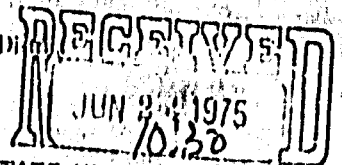


Water Right Number 1272-2

1. Considered JULY 24, 19 75
2. Name of Applicant MRS LORENA FRANCIS TOLLIVER
3. Post Office Address OMAHA, NEB.
4. Amount of Water claimed 2.00
5. Source of Water supply 300' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 160
7. Water to be diverted and used in TODD County
about 12S 5W miles of MISSION
8. Proof of Publication Received 7-14-75
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

No. 12722Map No. 1078-2 Water Division No. 2 KEWAFAHA RIVER
(Blanks to be Filled by the Engineer for the W. R. C.)

APPLICATION FOR PERMIT

STATE WATER RIGHTS COMM
PIERRE, SOUTH DAKOTA

To Appropriate Water within the State of South Dakota

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

1. Name of Applicant Willis L. Nelson
Postoffice add. Tilden, Nebraska 68781 Date June 10 1975

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract3. Name of diversion work TOLLIVER 2.004. Amount of water claimed (cubic feet per second) 900 gallons per minute5. Source of water supply GROUND WATER6. Location of point of diversion Center of W. 1/4 of Section 37, Township 37 North, Range 29, Meridian 6 R. PMCounty Todd7. Annual period or periods during which water is to be used May 1 through Sept 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 160

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.
<u>W 1/4 of Section 33</u>	<u>16.0</u>		
<u>Township 37, North</u>	<u>16.0</u>		
<u>Range 29, Meridian 6 R. PM</u>	<u>40.0</u>		
	<u>16.0</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 3 months years. Additional time required to complete application of water to the proposed beneficial use 3 months years.11. Choice of newspaper for Notice of Intent to Appropriate Water publication Todd County Newspaper

12. Principal Features of the Proposed Water Supply System.

A. Works proposed to divert water from its natural source.

Well

B. Works proposed to transport water to place of use.

Center Pivot - Irrigation System

C. Works proposed to apply water to beneficial use.

Center Pivot - Irrigation SystemEstimated Total Cost \$ 55,000Attachments: 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 HeighwayI, Notary Public, 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.Signed Mr. Louis Francis TallmanSubscribed and sworn to before me this 24th day of June, 19 75

Notary Public (or other qualified officer)

Land & Water Clerk

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 1272-2

MRS LORENA FRANCES TOLLIVER
(Applicant)

4454 F ST, OMAHA
(Post Office Address)

NEBRASKA 68107
(State)

With the following modifications:

The irrigation well approved under this Permit will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells or in irrigation wells having prior water rights.

Date of first receipt of application JUNE 24, 19 75.

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

Date of receipt of corrected application —, 19 —.

Approved JULY 24, 19 75, Recorded in Book 13 Page 338

WATER RIGHT PERMIT NO. 1272-2

The Water Rights Commission hereby grants and issues this Water Right Permit No. 1272-2 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 JUNE 24, 19 75
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 24, 19 76
3. The whole of said work is to be completed on or before JULY 24, 19 76
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 24, 19 77
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 2.00 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 JULY 24, 19 77; said water to be used during the following described annual period: MAY 1 THEN SEPTEMBER 1

Witness my hand this 30TH day of JULY, 19 75

WATER RIGHTS COMMISSION

By: Wern W. Butler
Chief Engineer, Executive Officer

Certificate of Construction Issued —, 19 —

Water License Issued —, 19 —

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 36" Depth 300 feet.
 (2) Casing, Type Steel (wood, concrete, steel, etc) Diameter 24 inches Thickness 5/16 inches
 (3) Perforated Screen.
 Type Steel, Diameter 24 inches, Length 10-80 feet
 (4) Gravel Pack, Thickness 12 inches, Length of gravel pack 300 feet

E. Dugout Information or Estimates.

- (1) Surface dimensions N.A., Depth N.A.

