

849.2

1. Considered 1-20, 1965
2. Name of Applicant OLAF TUNLAND
3. Post Office Address 500 FALLS
4. Amount of Water Claimed 4.00
5. Source of water supply SAND CREEK
6. Water to be used for IRRIGATION
Acres to be irrigated 283.3
7. Water to be diverted and used in TRIPP County about
1 Miles E of KEYAPAH
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

RESCHEDULED FOR 10:00 AM. ON
ABCDEFGHIJKLMN OPQRSTUW ~~4-11-65~~ 3-11-65
1234567890 WXYZ

No. 849-2Water Division No. 2 KEYAPAH RIVER District 1
(Blank to be filled by the Engineer for the W. R. C.)STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.)

1. Name of applicant Olaf E. Tuntland VERN KESLER
 Postoffice address Sioux Falls CLEARFIELD RR-2 Box 12, Clearfield S.D.
201 E. 35th Street County Lincoln State South Dakota

I. If a corporation None

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

Direct labor(b) Cash on hand, \$ Adequate (c) Treasury stock, \$ None(d) Bonds to be issued, \$ None (e) Other resources, \$2. Name of diversion work Tuntland Irrigation Project #13. Amount of water claimed cubic feet per second4. Source of water supply Sand Creek5. Location of point of diversion See attachmenton right of south Trip County.6. Annual period or periods during which water is to be used April through October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler(a) Number of acres to be irrigated 283.3 acres.(b) Legal subdivisions to be irrigated See Attachment

(NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.) None

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None
Name any of the above uses claimed(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

MAP NO 733-2

8. Estimated cost of work:

(a) Head Gates, \$.....

(c) Fluming, \$.....

(e) Other structures

(b) Pumping plant, \$.....

(d) Canal earth, \$.....

Total, \$.....

Rock, \$.....

9. Description of diversion works.

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.)

Pump, pipe and sprinklers to be purchased.

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom feet; length at topfeet; thickness at bottomfeet; thickness at topfeet; slope at front water face; slope at back face material used in construction

(b) Reservoir: Capacity when filledacre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET—ACRES	FEET	ACRE- FEET CAPACITY

(c)* Head gate: Width.....feet; heightfeet; Material

(d) Canal: Total lengthmiles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet
At Mile	 feet	 feet	 feet	 feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work5..... years.

