55-65 GPM

Motor:

- 1) Make Franklin Submersible
- 2) Horsepower rating 3/4? HP

- 1) Well Drilling Firm: Juracek Drilling
- 2) No. of Wells 1
- 3) Depth 95 feet
- 4) Well log is available Y
- 5) Comment: Well #2

Casing:

- 1) Diameter 16 inches
- 2) Length 55 feet
- 3) Type concrete

Screen:

- 1) Type concrete
- 2) Length 40 feet
- 3) Static water level 32 feet

Pump:

- 1) Make Jacuzzi Submersible
- 2) Size 2 inch
- 3) Capacity 55-65 GPM

Motor:

- 1) Make Franklin Submersible
- 2) Horsepower rating 3/4? HP

AT THE DAMS:

(NE1/4 SW1/4)

Pump:

- 1) Make Western Land Roller
- 2) Model centrifugal
- 3) Capacity 150 GPM

Motor:

- 1) Make General Electric
- 2) Model F880
- 3) Horsepower Rating 10

(NW1/4 NE1/4)

Pump:

- 1) Make Amarillo
- 2) Serial No. 1BL-39815
- 3) Capacity 600 GPM

Motor:

- 1) Make International
- 2) Model V-8 Gasoline
- 3) Horsepower Rating 100

DISTRIBUTION LINES:

- | | |
|--------------------|--------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches |
| 1) Type <u>ALU</u> | 2) Size <u>10</u> inches |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches |

- 3) Length 1400 feet
- 3) Length 1980 feet
- 3) Length 120 feet

SYSTEM TYPE:

Gravity:

- | | |
|-------------------------------|--------------------------------------|
| 1) Length <u>20</u> feet each | 3) Spacing of gates <u>40</u> inches |
| 2) Diameter <u>8</u> inches | 4) Type <u>Aluminum</u> |

DAM INFORMATION:

(NE1/4 SW1/4)

- 1) Height to crest 25 feet
- 2) Height to primary spillway 20 feet
- 3) Height to secondary spillway ft
- 4) Crest width 12 feet
- 5) Crest length 300 feet
- 6) Spillway length 50 feet

(NW1/4 NE1/4)

- 1) Height to crest 20 feet
- 2) Height to primary spillway 16 feet
- 3) Height to secondary spillway 18 ft
- 4) Crest width 20 feet
- 5) Crest length 500 feet
- 6) Spillway length 50 feet

- 7) Spillway width 25 feet
- 8) Approx. storage 100 ac-ft
- 11) Outlet tubes:
 - a) diameter inches
 - b) type
 - c) valved Y/N
 - d) valve type

- 7) Spillway width 10 feet
- 8) Approx. storage 3 ac-ft
- 11) Outlet tubes:
 - a) diameter 36 inches
 - b) type CMP
 - c) valved N
 - d) valve type Culvert

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

**** NOTE:**

The majority of the information used to write this report was taken from an inspection made on permit nos. 1546-2 & 1546A-2 performed by Staff Engineer Tim Schaal at which time 1546-2 was incorporated into 1546A-2. At the time of licensing, 1546A-2 will be incorporated into this Water Permit No. 2073-2. Permit No. 2073-2 adds a diversion point with no increase in irrigated acreage (dam in the NW1/4 NE1/4).

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

JUN 13 1989

Lamone and Richard Kerner
RR #1 Box 40
Burke, SD 57523-8561

Dear Sirs:

Enclosed is Water Permit No. 2073-2 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in the Water Permit.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,



JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 21, 1994

2073-2

Lamone and Richard Kerner
RR 1, Box 40
Burke, SD 57523

Dear Sirs:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 2073-2, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Division
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

414287

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, October 3, 19 94

RECEIVED OF Richard Kerner, RR 1 Box 40, Burke, SD 57523

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct
and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water, for Future
Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water
License No. 2073-2

Fee for Filing Transfer Form _____

Fee for Filing Extension Request _____

Fee for _____

(Any Other Work Provided by Law)

Total

50 00

50 00

By

Chief Engineer

John Hatch

Permit No. 2073-2
Niobrara - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DENR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Lamone & Richard Kerner of RR1 Box 40, Burke, SD 57523 holder of Permit No. 2073-2, bearing the priority of February 9, 1989 authorizing the storage of 3 acre-feet of water for irrigation purposes, in Gregory County.

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

**** NOTE:**

The majority of the information used to write this report was taken from an inspection made on permit nos. 1546-2 & 1546A-2 performed by staff engineer Tim Schaal at which time 1546-2 was incorporated into 1546A-2. At the time of licensing, 1546A-2 will be incorporated into this Water Permit No. 2073-2. Permit No. 2073-2 adds a diversion point with no increase in irrigated acreage (dam in the NW1/4 NE1/4). Other diversions include: Dam in the NE1/4 SW1/4 Section 23, 2 wells both located in the SW1/4 of Section 23. The dam and wells are authorized under Water License 1546A-2.

