

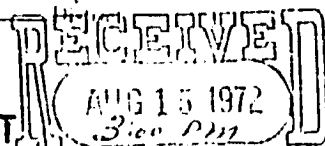
Water Right Number 1120-2

1. Considered Sept 6, 1972
2. Name of Applicant James S. Nelson
3. Post Office Address Phillips, S.D.
4. Amount of water claimed .28
5. Source of water supply Witcher Holes Creek
6. Water to be used for Irrigation
Acres to be irrigated 62.00
7. Water to be diverted and used in Starkon County
about 22.1 SE miles of KADOKA
8. Proof of Publication Received 9-5-72
Not received _____
9. Application Approved _____
Subject to _____
Not approved _____
Action deferred _____

10. Remarks:

No. 1120-2

Map No. 951-2 Water Division No. 2 BAD RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

STATE WATER RESOURCES COMMISSION
 PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant James S. Nelson
 Postoffice address Phillip State South Dakota
 If a corporation show date and place of incorporation _____
 2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
 3. Name of diversion work Nelson Spreader System No. 1
 4. Amount of water claimed (cubic feet per second) 0.88
 5. Source of water supply Witcher Holes Creek
 6. Location of point of diversion #1, 22 rds. South & 60 rds. East of NW Corner, Sec. 34, T3N, R22E.
#2, 50 rds. due West of E 1/2 Corner, Sec. 3, T2N, R22E
 _____ County Siakon
 7. Annual period or periods during which water is to be used April through October
 8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
 9. For irrigation use. Total number of acres to be irrigated 62

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.	Land Description	No. Acres Irr.
NW 1/4 NW 1/4, Sec. 34, T3N, R22 E	5.1	SE 1/4 NE 1/4, Sec. 3, T2N, R22E	20.0
SW 1/4 SW 1/4, Sec. 27, T3N, R22E	16.9	NW 1/4 NE 1/4, Sec. 3, T2N, R22E	16.8
		SW 1/4 NE 1/4, Sec. 3, T2N, R22E	3.2

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.
 11. Choice of newspaper for Notice of Intent to Appropriate Water publication Philip Pioneer Review, Philip, S.D.
 12. Principal Features of the Proposed Water Supply System
 A. Works proposed to divert water from its natural source.
Two dams on Witcher Creek, each with 3 to 4 foot overflow tube spillway with additional construction so each dam can be completely drained.
 B. Work proposed to transport water to place of use.
land will be flooded back of dam and released after land receives desired amount of water
 C. Works proposed to apply water to beneficial use.
None additional

Estimated Total Cost \$ 4,800.00

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)
)
 County of Hughes)

I, James S. Nelson the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction.

Subscribed and sworn to before me this 15th day of August 1972

Signed James S. Nelson
Betty Westlund
 Notary Public (or other qualified officer)
 BETTY WESTLUND, Technical Assistant
 Water Resources Commission

16th - 1 mile

41 AC

NEW SEC 3 T2N R22E

16 AC

15 AC

6.5 AC

NEW NW 1/4 SE 1/4 SW 1/4

3.5 AC

3/4" pipe upper drain
15" low drain
inside boundary marked



SW 1/4 Sec 27 + NW 1/4 Sec 24 T3N R22E

Sec 27

Sec 24

SE 1/4 NW 1/4

Dike with

19 AC

4 AC

Dike with
Pipe - covered
or open bottom



NELSON SPREADER SYSTEM NO. 1

~~Abbi 1120~~

Abbi 1120 MAP NO 951-2 APP. NO 1120-2

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1120-2

JAMES S. NELSON
(Applicant)

PHILIP
(Post Office Address)

SOUTH DAKOTA 57567 With the following modifications:
(State)

LOW FLOWS ARE NEEDED FOR DOWNSTREAM DOMESTIC USE, INCLUDING LIVESTOCK WATERING MUST BE BY-PASSED.

Date of first receipt of application AUGUST 15 19 72

Date of return to applicant for correction, amendments or changes required _____ 19 _____

Date of receipt of corrected application _____ 19 _____

Approved SEPTEMBER 6 19 72 Recorded in Book 12 Page 147

WATER RIGHT PERMIT NO. 1120-2

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1120-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 15 19 72
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MARCH 6 19 75
3. The whole of said work is to be completed on or before SEPTEMBER 6 19 77
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is SEPTEMBER 6 19 81
5. The water appropriated shall be used for the purpose of IRRIGATION

6. 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.

7. The amount of the appropriation herein granted shall not exceed .88 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and 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 SEPTEMBER 6 19 81; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 8TH day of SEPTEMBER 19 72

WATER RESOURCES COMMISSION

By [Signature]
Chief Engineer, Executive Officer

Certificate of Construction Issued AUGUST 29 19 74

Water License Issued AUGUST 29 19 74

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1120-2

(1) WHEREAS, On the 15th day of August A. D. 19 72
James S. Nelson

made Water Right Application No. 1120-2 for a permit to use .88 cubic feet per second of the waters of Witcher Creek
 County of Haakon, State of South Dakota, for Irrigation purposes; and

(2) WHEREAS, On the 8th day of September A. D. 19 72
 Permit No. 1120-2, with a date of priority of August 15, 1972
 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 6th day of September A. D. 19 77 and for the application to beneficial use of said water on or before the 6th day of September A. D. 19 81

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 .88 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.

for irrigating the following land:

Section 27, T3N, R22E	SW $\frac{1}{4}$ NW $\frac{1}{4}$	16.9 acres
Section 34, T3N, R22E	NW $\frac{1}{4}$ NW $\frac{1}{4}$	5.1 acres
Section 3, T2N, R22E	SE $\frac{1}{4}$ NE $\frac{1}{4}$	15.0 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	15.0 acres
	NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.5 acres
	SW $\frac{1}{4}$ NE $\frac{1}{4}$	3.5 acres
Total		62.0 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 S. Nelson

of Philip, S.D.