11. Time required for complete application of water to the proposed beneficial use4..... years.

12. Choice of newspaper for publication of notice of intention to appropriate Winner, S. Dak.

STATE OF SOUTH DAKOTA } ss.
County of Tripp

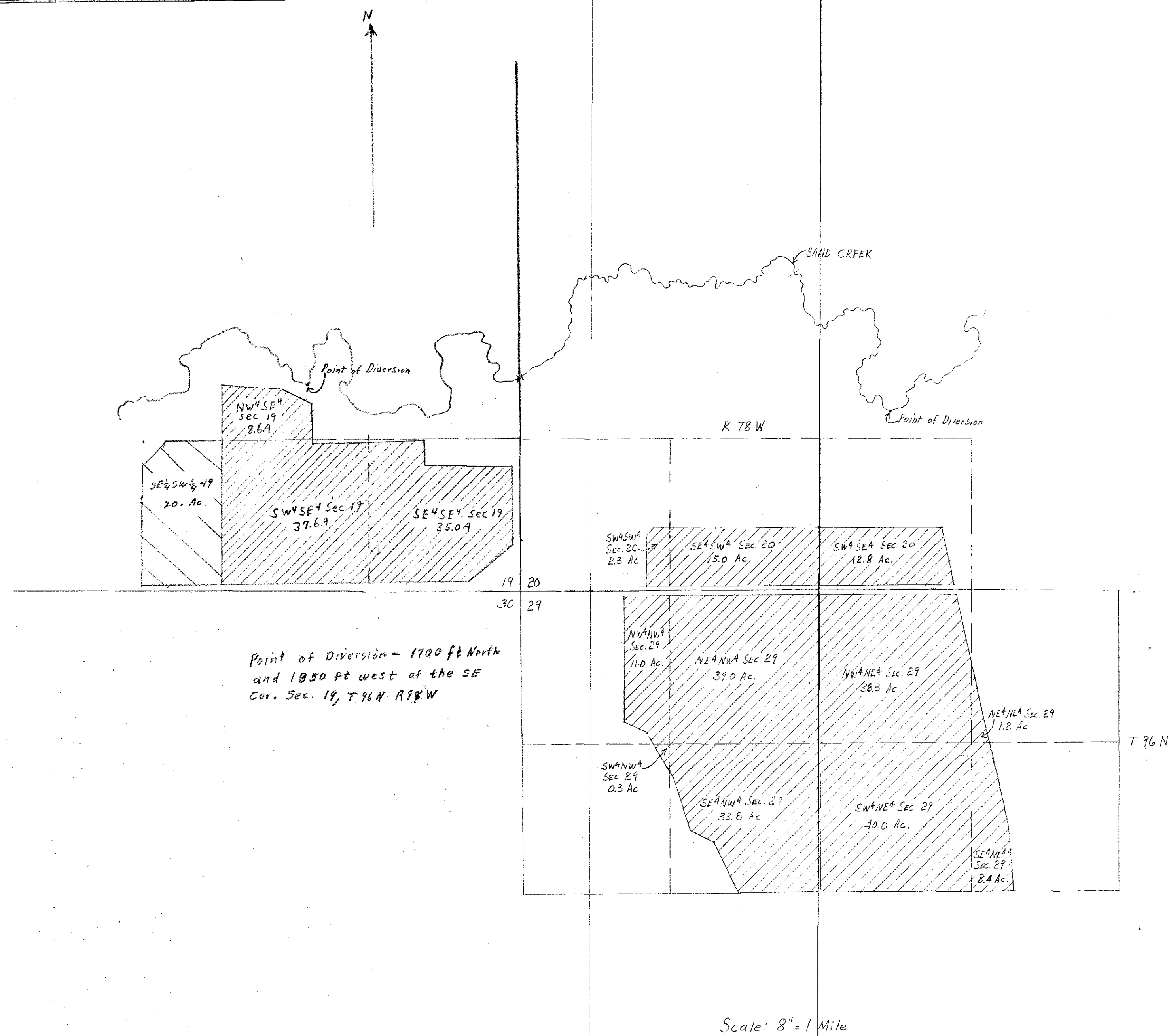
I, Carle B. Lenker, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed Olaf E. Lundberg

Subscribed and sworn to before me this 12th day of October 1964

Carle B. Lenker
Notary Public (or other qualified officer.)

*Each diversion must have a headgate, or measuring device.



OLAF E. TUNTLAND - IRRIGATION PROJECT NO. 1

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed _____	Date _____	Approved by _____
Drawn _____		Title _____
Traced _____		Title _____
Checked _____	Sheet _____	Drawing No. _____
	No _____	
	of _____	

Remarks by State Water Resources Commission:

WITHDRAWALS OF WATER UNDER THIS PERMIT ARE CONTINGENT UPON THERE BEING SUFFICIENT WATER FLOWING PAST THE DIVERSION POINT AFTER DIVERSION, TO PROVIDE THAT AMOUNT NEEDED FOR DOWNSTREAM DOMESTIC AND PRIOR WATER RIGHT USE.

STATE OF SOUTH DAKOTA
County of HUGHES ss.

Pierre, South Dakota, MARCH 10, 1965

This is to certify that the foregoing application was received by the Commission at 8:45 o'clock
9 a.m. upon the 23RD day of NOVEMBER, 1964

State Water Resources Commission

By:

John H. Jones
for Chief Engineer, Executive Officer

Number of permit 849-?

Date of first receipt of application NOVEMBER 23, 1964

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right NOVEMBER 23, 1964

Approved MARCH 10, 1965, Recorded in Book 8 Page 317

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 10, 1967

2nd. The whole of said work is to be completed on or before MARCH 10, 1970

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

MARCH 10, 1974

4th. The water appropriated shall be used for the purpose of IRRIGATION

5th. 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.

6th. The amount of the appropriation herein granted shall not exceed 4.0 cubic feet per second; neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must 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 10, 1974; said water to be used during the following described annual period:

APRIL THRU OCTOBER

Witness my hand this 12TH day of MARCH, 1965

State Water Resources Commission

By:

John H. Jones
Chief Engineer, Executive Officer

Certificate of Construction Issued JULY 3, 1972

Water License Issued JULY 3, 1972

POINTS OF DIVERSION:

BETWEEN A POINT IN THE NW⁴SE⁴, SECTION 19,
AND A POINT IN THE NW⁴SE⁴, SECTION 20, T96N, R78W.