A. Works used to divert the water:

(NW1/4 NE1/4)

Pump:

Motor:

- 1) Make Amarillo
- 2) Serial No. 1BL-39815
- 3) Capacity 600 GPM

- 1) Make International
- 2) Model V-8 Gasoline
- 3) Horsepower Rating 100

B. Works used to transport water to place of use:

DISTRIBUTION LINES:

- | | | |
|--------------------|--------------------------|----------------------------|
| 1) Type <u>ALU</u> | 2) Size <u>8</u> inches | 3) Length <u>1400</u> feet |
| 1) Type <u>ALU</u> | 2) Size <u>10</u> inches | 3) Length <u>1980</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inches | 3) Length <u>120</u> feet |

C. Works used to apply water to beneficial use:

SYSTEM TYPE:

Gravity:

- | | |
|------------------------------------|--------------------------------------|
| 1) Length pipe <u>20</u> feet each | 3) Spacing of gates <u>40</u> inches |
| 2) Diameter <u>8</u> inches | 4) Type <u>Aluminum</u> |

The system is in good condition. The points of diversion are located Dam #1 = 2310 feet W and 750 feet S (NW1/4 NE1/4) from the NE corner of Section 23 (authorized under Water Permit No.

2073-2). Dam #2= 1400 feet E and 1450 feet N (NE1/4 SW1/4); Well #1= 1500 feet E and 1320 feet N (NE1/4 SW1/4); Well #2= 1300 feet E and 260 feet N (SW1/4 SW1/4) all from the SW corner of Section 23 T95N-R72W (authorized under Water License No 1546A-2). The works are capable of storing 3 acre-feet of water (#2073-2) which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T95N-R72W

SECTION 23

NE1/4 SW1/4

28 acres

NW1/4 SE1/4

12 acres

SE1/4 SW1/4

2 acres

SW1/4 SE1/4

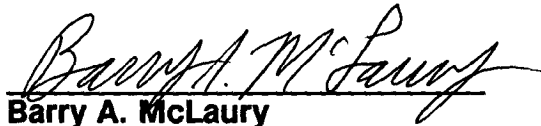
1 acres

comprising a total of 43 acres of land and the license should be issued for 0.61 CFS and 3 acre-feet of storage.

**** NOTE: Water License No. 1546A-2 will be incorporated into this Water Permit No. 2073-2 upon licensing. Water Permit No. 2073-2 adds a diversion point only with no increase in the irrigated acreage or diversion rate.**

Applicable permit qualifications have been complied with: Yes X No

Exceptions to compliance are: None Date: 8-17-94



Barry A. McLaury

Environmental Scientist

DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 2073-2

DATE: 8-17-94

Other permit(s) associated with the project: 1546-2 & 1546A-2

DIVERSION POINTS LEGAL LOCATIONS: (Dam): 2310 feet W & 750 feet S (NW1/4 NE1/4) from the NE corner of Section 23 T95N-R72W (authorized under Water Permit No. 2073-2). (Dam): 1400 feet E & 1450 feet N (NE1/4 SW1/4); (Well #1): 1500 feet E & 1320 feet N (NE1/4 SW1/4); (Well #2): 1300 feet E & 260 feet N (SW1/4 SW1/4) all from the SW corner of Section 23 T95N-R72W (authorized under Water License No. 1546A-2).

WELL INFORMATION:

- 1) Well Drilling Firm: Oliver Drilling
- 2) No. of Wells 1
- 3) Depth 91 feet
- 4) Well log is available Y
- 5) Comment: Well #1

Casing:

- 1) Diameter 16 inches
- 2) Length 52 feet
- 3) Type concrete

Screen:

- 1) Type concrete
- 2) Length 39 feet
- 3) Static water level 25 feet

Pump:

- 1) Make Jacuzzi Submersible
- 2) Size 2 inch
- 3) Capacity 55-65 GPM

Motor:

- 1) Make Franklin Submersible
- 2) Horsepower rating 3/4? HP

- 1) Well Drilling Firm: Juracek Drilling
- 2) No. of Wells 1
- 3) Depth 95 feet
- 4) Well log is available Y
- 5) Comment: Well #2

Casing:

- 1) Diameter 16 inches
- 2) Length 55 feet
- 3) Type concrete

Screen:

- 1) Type concrete
- 2) Length 40 feet
- 3) Static water level 32 feet

Pump:

- 1) Make Jacuzzi Submersible
- 2) Size 2 inch
- 3) Capacity 55-65 GPM

Motor:

- 1) Make Franklin Submersible
- 2) Horsepower rating 3/4? HP

AT THE DAMS:

(NE1/4 SW1/4)

Pump:

- 1) Make Western Land Roller
- 2) Model centrifugal
- 3) Capacity 150 GPM

Motor:

- 1) Make General Electric
- 2) Model F880
- 3) Horsepower Rating 10

(NW1/4 NE1/4)

Pump:

- 1) Make Amarillo
- 2) Serial No. 1BL-39815
- 3) Capacity 600 GPM

Motor:

- 1) Make International
- 2) Model V-8 Gasoline
- 3) Horsepower Rating 100

DISTRIBUTION LINES:

- 1) Type ALU
- 2) Size 8 inches
- 1) Type ALU
- 2) Size 10 inches
- 1) Type PVC
- 2) Size 8 inches

- 3) Length 1400 feet
- 3) Length 1980 feet
- 3) Length 120 feet

SYSTEM TYPE:

Gravity:

- 1) Length 20 feet each
- 2) Diameter 8 inches
- 3) Spacing of gates 40 inches
- 4) Type Aluminum

DAM INFORMATION:

(NE1/4 SW1/4)

- 1) Height to crest 25 feet
- 2) Height to primary spillway 20 feet
- 3) Height to secondary spillway ft
- 4) Crest width 12 feet
- 5) Crest length 300 feet
- 6) Spillway length 50 feet

(NW1/4 NE1/4)

- 1) Height to crest 20 feet
- 2) Height to primary spillway 16 feet
- 3) Height to secondary spillway 18 ft
- 4) Crest width 20 feet
- 5) Crest length 500 feet
- 6) Spillway length 50 feet

- 7) Spillway width 25 feet
- 8) Approx. storage 100 ac-ft
- 11) Outlet tubes:
 - a) diameter inches
 - b) type
 - c) valved Y/N
 - d) valve type

- 7) Spillway width 10 feet
- 8) Approx. storage 3 ac-ft
- 11) Outlet tubes:
 - a) diameter 36 inches
 - b) type CMP
 - c) valved N
 - d) valve type Culvert

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by Y
- 2) All structures, wells and lands on map Y
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y

**** NOTE:**

The majority of the information used to write this report was taken from an inspection made on permit nos. 1546-2 & 1546A-2 performed by Staff Engineer Tim Schaal at which time 1546-2 was incorporated into 1546A-2. At the time of licensing, 1546A-2 will be incorporated into this Water Permit No. 2073-2. Permit No. 2073-2 adds a diversion point with no increase in irrigated acreage (dam in the NW1/4 NE1/4).

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2073-2

(1) Lamone and Richard Kerner, of RR 1, Box 40, Burke SD 57523 made Application No. 2073-2, February 9, 1989 for a water permit to store 3 acre-feet of water from runoff, Gregory County, South Dakota for irrigation purposes. Permit No. 2073-2, with a priority date of February 9, 1989 was approved May 10, 1989 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before May 10, 1994 and for the application to beneficial use of said water on or before May 10, 1998.

Water Permit No. 2073-2 authorizes an additional 3 acre-feet storage dam to irrigate acreage authorized under Water License No. 1546A-2. No. 2073-2 did not allow for an increase in the developed diversion rate.

The applicable portions of Water License No. 1546A-2 have been incorporated into this Water License No. 2073-2. A priority date of February 9, 1989 (established under No. 2073-2) is retained for the storage dam located in the NW 1/4 NE 1/4 Section 23-T95N-R72W. A priority date of February 16, 1977 (established under No. 1546A-2) is retained for the 2 wells and storage dam located in the SW 1/4 Section 23-T95N-R72W.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.61 cubic feet of water per second for beneficial use. The location of the diversion points are: Dam #1 - 1400'E and 1450'N (NE 1/4 SW 1/4); Well #1 - 1500'E and 1320'N (NE 1/4 SW 1/4); Well #2 - 1300'E and 260'N (SW 1/4 SW 1/4); all from the SW corner of Section 23-T95N-R72W and Dam #2 - 2310'W and 750'S (NW 1/4 NE 1/4) from the NE corner of Section 23-T95N-R72W. Capacity of Dam #1 - 3 acre-feet and capacity of Dam #2 - 100 acre-feet.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 23-T95N-R72W	NE 1/4 SW 1/4	28 acres
	SE 1/4 SW 1/4	2 acres
	NW 1/4 SE 1/4	12 acres
	SW 1/4 SE 1/4	1 acre
Total		43 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Lamone and Richard Kerner of RR 1, Box 40, Burke SD 57523 the holders and/or owners of Incorporated Water Permit No. 2073-2 are issued a license to appropriate water, the right to use 0.61 cubic feet of water per second from groundwater (two wells) and 2 dams (100 acre-feet and 3 acre-feet storage capacity) with priority dates of February 16, 1977 and February 9, 1989 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2073-2 and subject to South Dakota State Law.


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

NOV 14 1994

date



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 14 1994

2073-2

Lamone and Richard Kerner
RR 1, Box 40
Burke, SD 57523

Dear Sirs:

Enclosed is Water License No. 2073-2 and Receipt No. 414287 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 2073-2 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
(605) 773-3352

rd
enclosures

NOTE: The applicable portions of Water License No. 1546A-2 have been incorporated into this Water License No. 2073-2.