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 200 feet water bearing sand

Depth to top of water bearing material 10 feet

Depth to bottom of water bearing material 260 feet

Thickness of water bearing material N.A.

Depth to water (ground surface to water level) 10 feet

- (2) Distance to nearest existing household or livestock watering wells.

On same owner's property N.A. rds. On property owned by others 100 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

Mrs. Lorna Frances Tallner
 Signature of Applicant

May 16, 1975

Lorena Frances Tolliver
4454 F. St.
Omaha, Nebraska

Dear Miss Tolliver:

We have now received the signed and notarized WI-1 form in connection with your application to irrigate in Todd County. Enclosed please find the original copy of the report of analysis for the water sample you sent here. This is numbered 75-344 and is very good water. This water should cause no difficulty irrigating the soils you have in Todd County.

A copy of this letter and of the water analysis and the WI-1 form are being forwarded to the State Conservation Commission.

Sincerely yours,

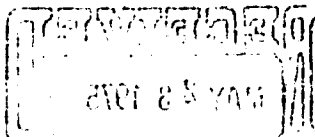
L. O. Fine

L. O. Fine
Water Quality Lab

LOF:MRB

Enclosures

cc: State Conservation Commission
Kenneth Stephens, Todd County Extension Agent
Darrel Pahl



RECEIVED
MAY 20 1975
DIVISION OF CONSERVATION
STATE OF NEBRASKA

Conservation
Commission
Form WL 21

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE OF

Irrigation System: _____

Water Quality: _____

Soils Capability: _____

Approved: [Signature]

Disapproved: 5/22/25

NAME: LORENA FRANCES TOLLIVER

ADDRESS: 4454-F-ST. OMAHA, NEBRASKA

COUNTY: Todd County

LEGAL DESCRIPTION

1. WELL LOCATION: SW 1/4 Sec 33-37-29 (center of section)
2. AREA TO BE IRRIGATED: SW 1/4 Sec 33-37-29

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): center pivot
4. CROPS TO BE IRRIGATED: corn and alfalfa

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 3-9 %
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Dryland Exp. Classification
Tex, III, 9, II c 3 Major portion fine sandy loam - some silt loam

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 75-344
8. SALINITY: EC = 418 micromhos/cm (low-medium)
9. SODIUM: SAE = 0.19 (low)

I do hereby certify that a chemical analysis of the ground water to be acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Conservation Service, Mission, So. Dak.

and:

that the legal description for the location of the well and land to be irrigated is true and correct.

James Francis Tollner

Subscribed and sworn before me this

2 day of May 1975.

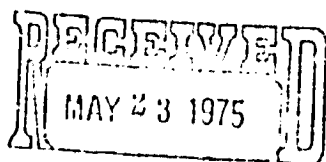
Hermit Brennan

Notary Public

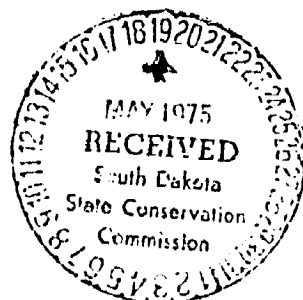
(Title) 6-21-82

County of Todd

State of S. Dak.



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA



REPORT OF ANALYSIS
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Lorena F. Tolliver Date Rec'd May 7, 1975
 Address 4454 F. St. Sample No. 75-344
Omaha, Nebraska Identification Well-
SW1, Sec. 33, T 37N, R 29W

WATER ANALYSIS

Calcium (Ca)	59	ppm*	2.95	me/l**
Magnesium (Mg)	13	ppm	1.07	me/l
Sodium (Na)	6	ppm	0.27	me/l
Potassium (K)	10	ppm	0.27	me/l
Sulfate (SO ₄)	2	ppm	0.04	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	4	ppm	0.10	me/l
Bicarbonate (HCO ₃)	244	ppm	4.00	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	200	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	418	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.19			
Sodium	5.92	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.52			
Others:				