LANDS TO BE IRRIGATED

ALL IN T96N, R78W

SECTION 19

NW⁴SE⁴ 8.6 AC.

SW⁴SE⁴ 37.6 "

SE⁴SE⁴ 35.0 "

81.2

SECTION 20

SW⁴SW⁴ 2.3 AC.

SE⁴SW⁴ 15.0 "

SW⁴SE⁴ 12.8 "

SECTION 29

NW⁴NW⁴ 11.0 AC.

NE⁴NW⁴ 39.0 "

SW⁴NW⁴ 0.3 "

SE⁴NW⁴ 33.8 "

NW⁴NE⁴ 38.3 "

SW⁴NE⁴ 40.0 "

NE⁴NE⁴ 1.2 "

SE⁴NE⁴ 8.4 "

TOTAL 283.3 ACRES

Form 15.

Permit No. 849-2

Water Diversion No. 2 KAYAPAH RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Vern Keszler, RR 2 - Box 12

_____ the holder _____ of
Permit No. 849-2, issued upon Application No. 849-2, bearing date of priority of November 23,
1964 authorizing the diversion of 4.00 cu. ft. per second of the waters of _____
Sand Creek County of Tripp State of South Dakota at _____
between two points, 1782' N., 1850' W., and 1835' due North from the
SW Corner, Section 19, T56N, R78W
_____, for irrigation

_____ purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.58 cu. ft. per second of water.

Date July 3, 1972

WATER RESOURCES COMMISSION

By:

J.W. GRIMES, Executive Officer

849-2

Olaf E. Tuntland

849-2

4.00

Send Creek

Tripp

irrigation

and purposes; and

22th

March

65

849-2

November 23, 1964

10th

March

70

10th

March

74

transferred to Vern Keszler.

and:

3.17

relating to the application of water to beneficial use of the following extent.

for irrigating the following land in Section 19, T96N, R78W

	Acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	3.6
SW $\frac{1}{4}$ SE $\frac{1}{4}$	37.6
SE $\frac{1}{4}$ SE $\frac{1}{4}$	35.0
Total	81.2

Total

81.2

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Vern Keszler

_____ of Clearfield, S.D.

the holder _____ and owner _____ of said permit No. 849-2 a water right, dating from November 23, 1964

_____ to use of 1.17 cubic feet per second of the waters

of Sand Creek

in the County of Tripp and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted at between two points, 1782' N., 1850' W., and

1835' due North from the SW Corner, Section 19, T96N, R78W

and conduct to and upon a portion of Section 19, T96N, R73W, more fully described on th.

face of this license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 849-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of July A. D.

Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer, J.W. GRUES

on or before December 24, 1964
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., November 30, 1964

Notice is hereby given that Olaf E. Tuntland whose postoffice address is Sioux Falls S. Dak. has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.00 cubic feet of water per second of time from the Sand Creek through the Tuntland Irrigation Project No. 1, the point of diversion of which is to be located on the right bank of said stream in the NW 1/4 of the SE 1/4 of Section 27 between a point in the NW 1/4 of Section 19, and a point in the NW 1/4 of Section 27 portions of Twp. 96N Range 78W. Said water to be used for the purpose of providing irrigation on the following described land: NW 1/4 SE 1/4, SE 1/4 SE 1/4, Section 19; SW 1/4 SW 1/4, SW 1/4 SE 1/4, Section 20; NW 1/4 & NE 1/4, Section 29, all in T 96N, R 78W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 20th day of January, 1965, at 2 P. M. All interested persons may appear and be heard.

Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.

State Water Resources Commission

By:
BURTON F. JONES
Water Right Specialist

CC: Mr. V. L. Johannsen, Publisher
Winner Advocate
Winner, S. Dak.

PROOF OF PUBLICATION

No. 849-2
RECEIVED
 JAN 15 1965
 STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
 County of Tripp } ss.

W. L. Phanner being duly sworn, deposes and says the annexed printed copy of Notice of Intention to Appropriate Water was taken from the Wanner Advocate 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 Wanner County of Tripp and State of South Dakota; that the said notice was published in said newspaper on the following dates:

December 10, 1964
December 17, 1964
December 24, 1964
December 31, 1964

In each and every issue of the full number thereof, the first publication being made on the 10th day of December 1964 and the last publication on the 31st day of December 1964, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was editor the printer and publisher of the said newspaper.

