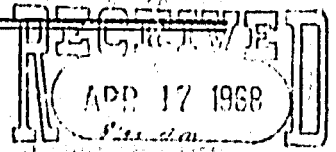


967-2

1. Considered 5. 22, 1948
2. Name of Applicant HERBERT J. BURKHARDT
3. Post Office Address BURKE
4. Amount of water claimed 1.00
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 70
7. Water to be diverted and used in GREGORY county
about 16N 5E miles of BURKE
8. Proof of Publication Received 1st
Not Received
9. Application Approved
Subject to
Not Approved
Action deferred
10. Remarks:

PUBLISHER FAILED TO PRINT THIS FOUR
TIMES - CANNOT BE OFFICIALLY ACTED ON

No. 462-2Water Division No. 2 WHITE RIVER District
(Blanks to be Filled by the Engineer for the W. P. C.)STATE WATER RESOURCES COMM.
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 Herbert James Buryanek
Postoffice address Box 119 Burka, County Gregory, State S. Dak.

I. If a corporation -----

- (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 (Whether by contract, employment of others, or by direct labor)
Direct labor by owner

- (b) Cash on hand, \$----- (c) Treasury stock, \$-----
(d) Bonds to be issued, \$----- (e) Other resources, \$-----

2. Name of diversion work BURYANEK #1
3. Amount of water claimed 1200 gpm 1 CFS MAXIMUM AVAILABLE cubic feet per second
4. Source of water supply RANDALL Reservoir and existing private stock dam
5. Location of point of diversion Any point on the west bank of the Randall Reservoir between the North-South Section Line on the west side of Section 36, 100-71, and the E-W 1/4 Line of Section 1, 99-71. on Gregory bank Gregory County.
6. Annual period or periods during which water is to be used April 1 to Nov 1.
7. To be used for: Irrigation

1. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? combination system

- (a) Number of acres to be irrigated 70 acres
IN E-1/4, W-1/4, NE-1/4 & NW-1/4, SEC 1, T4N, R71W
(b) Legal subdivisions to be irrigated Irregular tracts

(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.) -----

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

- (a) Nature of use -----
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 -----

 831-2
MAP NO. 426

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$..... Total, \$.....

9. Description of diversion works:

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

pumping plant from Randall Reservoir and from existing private stock Kdam

II. Dimensions of works. NA

(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 P.R. 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 work one years.
 11. Time required for complete application of water to the proposed beneficial use ? years.
 12. Choice of newspaper for publication of notice of intention to appropriate -----
RURKE GAZETTE, BUREAU, S.DAK.

STATE OF SOUTH DAKOTA

County of GREGORY } ss.