*ppm=parts per million

**me/l=milliequivalents per liter

***g.p.g.=grains per gallon

COMMENTS: Total cations 4.56 me/l
 Total anions 4.14 me/l

By: Shirley Mittan

Service Performed	Amount Due
Irrigation analysis	\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 75-344

Amount Enclosed \$

Signed

No. 1272-2

Publish first publication, on or before

July 12, 1975

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

June 25, 1975

Notice is hereby given that Lorena Frances Tolliver

whose post office address is Omaha, Nebraska, 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 2.00 cubic feet of water per

second of time from the ground water through the

Tolliver Well, the point of diversion of which is to

be located in the

Center of the S 34

of Section 34, Twp. 37N, Range 22W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 33, T37N, R29W

This application No. 1272-2 will be considered by the Water Rights

Commission at the North Lounge, Surbeck Center, S.D. School of Mines at Rapid City, S.D.

upon the 25th day of July, 1975 at 2:30 P. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc:

Mrs. Lorena Frances Tolliver, 4454 F. Street, Omaha, Nebraska 68107

Form 10.

No. 1272-2

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

Post Office _____

Date 8-17-76

TO: ~~WATER RIGHTS 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. 1272-2.

Water Right Permit No. 1272-2 states that the diversion system is to be constructed by 8-17, 19 76 and that the water is to be put to beneficial use by 8-17-76, 19 _____.

The diversion system was completed on 8-17, 19 76. Applying the water to beneficial use was completed on 8-17, 19 76.

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.

Walter S. Nelson
(Signature)

Form 8 - Proof of Publication - Notice of
Intent to Appropriate Water

No. 1272-2

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Todd) ss.

I, Lorena C. Mafon hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Todd Co. Well

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 Mission

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

July 3, 1975

July 10, 1975

Lorena C. Mafon
(Signature)

employee
(Title)

July 10, 1975
(Date Signed)

Notice

NOTICE OF INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Lorena Frances Tolliver whose
post office address is Omaha,
Nebraska, has made an applica-
tion in accordance with the
provisions of the water laws of
South Dakota for a permit to
appropriate for beneficial use
2.00 cubic feet of water per
second of time from ground
water through the Tolliver Well,
the point of diversion of which is
to be located in the
Center of the SW 1/4
of Section 33, Twp. 37N, Range
29W. Said water to be used for the
purpose of providing irrigation
on the following described land:
SW 1/4, Section 33, T37N, R29W
This application No. 1272-2 will
be considered by the Water
Rights Commission at the North
Lounge, Surbeck Center, S. D.
School of Mines at Rapid City, S.
D. upon the 24th day of July, 1975
at 2:30 p.m. All interested
persons may appear and be
heard.

WATER RIGHTS
COMMISSION

By: BURTON F. JONES
Water Rights Specialist
Publ. July 3 & 10.

Form 20.

No. 1272-2

NOTICE OF TRANSFER OF WATER PERMIT

TO: **WATER RIGHTS COMMISSION**
Water Rights Commission
State Office Building No. 2
Pierre, South Dakota 57501

Date AUGUST 17, 1976

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

SW⁴ SECTION 33, T37N, R29W

formerly owned by MRS LORENA FRANCES TOLLIVER

has been transferred to WILLIS L. NELSON, TILDEN, NEBRASKA
68781

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 1272-2 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.

WATER RIGHTS COMMISSION

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 Hughes) ss.

I, Willis L. 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, and I know of my own personal knowledge that the information herein stated is true.

