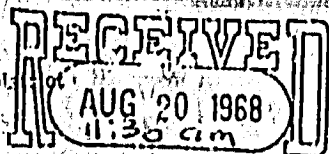


1611-3

1. Considered 9-24, 1968
2. Name of Applicant FERNANDO E. TYLER
3. Post Office Address PIERRE
4. Amount of water claimed 22
5. Source of water supply GROUND WATER
6. Water to be used for SUBURBAN HOUSING
- Acres to be irrigated _____
7. Water to be diverted and used in HUGHES county
about 3 SE miles _____ of PIERRE
8. Proof of Publication Received ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____

10. Remarks:

No. 1611-3Water Division No. 3 MISSOURI RIVER
(Blanks to be filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT TO APPROPRIATE WATER WITHIN THE STATE OF SOUTH DAKOTA

STATE WATER RESOURCES COMMISSION
PIERRE, SOUTH DAKOTA

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

1. Name of applicant Fernando E. Tyler
Postoffice address Pierre, County Hughes, State South Dakota

I. If a corporation Individual

- (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)

Contract

- (b) Cash on hand, \$ 5,000. (c) Treasury stock, \$ _____
(d) Bonds to be issued, \$ _____ (e) Other resources, \$ _____

2. Name of diversion work Tyler Well #1
3. Amount of water claimed 100 gals. per minute feet per second
4. Source of water supply Shallow Well - 40 ft. in depth.
5. Location of point of diversion 2910' S. & 350' W. of the NE Corner, Sec. 11, Twp. 110N, R. 79W, Hughes County, SD. on _____ bank _____ County.
6. Annual period or periods during which water is to be used for private housing development
7. To be used for:

I. ~~XXXXXX~~ domestic use: Gravity, overhead sprinkling or combination system? domestic use

(a) Number of acres to be irrigated _____ acres.

(b) Legal subdivisions to be irrigated _____

(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 a accompanying map.)

(c) Statement as to domestic use (giving location, etc.) E/NE 1/4 & Lot 4, Sec. 11, Twp. 110N,Rge. 79W, Hughes County, SD.

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

(a) Nature of use Suburban Housing

Name any of the above uses claimed

(b) Amount of power to be generated none horse powerAmount claimed for engine cooling none

(c) Location of plant _____

(d) Method of developing power none

(e) Point where water will be returned to stream _____

MAP NO 1162-3

8. Estimated cost of work: (a) Head Gates, \$..... (b) Pumping plant, \$.....
(c) Fluming, \$..... (d) Canal-earth, \$..... Rock, \$.....
(e) Other structures Well & pump..... \$ 2000..... Total, \$.....

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

II. Dimensions of works.

(a) Dam: Height.....feet; length at bottom.....feet; length at top.....feet; thickness at bottom.....feet; thickness at top.....feet; slope at front water face.....; slope at back face.....
material used in construction.....
(b) Reservoir: Capacity when filled.....acre feet. Surface area at highwater mark.....acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	FEET	ACRE-FOOT CAPACITY

(c)* Head gate: Width.....feet; height.....feet;
Material.....
(d) Canal: Total length.....miles.

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 work2.....years.
11. Time required for complete application of water to the proposed beneficial use2.....years.
12. Choice of newspaper for publication of notice of intention to appropriateCapitol Journal,.....
.....Pierre, SD.....

STATE OF SOUTH DAKOTA
County ofHughes.....} ss.

I,Fernando E. Tyler....., 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.

