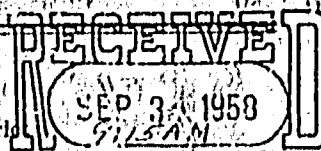


No. 344-1Water Division No. 1

(Blanks to be filled by the Engineer for the W. R. 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 Jens Nelson
 Postoffice address Redick County Harding State South Dakota

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 work (Whether by contract, employment of others, or by direct labor)
Contract
 (b) Cash on hand, \$ 500.00
 (c) Treasury stock, \$ _____
 (d) Bonds to be issued, \$ _____
 (e) Other resources, \$ Gov't. cost-share

2. Name of diversion work Jens Nelson water spreading Project No. 1
 3. Amount of water claimed 2.64 cubic feet per second or 55 acre feet
 4. Source of water supply runoff
 5. Location of point of diversion 123 rods N 20° 30' W
135 rods North 3-14 rods West of SE. corner
Sec. 29 T 16 R 4 on East bank Harding County.
 6. Annual period or periods during which water is to be used When available during annual
period
 7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? gravity irrig-
ation

- (a) Number of acres to be irrigated 185 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.) _____

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

- (a) Nature of use stockwater
 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. 311-12

8. Estimated cost of work:

(a) Head Gates, \$ 180.00(b) Pumping plant, \$ (c) Fluming, \$ (d) Canals, \$ 267.00Rock, \$ (e) Other structures ditch, iron pipe, ditches & culvert \$ 2,030.00Total, \$

9. Description of diversion works:

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

Irrigation dam & Spreader dikes & ditches

II. Dimensions of works:

(a) Dam: Height 12.0 feet; length at bottom 90 feet; length at top 425 feet; thickness at bottom 132.2 feet; thickness at top 12 feet; slope at front water face 5:1; slope at back face 2:1material used in construction Earth fill(b) Reservoir: Capacity when filled 622 acre feet. Surface area at highwater mark 10.8 acres.

DEPTH AT OUTLET- FEET	SURFACE AREA AT EACH DEPTH AT OUTLET- ACRES	FEET	ACRE- FEET CAPACITY
16.0	10.8		62.2
12	6		31
8	3		15
4	1.5		7
0	0		0

(c) Head gate: Width 1.0 feet; height 1.0 feet;Material cast iron(d) Canal: Total length 0 - 1.07 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At <u>(1) 00</u> Mile	<u>1.0</u> feet	<u>5</u> feet	<u>11</u> feet	<u>30.2</u> feet
At <u>(2) 00</u> Mile	<u>1.0</u> feet	<u>10</u> feet	<u>16</u> feet	<u>5.3</u> feet
At <u>.19</u> Mile	<u>0.5</u> feet	<u>10</u> feet	<u>13</u> feet	<u>0.0</u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet
At <u> </u> Mile	<u> </u> feet	<u> </u> feet	<u> </u> feet	<u> </u> feet

(Give dimensions where reductions in size are made.)