Willis L. Nelson
(Signed)

Subscribed and sworn to before me this 17th day of August, 1976

Betty Westlund
(Notary Public)
Louis H. Westlund II



United States Department of the Interior
OFFICE OF THE SOLICITOR

ROOM 211 - FEDERAL BUILDING
P.O. BOX 519
ABERDEEN, SOUTH DAKOTA 57101

Reference:
Water Rights
Rosebud

JUL 16 1975

Mr. Burton F. Jones
Water Rights Specialist
Water Rights Commission
Pierre, South Dakota 57501

Dear Mr. Jones:

The Area Director, Bureau of Indian Affairs, has advised that on July 24, 1975, at 2.30 p.m., a Hearing will be held by the Water Rights Commission at the North Lounge, Surbeck Center, South Dakota School of Mines, at Rapid City, South Dakota, on the application of Lorena Frances Tolliver, of Omaha, Nebraska, for a permit to appropriate for beneficial use 2.00 cubic feet of water per second of time from ground water, the point of diversion being the center of the SW $\frac{1}{4}$ of Sec. 33, T. 37 N., R. 29 W., for the purpose of irrigation.

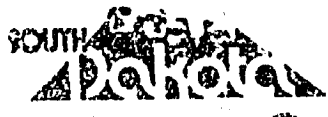
This letter will serve as our written objection to such application for a permit to appropriate ground water from lands within the boundaries of the Rosebud Indian Reservation. The issuance of such permit would be contrary to established law, which declares that the State lacks jurisdiction with respect to the adjudication of the waters of, or the lands within, the exterior boundaries of an Indian Reservation. See 25 U.S.C.A., Sec. 381; Winters v. United States, 207 U.S. 564, 28 S.Ct. 207; United States v. Powers, 94 F.2d 783; United States v. McIntire, 101 F.2d 650; and United States v. Alexander, 131 F.2d 359.

In filing this objection to the issuance of such proposed permit and in writing this letter to you, we do not waive our right to challenge the State's jurisdiction by legal action or otherwise, and merely intend to call the State's attention to the fact that the State lacks jurisdiction in this matter.

Very truly yours,

Wallace G. Dunker
Wallace G. Dunker
Field Solicitor

cc: Office of the Area Director, Aberdeen, South Dakota
Superintendent, Rosebud Agency, Rosebud, South Dakota
Mr. Parnell Hagen, Area Soil Conservationist, BIA, Aberdeen, S.D.
Mrs. Lorena Frances Tolliver, 4454 F. Street, Omaha, Nebraska 68107



No. 1272A-2

1272-2

Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

WATER RIGHTS DIVISION
Phone (605) 773-3352

Willis Nelson
RR 1,
Tilden, Nebraska 68781

Dear Mr. Nelson:

Enclosed herewith is, Water License No. 1272A-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:ms

Enclosures

Applicable portions of Water Permit No. 1272-2 are being incorporated into this Water License No. 1272A-2.

WNR-817 3/83

Transmittal of Water ense

Map No 1078-2 App No 1272-2

N
(3-146)