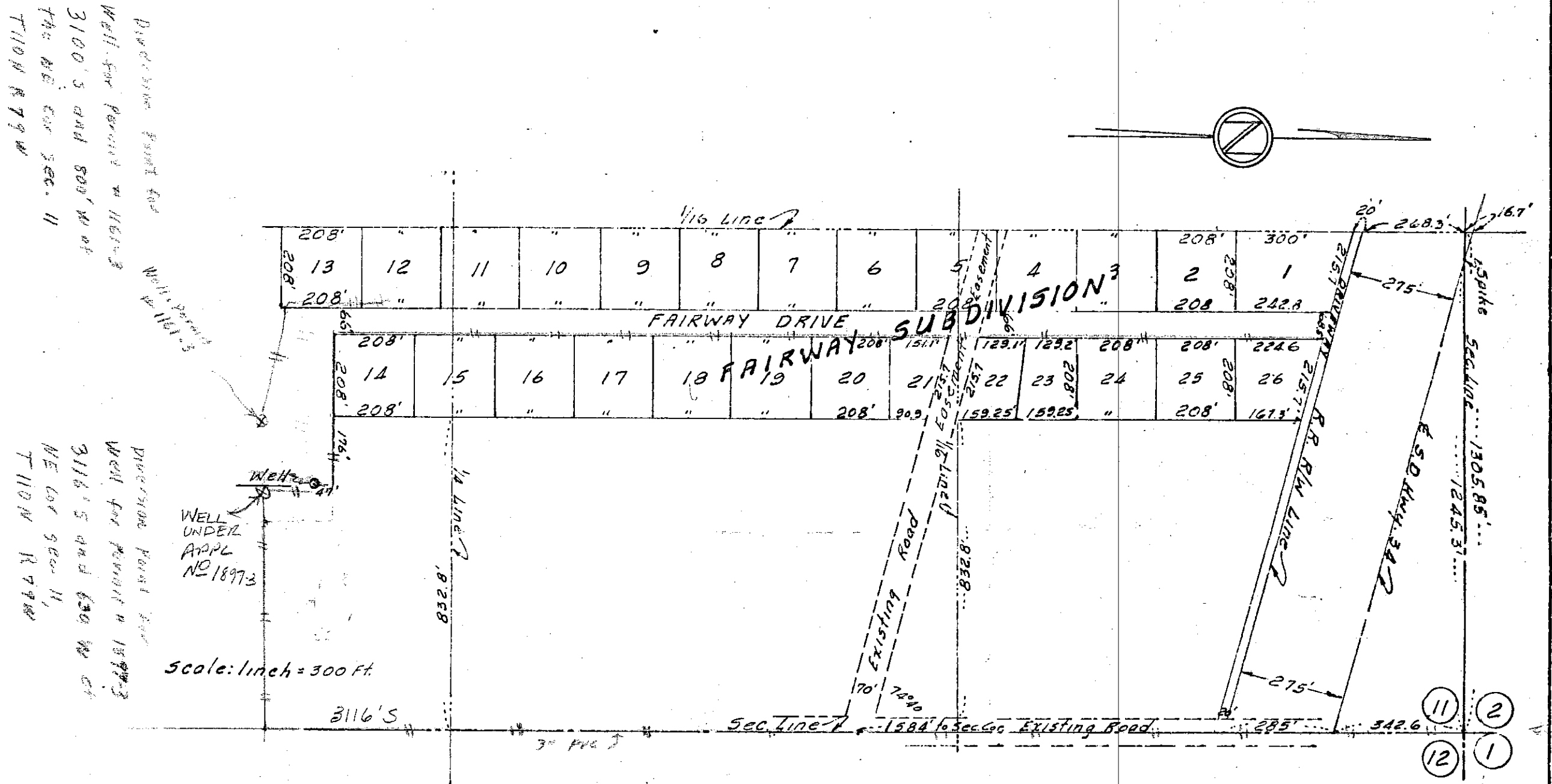
SignedFernando E. Tyler.....

Subscribed and sworn to before me this19th..... day ofAug..... 19.....

.....Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device

PLAT OF LOTS 1 THROUGH 26 - FAIRWAY SUBDIVISION - PART OF SEC. 11-T110N-R79W-HUGHES COUNTY, SOUTH DAKOTA



I, M. J. Smith, of the County of Hughes, State of South Dakota, do hereby certify that the above is a true and correct copy of the original plat of the Fairway Subdivision, as the same appears on the records of the County of Hughes, State of South Dakota, this 14th March 1975.