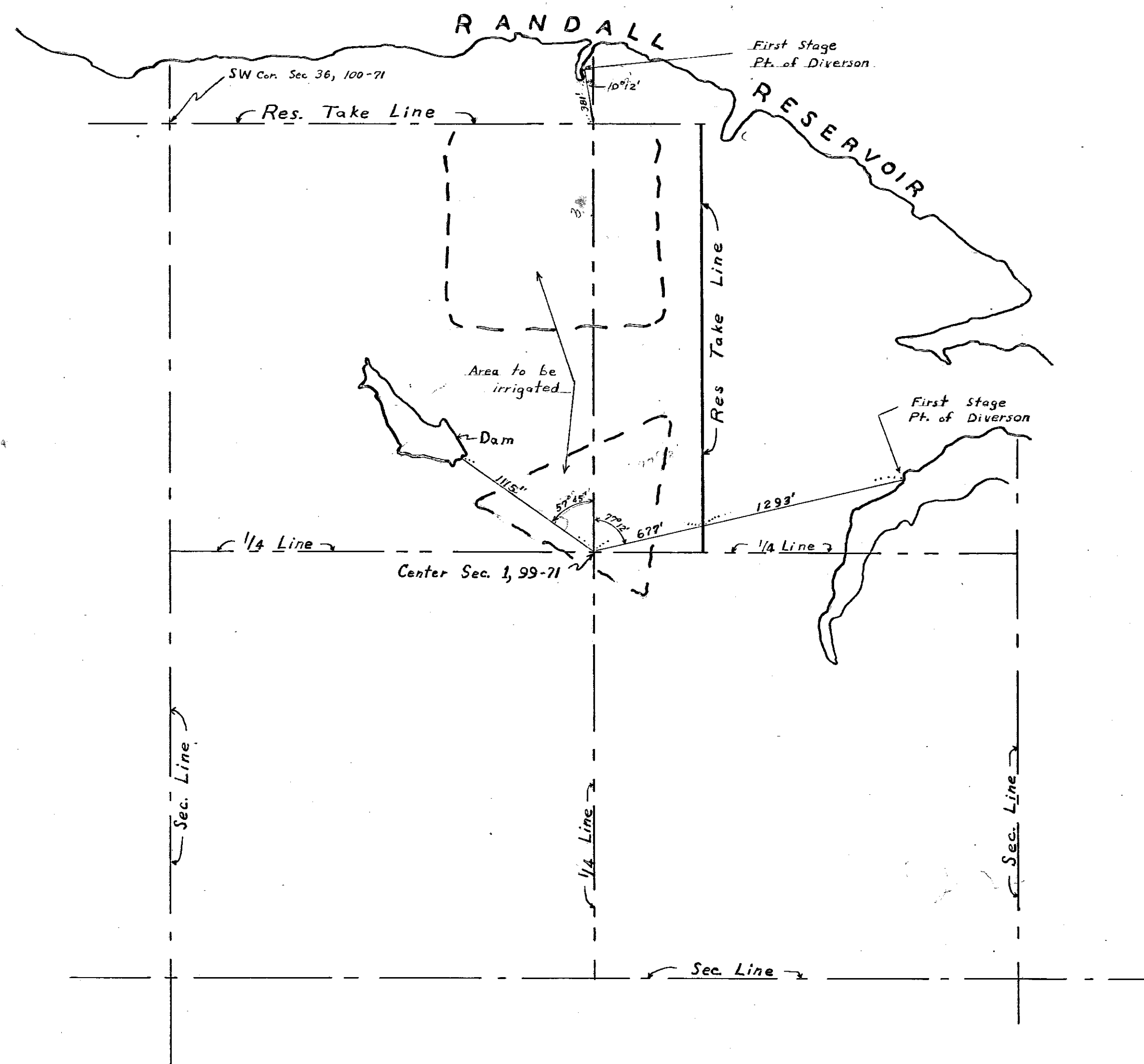
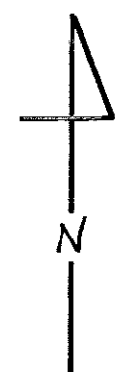
I, HERBERT JAMES BRYANCK, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein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

Signed Herbert James Bryanck

Subscribed and sworn to before me this 11 day of APRIL 1918

Robert Hartley

Notary Public (or other qualified officer.)



LEGEND:

Scale: 1" = 600'
--- Section Line
--- 1/4 Line

MAP OF

**H. J. BURYANEK
RANDALL RESERVOIR IRRIGATION PROJECT
GREGORY COUNTY, S. D.**

POINTS OF DIVERSION:

Any point on the west bank of the Randall Reservoir between the North-South Section Line on the west side of Section 36, 100-71, and the East-West 1/4 Line of Section 1, 99-71.

SURVEYORS CERTIFICATE

I, E. Lyle Kimport, a duly registered Professional Engineer and Land Surveyor in the State of South Dakota, do hereby certify that the accompanying map shows the land to be watered from two or more points of water supply under H. J. Buryanek Randall Reservoir Water Rights.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16th day of April, 1968.

E. Lyle Kimport
Registered Professional Engineer and
Land Surveyor

State of South Dakota), ss
County of Davison)

On this 16th day of April, 1968, before me, Ruth J. Huffman, the undersigned officer, personally appeared E. Lyle Kimport, known to me to be the person whose name is subscribed to the within Surveyors Certificate and he acknowledged that he executed the same for the purpose therein contained.

My Commission Expires: February 28, 1975.

Ruth J. Huffman
Notary Public

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, JULY 22, 1968

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a.m. upon the 17TH day of APRIL, 1968

State Water Resources Commission
By: [Signature]
for Chief Engineer, Executive Officer

Number of permit 962-2

Date of first receipt of application APRIL 17, 1968

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 APRIL 17, 1968

Approved JULY 17, 1968, Recorded in Book 10 Page 221

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 _____

JANUARY 17, 1969

2nd. The whole of said work is to be completed on or before JULY 17, 1969

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

JULY 17, 1970

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 1.00 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 JULY 17, 1970; said water to be used during the following described annual period:

APRIL 1 TO NOVEMBER 1

Witness my hand this 22ND day of JULY, 1968

State Water Resources Commission

By: [Signature]
Chief Engineer, Executive Officer

Certificate of Construction issued AUGUST 1, 1972

Water License issued AUGUST 1, 1972

Remarks by the Applicant:

Your office recommended Ray Gill of
Lake Andes as Engineer. Since Mr. Gill
is retired in Redfield, we contacted
E. Lyle Kinport ^{of M. K. Bell} thru Emmett Kotrba
and completed the map requirements.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 962-2