W. L. Phanner

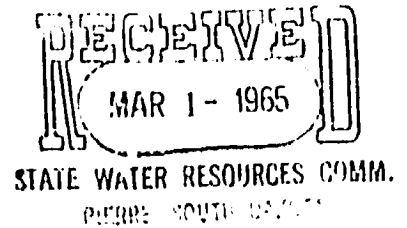
Subscribed and sworn to before me this 31st day of December A. D. 1964

M. G. Hietanen

Notary Public Tripp County, S. D.

No. 849-2
APPROPRIATION OF WATER
 Office of State Water Resources Commission, Pierre, S. D.
 November 30, 1964.
 Notice is hereby given that Olaf L. Tuntland whose postoffice address is Sioux Falls, S. Dak., has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.00 cubic feet of water per second of time from Sand Creek through the Tuntland Irrigation Project No. 1, the point of diversion of which is to be located on the right bank of said stream between a point in the NW 1/4 SE 1/4 Section 20, and a point in the NW 1/4 of the SE 1/4 of Section 29 Twp. 93N Range 78W, said water to be used for the purpose of providing irrigation on portions of the following described land:
 W 1/2 SE 1/4 SE 1/4 Section 19;
 S 1/2 SW 1/4 SW 1/4 SE 1/4 Section 20;
 NW 1/4 & NE 1/4 Section 29, all in T20N, R78W.
 This application will be taken up by the State Water Resources Commission at their Office at Pierre for consideration upon the 20th day of January, 1965, at 2 P. M. All interested persons may appear and be heard.
 Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented.
 State Water Resources Commission.
 By: BURTON F. JONES
 Water Right Specialist. (3-6)

February 25, 1965



To: State Water Resources Commission
Pierre, South Dakota

Refer: No.. 849-2

From: Donald Swartz
Pine Ridge, South Dakota

Subject: Objection to water appropriation from Sand Creek through
Tuntland Irrigation Project No..1

Sand Creek is a small stream which flows through Southwest quarter of section 21, T96N, R78W. At present this quarter is used for grazing and has no other developed water source. During dry weather the stream becomes very shallow. I had considered requesting limited irrigation rights from the Sand Creek because it joins the Keyapaha River on my property, but I had assumed that such a request would be refused by the Water Commission.

I object to the irrigation project so identified as Tuntland Irrigation Project No..1 for the following reasons:

1. During dry weather Sand Creek would not have the amount of water requested.
2. It interferes with my water rights
3. It does not provide for flood control
4. It would greatly reduce the utilization of my property

It is not convenient for me to personally attend hearings in Pierre, but I would gladly supply you with further information if requested.

I would especially like to know of future commission meetings concerned with this particular project.

Sincerely,

Donald Swartz
Donald Swartz

January 28, 1965

Mr. Carle E. Lenker
P. O. Box 746
Winner, S. Dak.

Dear Mr. Lenker:

This will notify you that the Water Resources Commission deferred action on Mr. Tuntland's application to take water from Sand Creek, to permit the staff time to investigate further the water conditions in the area.

At this time we do not know when the investigation will be made, but we will probably contact you at that time.

Sincerely,

BURTON F. JONES
Water Right Specialist

BFJ:mf

Form 20.

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Resources Commission
 State Office Building No. 2
 Pierre, South Dakota 57501

Date November 23, 1970

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

Portions of Sections 19 and 20, T96N, R78W, described in Water Permit

No. 849-2

formerly owned by Olaf E. Tantland, Sioux Falls, S.D.

has been transferred to Vern Keszler, Clearfield, S.D.

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 849-2 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

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

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

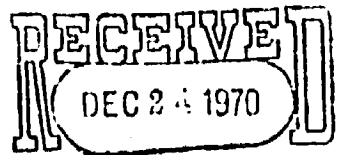
STATE OF SOUTH DAKOTA)
 County of TRIPP) ss.

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

Vern Keszler
 (Signed)

Suscribed and sworn to before me this 22 day of Dec, 1970

Alfred Johnson
 (Notary Public)



STATE WATER RESOURCES COMM.
 PIERRE SOUTH DAKOTA

Year 1942 - Range New Mexico

Complaint filed by Mann

Investigation by "Hoy" W. W. W.

Wright - Had water some amount of the time. He said he pump it some time when he was on left for property. Some time he was in with pump 2 or 3 hrs a day before running out of water. Wright said he walked into Mann's pasture about 1/2 mile and at Red water. Apparently the dam was down storing enough water and he did not think that stopping water was depriving man of down the side.