M. J. Smith

WITNESSED my hand and seal of office this 14th day of March, 1975, at the City of Pierre, State of South Dakota.

[Signature]

January 19, 1975

BEFORE ME, the undersigned authority, on this 14th day of March, 1975, personally appeared M. J. Smith, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 14th day of March, 1975, at the City of Pierre, State of South Dakota.

Notary Public in and for the State of South Dakota

My commission expires on the 14th day of March, 1976.

Subscribed and sworn to before me this 14th day of March, 1975.

Notary Public in and for the State of South Dakota

My commission expires on the 14th day of March, 1976.

Subscribed and sworn to before me this 14th day of March, 1975.

Notary Public in and for the State of South Dakota

My commission expires on the 14th day of March, 1976.

Subscribed and sworn to before me this 14th day of March, 1975.

Notary Public in and for the State of South Dakota

My commission expires on the 14th day of March, 1976.

App. No. 16411-3

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, SEPTEMBER 26, 1968

This is to certify that the foregoing application was received by the Commission at 11:30 o'clock
9 a.m. upon the 20TH day of AUGUST, 1968

State Water Resources Commission
By: Barton Z. Jones
for Chief Engineer, Executive Officer

Number of permit 1611-3

Date of first receipt of application AUGUST 20, 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 AUGUST 20, 1968

Approved SEPTEMBER 24, 1968, Recorded in Book 10 Page 257

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 24, 1969

2nd. The whole of said work is to be completed on or before SEPTEMBER 24, 1970

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

SEPTEMBER 24, 1977 ^{if 15 1/2"}

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

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 22 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 seventh of one foot of water per second of time for each acre of land to which water is actually~~
USED FOR HOUSING DEVELOPMENT

and beneficially ~~applied for irrigation~~ ^{used} on or before SEPTEMBER 24, 1977; said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 26TH day of SEPTEMBER, 1968

State Water Resources Commission

By:

Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

9. (Continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 30", Depth 40'

Type of casing Steel
(wood, concrete, steel, etc.)

Size of casing 18", Thickness of casing Standard

Length of casing 30'. If collection gallery, length, size and depth of gallery _____

(b) Screens

Type of perforated screen _____

Size of perforated screen 18" 10'
(diameter) (length)

Thickness of gravel pack 6", length of gravel pack _____

(c) Water Bearing Materials

Distance to water 10' Character of water bearing materials _____

Sand & Gravel

Thickness of water bearing material 30'

(d) Pump and Motor

Type of pump Submersible
(centrifugal, propeller, mixed flow, etc.)

Name of pump _____, size _____

Kind of motor Electric
(gasoline, electric, diesel, etc.)

Horsepower 1/2, Name of Motor _____

(e) Complete well

Capacity 100 GPM at drawdown of 15' Estimated cost \$2000.00

(f) Owner of land upon which well is located Fernando E. Tyler
Name

Rural Route, Pierre, SD.
Address

(g) Distance to nearest existing wells

On same owner's property 1800' ~~near~~ On property owned by others 1 mile ~~near~~

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA }
 County HUGHES } ss.

J. H. HIPPLE being duly sworn, deposes and says the annexed printed copy of Notice

of intention to appropriate water was taken from the _____

DAILY CAPITAL JOURNAL 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 PIERRE County of HUGHES and State of South Dakota;

that the said notice was published in said newspaper on the following dates:

Aug. 23-30, Sept. 6-13, 1968

In each and every issue of the full number thereof, the first publication being made on the 23 day of Aug.

19 68 and the last publication on the 13 day of Sept.

19 68, upon which days or times of publication aforesaid the newspaper was regularly published, and that during the whole time of said publication he was Business Manager the printer and publisher of the said newspaper.