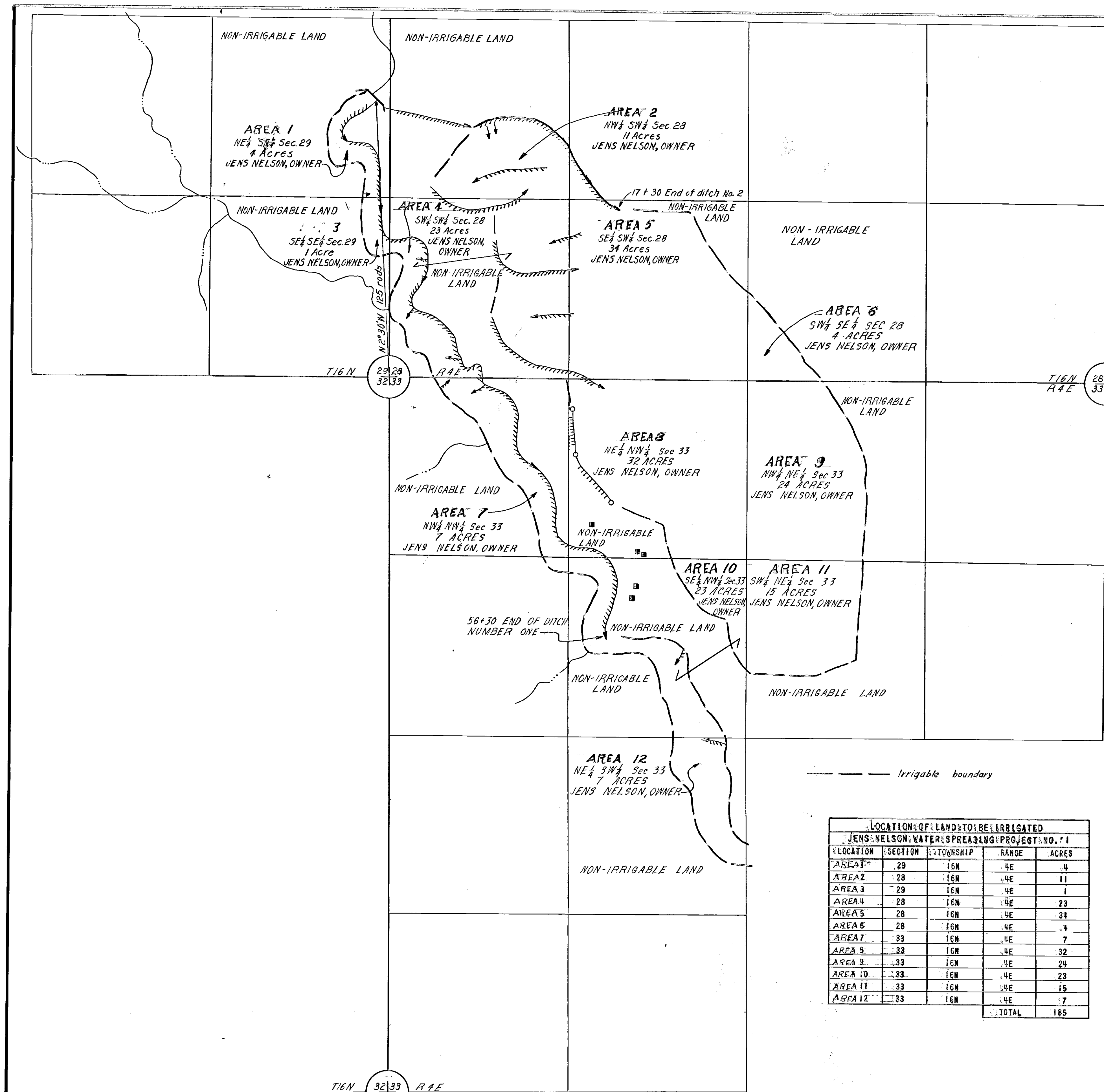
10. Time required for completion of work Completed years.11. Time required for complete application of water to the proposed beneficial use 511.5 years.12. Choice of newspaper for publication of notice of intention to appropriate Not requiredold system

STATE OF SOUTH DAKOTA

County of HardingI, Jens Nelson

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 Jens NelsonSubscribed and sworn to before me this 25day of Aug1958Ralph Johnson
Notary Public (or other qualified officer.)



SURVEYOR'S CERTIFICATE

I, W. H. Christman DO HEREBY CERTIFY THAT

THIS MAP IDENTIFIES THE LAND OF THE Jens Nelson
Water Spreading Project #1

SIGNATURE: Walter H. Christman

TITLE: Ag. Eng. 565

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 26 DAY OF

Aug, 1955, A.D.

Ralph Anderson
NOTARY PUBLIC

Scale: 1" = 400'

JENS NELSON
WATER SPREADING PROJECT
NUMBER 1

Harding County, South Dakota

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Date _____
Designed _____
Drawn _____
Traced _____
Checked _____
Approved by W. H. Christman
Title Ag. Eng. 565
Title _____
Sheet 1
of 1
Drawing No. _____

Map No. 311-1 (Appl. No. 344-1)

Remarks by State Water Resources Commission:

Vested Right claimed

The diversion rate limitation of 1 cubic foot per second for each 70 acres irrigated shall not apply to this Dry Draw irrigation diversion during periods of flood flows, when such flows are in excess of the amount of water required to satisfy domestic use requirements and other water rights.

STATE OF SOUTH DAKOTA

County of *Hughes*

ss.