Mann indicated that water was not flowing at creek in pasture - 1/2 mile across as Wright had mentioned. A field check of section 20 indicated that there was about one 655 cubic ft. of water in the flow. The dam was built across dam, and it was 18 ft. across and about 10 ft. high. Below it down. The old dam was built 2.0 ft. of water and about 10 to 15 ft. high. Below. About 40 ft. were running out of the dam. End of the pasture.

Wright - Mann said at first 1945 some water flow. The Wright property is a dry stream, low down water and high dam. The dam is not suitable for permanent water.

August 12, 1976

Vern Keszler
Clearfield,
South Dakota 57581

Dear Mr. Keszler:

On August 10, 1976, Mr. LeRoy J. Mernaugh contacted you regarding Water Right Application No. 849-2 for 1.17 c.f.s. of water to irrigate 81.2 acres.

The investigation indicated that you were irrigating an additional 20 acres not now covered under Water License No. 849-2. You indicated that you would not request additional water.

It will be necessary to re-submit an application for a permit to appropriate water to the Water Rights Commission in order to comply with the S.D. Water Rights Statutes.

We are enclosing completed application forms which you should sign before a notary public and return to this office with an \$8.00 fee. It will not be necessary to submit a new Water Right map.

Please check the forms over and make the necessary corrections. Should you have further questions, feel free to contact this office.

Sincerely,

LEROY J. MERNAUGH
Water Resources Engineer I

LM/bw
Encl: As stated

August 16, 1976

Re: 849-2

Vern Keszler
Clearfield SD

Dear Mr. Keszler:

On August 10, 1976, LeRoy J. Mernaugh, from this office made a field investigation of Sand Creek along its reach through section 20, T96NR76W. At the time the stream was flowing approximately one cubic foot per second (450 gpm) as it entered section 19 from the west and 40 gpm at the east edge of the section with flows as low as 10 gpm in reaches between these points. Two small beaver dams, one 1 1/2 ft. high and one 2.0 ft. were located on the stream. These dams cannot be considered long term permanent water supplies for livestock use.

In order for you to be in compliance with the special provisions of your water permit (Number 849-2) you need to by-pass enough water below your point of diversion so that there will be a small continuous flow for 24 hours a day, entering section 20 for domestic and livestock use.

This provision will be in effect until further notice.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Commission

kjw

cc: George Mann

Permit No. 849-2Water Division 2 KEYAPPA RIVER Water District

REPORT OF EXAMINATION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Vern and Viola Keszler of Clearfield, S.D. holder of Permit No. 849-2, bearing date of priority of November 23, 1964 authorizing the diversion of 4.00 cu. ft. per second of the waters of Sand Creek for irrigation purposes, in Tripp County.

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

The Water Use System consists of,

A. Works used to divert the water:

Allis Chamber's pump-Mod. P3185-4 inch centrifugal
Allis Chamber's Industrial Engine-Mod. G-149-propane, 40HP
Forty feet of 4 inch suction hose.

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

1800 feet of 4 inch aluminum main line

C. Works used to apply water to beneficial use.

34 lengths (40 feet) of 3 inch hand-moved sprinkler pipe.
18 lengths (30 feet) of 2 inch hand-moved sprinkler pipe.

The system is in the following condition: fair

The point of diversion is located between two points, 1782' N., 1850' W and 1835' due N.
from SW Corner of Section 19, T96N, R. 8W.

The works are capable of diverting and conveying to the place of use 1.58cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: All in T96N, R78WNW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 8.6 acresSW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 37.6 acresSE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 19 35.0 acrescomprising a total of 81.2 acres of land.Date June 14, 1972

Donald Driscoll
(Signature)

DONALD DRISCOLL, Deputy Chief Engr., W.R.C.

No. 1530-2

South Dakota Department of
Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

March 1, 1934

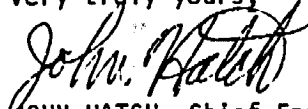
Vern Kessler
RR #5, Box 12
Clearfield SD 57581

Dear Mr. Kessler:

Enclosed herewith is, Water License No. 1530-2. 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:ks

Enclosures

NOTE: The applicable portions of Water Right No. 849-2 are incorporated into this Water License No. 1530-2.

WNR-817 3/83
Transmittal of Water License

NOT TO SCALE

(188-6)

• 19

47.8

44.7 34.7

96-78

(188-6)