John H. Hippel

Subscribed and sworn to before me this 13 day of Sept. A. D. 19 68

RECEIVED
 SEP 17 1968

STATE WATER RESOURCES COMM.
 PIERRE, SOUTH DAKOTA

Notarial Commission of
 Sarah Gordon
 Expires March 25, 1974

Notary Public HUGHES County, S. D.

No. 199 414ly. 81111
 Aug. 23-30, Sept. 6-13, 1968
 No. 1611-3
 APPROPRIATION OF WATER
 Office of State Water
 Resources Commission
 Pierre, South Dakota
 August 20, 1968

Notice is hereby given that Fernando E. Tyler, whose post-office address is Pierre, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 22 cubic feet of water per second of time from ground water through the Tyler Well No. 1, the point of diversion of which is to be located in the SE 1/4 of the NE 1/4 of Section 11 Twp. 110N Range 79W. Said water to be used for the purpose of providing water supplies for suburban housing development. This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 24th day of September, 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

on or before
(First Publication) **August 29**, 19**68**.

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., **August 20**, 19**68**

Notice is hereby given that **Fernando E. Tyler** whose postoffice address is **Pierre** 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 **.22** cubic feet of water per second of time from the **ground water** through the **Tyler Well #1**, the point of diversion of which is to be located ~~at the~~ **in the SE 1/4 of the NE 1/4 of Section 11** Twp. **110N** Range **75W**. Said water to be used for the purpose of providing ~~water for~~ **water supplies for suburban housing development.**

~~and for~~ This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the **24th** day of **September**, 19**68**, at **2:00 P.M.** All interested persons may appear and be heard.

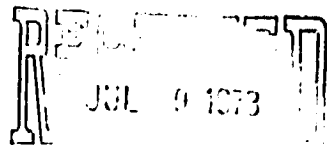
Appropriate action will be taken by the Water Resources Commission after suitable time has elapsed for the consideration of any or all information presented

cc: **Fernando E. Tyler, Pierre, S.D.** State Water Resources Commission

By:

~~Chief Engineer, Executive Officer~~

Burton F. Jones
Water Rights Specialist



STATE WATER
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME

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

Date July 6, 1973

Dear Sirs:

In Water Right Permit No. 1611-3 it is specified that the water diversion system is to be completed by September 24, 1970 and that the water is to be put to the limit of beneficial use by September 24, 1972.

I hereby request that the date for completing the diversion system be extended to completed, 19 and that the date for putting the water to the limit of beneficial use be extended to September 24, 1977.

The extension of time for the completion of these works is requested for the following reasons: extra time needed to apply water to suburban housing development

Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

James E. Tyle
(Signed)

Holder of Permit No. 1611-3

APPROVED: 7-18-73

WATER RESOURCES COMMISSION

By: Dutton Jones

Permit No. 1611-3Water Division 3 Missouri River Water District

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

TO: WATER RIGHTS, WATER MANAGEMENT BOARD / FOSS BLVD., PIERRE, SOUTH DAKOTA 57501

I have this day made a thorough examination of the water use system constructed by Fernando E Tyler of Rt # 3, Pierre, S. Dak. 57501 holder of Permit No. 1611-3, bearing date of priority of August 20, 1968 authorizing the diversion of 1.27 cu. ft. per second of the waters of one well for Housing Development purposes, in Hughes 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:

1 1/2 HP Submersible pump Pumping 25 gpm

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

4" PVC pipe to Housing development.
Only 2 houses on this line.

C. Works used to apply water to beneficial use.

Water Systems for the 2 HousesThe system is in the following condition: FairThe point of diversion is located 3100' S and 800' W of the NE Cor. of Sec. 11, T110N R79WThe works are capable of diverting and conveying to the place of use 1.06 cu. ft. per second of water which is to be used for Suburban Housing.