Pierre, South Dakota,

September 24, 19*58*

This is to certify that the foregoing application was received by the Commission at *9:15* o'clock

2 m. upon the *3* day of *September*, 19*58*

State Water Resources Commission

By:

W. H. Miller
Chief Engineer, Executive Officer

Vested Right
Number of permit *3d-1*

Date of first receipt of application *September 3*, 19*58*

Date of return to applicant for correction, amendments or changes required as follows *September 24*, 19*58*

Date of receipt of corrected application *October 22*, 19*58*

Date from which applicant may claim right *September 1955*

Approved *October 22*, 19*58* Recorded in Book *58* Page *46*

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 *Completed*, 19*58*

2nd. The whole of said work is to be completed on or before *Completed*, 19*58*

3rd. The limit of time or proof of beneficial use of water appropriated in accordance herewith is *Completed*, 19*58*

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 *2.61* 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 *Completed*, 19*58*; said water to be used during the following described annual period:

April to October inclusive

Witness my hand this

29

day of

State Water Resources Commission

By:

W. H. Miller
Chief Engineer, Executive Officer

Certificate of Construction Issued

October 29, 19*58*

Water License Issued

October 29, 19*58*

Project No. 1 (7b)

Location	Section	Township	Range	Acres
Area Lot 1	29	16N	4E	4
Area Lot 2	28	16N	4E	11
Area Lot 3	29	16N	4E	1
Area Lot 4	28	16N	4E	23
Area Lot 5	28	16N	4E	34
Area Lot 6	28	16N	4E	4
Area Lot 7	33	16N	4E	7
Area Lot 8	33	16N	4E	32
Area Lot 9	33	16N	4E	24
Area Lot 10	33	16N	4E	23
Area Lot 11	33	16N	4E	15
Area Lot 12	33	16N	4E	7
Total				185

STATE OF SOUTH DAKOTA

WATER LICENSE No. 344-1

WHEREAS, On the 3rd day of September A. D. 1958
Jens Nelson

of Madig County of Harding and State of
South Dakota duly made application (No. 344-1) to us for a permit to use Vented Right 2.64
cubic feet per second of the waters of a dry draw
County of Harding State of South Dakota, for irrigation
purposes; and

WHEREAS, On the 29th day of October A. D. 1958
Permit No. _____ was issued to said applicant for the diversion of said water, and recognizing
completion of the works of diversion therein described XXXXXX
in September 1955 XXXXXX and for the application to beneficial use of said
water XXXXXX XXXX in September 1955 XXXXXX
and,

WHEREAS, On the 4th day of September A. D. 1958
the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.64
cubic feet per second of said waters, as evidenced by our Certificate No. 344-1
dated October 29, 1958 confirming the completion of works of sufficient capacity for
diverting and conveying to the place of intended use 2.64 cubic feet per second of water, with date of
priority of September 1955 and, _____ and,

WHEREAS, On the 4th day of September A. D. 1958
proof was duly made of the application to beneficial use of 2.64 cubic feet per second of said water;
on 185 acres located in the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 29; W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 28; N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33; all in
T 16 N, R 4 E more particularly described in Certificate of Completion
of Works No. 344-1

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 Jane Nelson Vented Right
of Radig, South Dakota the holder and owner of said permit No. 344-1
a water right, dating from September 1955 to the use of 2.64
cubic feet per second of the waters of a dry draw
in the County of Harding and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinafter mentioned, to be diverted at 125 rods, N 2° 30' W of the
SE Cor., Sec. 29 T 16 N, R 4 E

and conducted to and upon E 1/2 Sec. 29; W 1/2 SW 1/4, SE 1/4 SW 1/4, SW 1/4, Sec. 20; N 1/2 NW 1/4, NW 1/4 NE 1/4
SE 1/4 NW 1/4, SW 1/4 NE 1/4, NE 1/4 SW 1/4, Sec. 33; all in T 16 N, R 4 E more particularly
described in Certificate of Completion of Work No. 344-1

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateret from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 29th day of October A. D. Nineteen
Hundred and Fifty-eight

State Water Resources Commission

By:

J. W. GRIMES, Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

In Book _____ of _____ Page _____

Permit No. **344-1**Water Division No. **1** **Moreau River** Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That **Jens Nelson**

of **Radig**, County of **Harding**, and State of **South Dakota**, the holder of **Vested Right** Permit No. **344-1**, issued upon Application No. **344-1** bearing date of priority of **September 1955**, authorizing the diversion of