(1) WHEREAS, On the 17th day of April A. D. 19 68
Herbert James Luxonak

made Water Right Application No. 962-2 for a permit to use 1.0 cubic foot per second of the waters of Missouri River and stock dam

County of Gregory State of South Dakota, for irrigation purposes; and

(2) WHEREAS, On the 22nd day of July A. D. 19 68
 Permit No. 962-2 with a date of priority of April 17, 1968

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 17th day of July A. D. 19 68 and for the application to beneficial use of said water on or before the 17th day of July A. D. 19 70

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.0 cubic foot per second of water for beneficial use and;

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to the application of water to beneficial use of the following extent:

for irrigating the following land in Section 1, T99N, R71W

NW $\frac{1}{4}$ 45 acres

NE $\frac{1}{4}$ 23 acres

SE $\frac{1}{4}$ 2 acres

Total 70 Acres

(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 JAMES R. FURYANEK

_____ of PIERRE, S.D.

the holder _____ and owner _____ of Sed permit No. 962-2 a water right dating from April 17, 1968

_____ to use of 1.0 _____ cubic feet per second of the waters

of Missouri River and stock dam

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

purposes hereinbelow mentioned, to be diverted from center of Section 1, T99N, R71W. (1) North

57°45' West, 1115 feet and (2) North 77° 12' East, 1293 feet

and conduct to and upon portions of Section 1, T99N, R71W, described on the face of this

license.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 962-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 1st day of August A. D.
Nineteen Hundred and Seventy-two

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer J.W. GRILES

Form 15.

Permit No. 962-2

Water Diversion No. 2 WHITE RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That James K. Buryanek

_____ the holder _____ of
Permit No. 962-2, issued upon Application No. 962-2, bearing date of priority of April 17,
1968 authorizing the diversion of 1.0 cu. ft. per second of the waters of _____
Missouri River & Stock dam County of Gregory, State of South Dakota at _____
from center of Section 1 T99N, R71W, (1) North 57° 45' West, 1115 feet and
(2) North 71° 12' East, 1293 feet.
_____, 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 3 cu. ft. per second of water.

Date August 1, 1972

WATER RESOURCES COMMISSION

By:

J. L. GRIMES, Executive Officer

on or before June 26, 1968
(First Publication _____)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., June 12, 1968

Notice is hereby given that Herbert J. Buryanek whose post-office address is Burke 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 1.0 cubic feet of water per second of time from the Missouri River through the Buryanek #1 the point of diversion of which is to be located on the right bank of said stream/in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1 portions of Twp. 99N Range 71W. Said water to be used for the purpose of providing irrigation on the following described land:

N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T99N, R71W

~~XXXXXX~~~~XXXXXXXXXX~~

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1968 at 2:00 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:

~~Chief Engineer, Executive Officer~~
BURTON P. JONES
Water Rights Specialist

cc: Herbert J. Buryanek, Burke, S.D.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
County GREGORY } 53.No. 962-2
APPROPRIATION OF WATER
Office of State Water
Resources Commission,
Pierre, S. Dak.
June 12, 1968

Notice is hereby given that Herbert J. Buryanek whose postoffice address is Burke, 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 1.0 cubic feet of water per second of time from the Missouri River through the Buryanek No. 1, the point of diversion of which is to be located on the right bank of said stream between points in SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 36, T100N, R71W, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 1 Twp. 93N Range 71W. Said water to be used for the purpose of providing irrigation on portions of the following described land.

N $\frac{1}{2}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T99N, R71W.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 17th day of July, 1968, at 2:00 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 Rights Specialist
June 20-27 July 4-11

P. J. FAHRENBACHER _____ being duly sworn, deposes and says the annexed printed copy of Notice

of Intention 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 dates:

June 20, 1968 _____

June 27, 1968 _____

July 4, 1968 _____

July 11, 1968 _____

in each and every issue of the full number thereof, the first publication being made on the 20th day of June

1968 and the last publication on the 11th day of

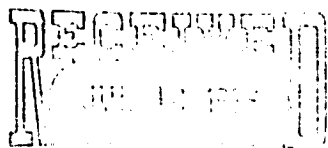
July 1968, upon which days or times

of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he

was PUBLISHER _____ the printer and publisher of the said newspaper.

P. J. Fahrenbacher

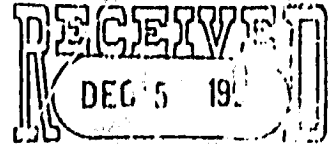
Subscribed and sworn to before me this 15th day of July A. D. 19 68



STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Notary Public GREGORY _____ County, S. D.