Water has been put to beneficial use to the maximum extent as follows:

comprising a total of _____ acres of land.

Date April 2, 1980Leroy J. McLaughlin
(Signature)



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights, Water Management Division
Phone (605) 773-3352

April 9, 1980

Mr. Fernando E. Tyler
Rt. #3
Pierre, SD 57501

Dear Mr. Tyler:

The inspection of your water use system and inspection of the extent of your application of water to beneficial use, as developed under your Water Right No. ~~1611-3~~ has been completed. Your final water right document, the Water Licence, can now be issued.

Statutes require that we charge a \$12.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$12.00 fee from you, your Water License will be sent to you.

You will also receive the Certificate of Construction as required by statute.

Sincerely,

BARB TEMPLETON
Staff Assistant

bt

WATER RIGHTS DIVISION

(605)773-3352

May 6, 1982

Fernando E. Tyler
Route #3
Pierre, South Dakota 57501

SECOND NOTICE
1611-3

Dear Mr. Tyler:

On April 9, 1980 you were notified concerning the final inspection fee of \$12.00 which is due before Water License No. 1611-3 and Certificate of Completion of Works can be issued. As of this date, the fee has not been received.

State Statutes requires a \$12.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$12.00 fee, your Water License will be sent to you. You will also receive the Certificate of Construction as required by Statute. These are the final papers for the perfection of your water permit.

Please advise if you have any questions.

Very truly yours,

John Hatch, Chief Engineer
Water Rights Division

JH:gy:ms

WATER LICENSE NO. 1611-3

(1) WHEREAS, On the 20th day of August A. D. 1968
Fernando E. Tyler

made Water Right Application No. 1611-3 for a permit to use .22 cubic feet per second of the waters of groundwater (one well)

County of Hughes, State of South Dakota, for suburban housing purposes; and

(2) WHEREAS, On the 24th day of September A. D. 1969
Permit No. 1611-3 with a date of priority of August 20, 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 24th day of September A. D. 1970 and for the application to beneficial use of said water on or before the 24th day of September A. D. 1977

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 .06 cubic feet 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,

water to be used in place for suburban housing development

(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 Fernando E. Tyler
_____ of Pierre, South Dakota
the holder _____ and owner _____ of said permit No. 1611-3 a water right, dating from August 20, 1968
_____ to use of .06 cubic feet per second of the waters
of ground water (one well)
in the County of Hughes and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 3100'S and 800'W of the NE Corner of Section 11,
T110N, R79W
_____ and conducted ~~to and open~~ through the development's distribution system
_____ for the purpose of suburban housing

Subject to any limitations listed in Water Right Permit No. 1611-3 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 June A. D.
Nineteen Hundred and Eighty-Two

WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Executive Officer **JOHN HATCH**

Permit No. 1611-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

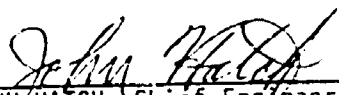
This is to Certify, That Fernando E. Tyler

_____ the holder _____ of
Permit No. 1611-3, issued upon Application No. 1611-3, bearing date of priority of _____
August 20, 1968 authorizing the diversion of .22 cu. ft. per second of the waters of _____
groundwater (on well) County of Hughes, State of South Dakota at _____
a point 3100'S and 800'W of the NE Corner of Section 11, T110N, R79W

_____, for suburban housing development

purposes, has _____ complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the work 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 .06 cu. ft. per second of water.

Date June 3, 1982



JOHN HATCH, Chief Engineer
Water Rights Division

WATER RIGHTS COMMISSION
State of South Dakota

PIERRE, June 3, 192

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)		
Fee for inspecting Construction, and issuing Cert. of Construction No. 1611-3	12	00
Fee for inspecting Beneficial Use, and issuing Water License No. 1611-3		
Fee for issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for		
(any other work as provided by law)		
TOTAL	12	0

By John A. [Signature]
Chief Engineer, Executive Officer