the holder and owner of said permit No. 1120-2 water right, dating from August 15, 1972 to use of .88 cubic feet per second of the waters

of Witcher Creek

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

purposes hereinbelow mentioned, to be diverted at #1 - 22 rods South and 60 rods East of the NW

Corner, Section 3, #2 - 50 rods due West of the E $\frac{1}{2}$ Corner, Section 3, T2N, R22E

and conduct to and upon portions of Sections 27 and 34, T3N, R22E and Section 3, T2N, R22E,

more fully described on the face of this license

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1120-2 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 29th day of August A. D.
Nineteen Hundred and Seventy-four

WATER RESOURCES COMMISSION

By:

Chief Engineer, Executive Officer DONALD FRISCOLL

Permit No. 1120-2

Water Diversion No. 2 BAD RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify That James S. Nelson

Permit No. 1120-2, issued upon Application No. 1120-2, bearing date of priority of August 15, the holder _____ of

1972 authorizing the diversion of .88 cu. ft. per second of the waters of Witcher Creek County of Haskell, State of South Dakota at _____

#1 - 22 rods South and 60 rods East of the NW Corner, Section 3, #2 -
50 rods due West of the E 1/4 Corner, Section 3, T2N, R22E

, for irrigation

purposes, has 9 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 full flow of Creek cu. ft. per second of water.

Date August 29, 1974

By: **WATER RIGHTS COMMISSION**

DONALD DRISBOLL
Chief Engineer

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Haakon) ss.

I, Les Ravellette hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Pioneer Review

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the
Pioneer Publishing House Philip, S.D.

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

August 20, 1972

August 21, 1972

[Handwritten Signature]
(Signature)

[Handwritten Title]
(Title)

Sept 1 1972
(Date Signed)

NOTICE
INTENT TO APPROPRIATE
WATER

Notice is hereby given that James S. Nelson whose post office address is Philip, 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 0.53 cubic feet of water per second of time from Witcher Holes Creek through the Nelson Spreader System, No. 1 the points of diversion of which are to be located in the NW 1/4 NW 1/4, Section 34, T3N, R22E and in the SE 1/4 NE 1/4 of Section 3, Twp. 2 N, Range 22 E. Said water to be used for the purpose of providing irrigation on the following described land: NW 1/4 NW 1/4, Section 34 and SW 1/4 SW 1/4, Section 27, T3N, R22 E and SE 1/4 NE 1/4, NW 1/4 NE 1/4, and SW 1/4 NE 1/4, Section 3, T2N, R22E.

This application No. 1120-2 will be considered by the Water Resources Commission at their office at Pierre upon the 6th day of September, 1972, at 2:00 p.m. All interested persons may appear and be heard.

WATER RESOURCES COM-
MISSION

By: Burton F. Jones, Water Rights Specialist
cc: James S. Nelson,
Philip, S.D. 57567
(Publish August 24 & 31)

RECEIVED
SEP 5 1972

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTA

Form 6 - Notice of Intent to Appropriate Water

1120-2

Publish first publication, on or before August 24, 1972

NOTICE
IN,ENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

August 16, 1972

Notice is hereby given that James S. Nelson

whose post office address is Philip, 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

0.88 cubic feet of water per second of time from the Witcher Holes Creek through the Nelson Spreader System No. 1, the point of diversion of which ^{are} to be located in the

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, T3N, R22E and in the SE $\frac{1}{4}$ NE $\frac{1}{4}$

of Section 3, Twp. 2N, Range 22E. Said water to be used for the purpose of providing irrigation on the following described land:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34 and SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, T3N, R22E and SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 3, T2N, R22E

This application No. 1120-2 will be considered by the Water Resources Commission at their office at Pierre upon the 6th day of September, 1972, at 2:00 P. M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: James S. Nelson, Philip, S.D. 57167

Form 10.

1120-2

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE

Post Office Philip

Date 5/31/74

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 1120-2.

Water Right Permit No. 1120-2 states that the diversion system is to be constructed by August, 1977 and that the water is to be put to beneficial use by August, 1976.

The diversion system was completed on May, 1974. Applying the water to beneficial use was completed on May, 1974.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

James S Nelson
(Signature)

RECEIVED
JUN 4 1974
STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

Permit No. 1120-7

Water Division 71 Red 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 James S. Nelson of Philip S. Dak holder of Permit No. 1120-7, bearing date of priority of August 15, 1972, authorizing the diversion of 2.88 cu. ft. per second of the waters of Wichita Creek for irrigation purposes, in Haskell 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:

Dams were used at lower end of each area flooded. Dams have pipes that are closed to flood area or opened to drain water off flooded area. Each dam has wide secondary spillway so that water will not get out top of flooded area.

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

creek was covered with blocks in channel between the main dikes

C. Works used to apply water to beneficial use.

The system is in the following condition: Excellent

The point of diversion is located #1 22nd South 60 rods East of Newman Sec 34 T2N R22E
#2 50 rods due west of 14th North Sec 3 T2N R22E

The works are capable of diverting and conveying to the place of use East flow of creek

cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows:
#1 1/2 NW 1/4 Sec 34 T2N R22E 51 acres
#2 51 1/2 NE 1/4 Sec 3 T2N R22E 150 acres
1/4 NE 1/4 Sec 3 T2N R22E 35 acres
SW 1/4 NE 1/4 Sec 3 T2N R22E 35 acres

comprising a total of 62 acres of land.

Date 8-11-72

M. P. C.
(Signature)