Permit No. 262-2



Water Division No. 3

White River Water District

STATE WATER RESOURCES
PIERRE, SOUTH DAKOTA

NOTICE OF COMPLETION OF WORKS

This blank must be filled out by the holder of permit and forwarded to the Executive Officer at least 60 days before the time set for completion of works

(P. O.) Burke, South Dakota

(Date) December 4, 1962

TO THE STATE WATER RESOURCES COMMISSION
OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given of the completion of the works for the diversion of

1.0 cu. ft. per second of the waters of the state from
through the Randall Reservoir
for irrigation purposes

In accordance with the terms and conditions of a certain permit heretofore issued by the Water Resources Commission of the State of South Dakota.

1. The name of the person or corporation holding said permit is Herbert James Buryanek

2. The postoffice address of such person or the place of business of such corporation is Burke
County of GREGORY State of South Dakota

3. The number of such permit is 262-2 and the date set for the completion of such work is

4. Said water to be used for agricultural purposes

5. Said work of diversion will be fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 1.0 cubic feet per second.

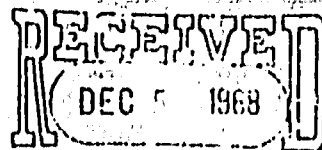
6. The amount of land for which said water is available is 70 acres,
particularly described as follows: 70 acres in Section one (1) Township Ninety-nine (99)
North Range Seventy-one (71) West of the 5th P.M. in Gregory County, South Dakota.

I hereby certify that the facts set forth in the above notice are true.

(Signature of Owners)

Herbert James Buryanek

Permit No. 962-2



Water Division No. 3 White River Water District

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

Notice of Application of Water to Beneficial Use

(This blank must be filled out by holder of permit and forwarded to the State Water Resources Commission at least sixty days before the time set for application of water.)

(P. O.) Burke, South Dakota

(Date) December 4, 1968

TO THE STATE WATER RESOURCES COMMISSION OF SOUTH DAKOTA, PIERRE:

DEAR SIR: Notice is hereby given that on the 25th day of December 1968, at Burke County of Gregory State of South Dakota, before _____ (Examining Engineer or Officer) proof will be submitted of the application to beneficial use of 1.0 cubic feet per second of the waters of Randall Reservoir

In accordance with the terms and conditions of Permit No. 962-2 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit is a Herbert James Ryanek, Burke, South Dakota
2. The use to which said water has been applied is agricultural
3. The amount applied to beneficial use is 1200 gallons per minute
4. The place where said water is used is (If for irrigation, give full and accurate description of the lands irrigated) 70 acres in Section One (1) Township Ninety-nine (99) North, Range Seventy-one (71) West of the 5th P.M., in Gregory County, South Dakota
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is Randall Reservoir
6. The right to take the water from such works is based upon permit No. 962-2
7. The source of supply from which such water is diverted is Randall Reservoir
8. The date of priority which said user is prepared to establish is June 15, 1969

(Sign)

Herbert James Ryanek

Permit No. 962-2Water Division 2 White 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 Herbert J. Baryanek
Lucas, S.D. holder
 of Permit No. 962-2, bearing date of priority of April 17, 1968
 authorizing the diversion of 1 cu. ft. per second of the waters of Missouri River & Stock Dam
 for irrigation purposes purposes, in Gregory County.
 I have to report on the condition of the same as follows: Irrigation equipment is used interchangeably
for irrigation under Permit No. 820-2, G.F. & P.

The Water Use System consists of,

A. Works used to divert the water:

Stock dam capacity 50 acre feet, surface area 7 acres. Three centrifugal pumps, two 4 inch diameter and one 3 inch diameter. Three Chrysler industrial motors - propane - 318 cu.in. disp.

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

3000 feet of 6 and 8 inch aluminum main line

C. Works used to apply water to beneficial use.

1200 feet of 8 inch diameter gated pipe
 3000 feet of 4 inch hand moved sprinkler pipe

The system is in the following condition: Good

The point of diversion is located from center of Section 1, T99N, R71W (1) N. 57° 45' West,
1115 feet and N. 77° 12' East, 1293 feet

The works are capable of diverting and conveying to the place of use 3cu. 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 Section 1, T99N, R71W.NW $\frac{1}{4}$ 45 acresNE $\frac{1}{4}$ 23 acresSE $\frac{1}{4}$ acresAs shown on Water Right Map No. 831-2comprising a total of 70 acres of land.

Herbert has passed away.

Transmittal letter and license should be made out to James R. Baryanek, Lucas, S.D.

Date July 8, 1972

(Signature)

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