2.64 cu. ft. per second of the waters of **a dry draw** County of **Harding**, State of South Dakota, at **125 rods, N 2° 30' W of the SE Cor., Sec. 29, T 16 N, R 4 E**

for **irrigation** purposes, has **8** fully 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 **Vested Right** Permit, that said works are found in satisfactory condition for diverting and conveying to the place of intended use **2.64** cu. ft. per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,

to-wit: NE 1/4 SE 1/4, Sec. 29	4 acres
SE 1/4 SE 1/4, Sec. 29	1 acre
NW 1/4 SW 1/4, Sec. 28	11 acres
SW 1/4 SW 1/4, Sec. 28	23 acres
SE 1/4 SW 1/4, Sec. 28	34 acres
SW 1/4 SE 1/4, Sec. 29	4 acres
NW 1/4 NW 1/4, Sec. 33	7 acres
NE 1/4 NW 1/4, Sec. 33	32 acres
NW 1/4 NE 1/4, Sec. 33	24 acres
SE 1/4 NW 1/4, Sec. 33	23 acres
SW 1/4 NE 1/4, Sec. 33	15 acres
NE 1/4 SW 1/4, Sec. 33	7 acres
Total	185 acres

Witness my hand this **29th** day of **October**, A. D. 19 **58**

State Water Resources Commission

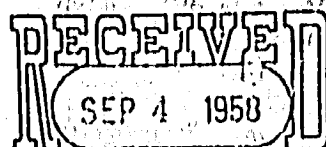
By:

J. W. GRIMES, Chief Engineer, Executive Officer

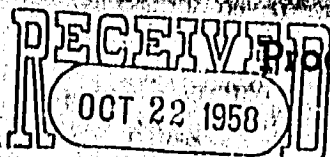
Location No. 344-1

Water Division No. 1

Water District Mureau River



STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA



Proof of Application of Water to Beneficial Use

PETITION OF HOLDER

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Jens Nelson, Redi, South Dakota, Rancher

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation.

Ans. 23 June 1955

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Dry draw, 138 rods No. & 14 rods West of SE corner Sec 29 T 16R4

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same. Dam Ht. 19' L 425' 12" tube, spw. cap. 1510 cfs, completed Sept. 1955. Ditch #1, 1.0' deep 5' bottom, cap. 14.4 cfs, not yet completed. Ditch #2, 1.0' deep, 10' bottom, cap. 13 cfs, completed Oct. 1956. Spreader dikes total length 5565', average height 1.5 ft, completed Oct. 1956 or sooner.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. Irrigating (see attachment)

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. stockwater

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 2.61 cfs, or 555 Acre ft.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. _____

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. Dam constructed. Sept. 1955. Water use began Sept. 1955. Can. of ditch No. 1 (below dam) 14.4 cfs. Dam spw cap. 1510 cfs. Water used to irrigate 185 acre of Hay land.

(Sign) _____

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of _____

State of South Dakota, on this _____ day of _____ A. D. 1958

Witnesses: _____

I, the undersigned, do hereby certify that I am a duly qualified elector residing in the immediate vicinity of the diversion works designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

Project No. 1 (6)

Location	Section	Township	Range	Acres
Area Lot 1	29	16N	4E	4
Area Lot 2	28	16N	4E	11
Area Lot 3	29	16N	4E	2
Area Lot 4	28	16N	4E	23
Area Lot 5	28	16N	4E	34
Area Lot 6	28	16N	4E	4
Area Lot 7	33	16N	4E	7
Area Lot 8	33	16N	4E	32
Area Lot 9	33	16N	4E	24
Area Lot 10	33	16N	4E	23
Area Lot 11	33	16N	4E	15
Area Lot 12	33	16N	4E	7
Total				<u>185</u>

All of the major works have been completed
in this, the Tan-Neha water spreading project.
Ditch #1 as shown on the map has not been
completed but will be built this fall. This ditch
is being built to facilitate distribution of
water especially during periods when water
is limited and only a fraction of the flat
can be irrigated.

Sincerely,

W. L. Allen

Make a part
of farm
land

RECEIVED
OCT 22 1958

STATE WATER RESOURCES COMM
PIERRE, SOUTH DAKOTA