16.4

13.4

69.7

35.8

25.7

125 Acres - ASCS

33

43.5

47.1

9.6

33 Ac

32 Ac

254

47.2

30 Ac

WELL #1

30 Ac

well #2

SW 1/4 of Section 33 Township 37 NORTH
of Range 29, West of 6th PM

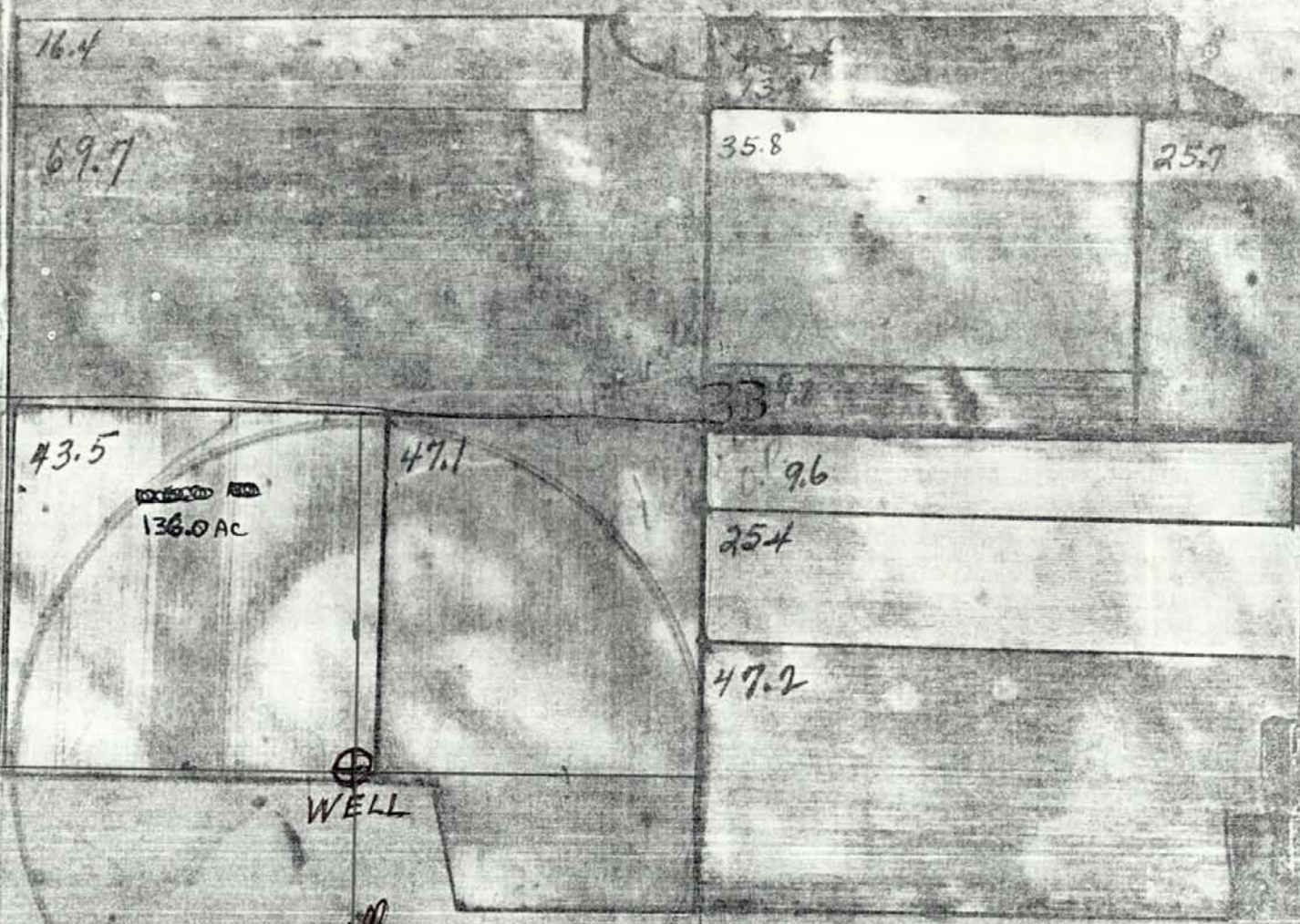
37-29

I certify that this photocopy is a true and correct copy of the
aerial photograph taken of the SW 1/4 of Section 33, township 37 North of
Range 29, west of the 6th Meridian

Donald Bristow, County Executive Director
Hood County ASCS Office
Mission, South Dakota

Map NR-107B-2 April 1272-2

(E-146)
N



SW 1/4 of Section 33, Township 37 North
of Range 29, West of 6th PM

I certify that this photocopy is a true and correct copy of the
aerial photograph taken of the SW 1/4 of Section 33, Township 37 North of
Range 29, West of the 6th Meridian

Donald Brastow, County Executive Director
All County Association

WR # ~~1272A-2~~ 1272A-2

NOT TO SCALE

