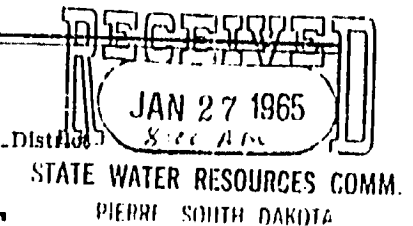


856-2

1. Considered 3-10, 1968
2. Name of Applicant WILLIAM L. NIELSON
3. Post Office Address DRAPER
4. Amount of water claimed 2.7 ACRE FEET
5. Source of water supply DRY DRAW
6. Water to be used for RECREATION
Acres to be irrigated —
7. Water to be diverted and used in JONES County about
4 miles N of DRAPER
8. Proof of Publication Received ✓
Not Received —
9. Application Approved —
Subject to —
Not Approved —
Action deferred —

10. Remarks;

No. 856-2
 Water Division No. 2 BAD 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

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

1. Name of applicant William J. Nielson
 Postoffice address Draper, County Jones, State S. Dak.

- I. If a corporation None
- (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)
Direct Labor
- (b) Cash on hand, \$ 450.00 (c) Treasury stock, \$ None
- (d) Bonds to be issued, \$ None (e) Other resources, \$ _____

2. Name of diversion work Nielson's Wild Life Refuge
3. Amount of water claimed 1729 317 ACRES ANNUALLY
cubic feet per second only
4. Source of water supply Dry Draw
5. Location of point of diversion 430 feet, south 40 degrees west from the NE corner of
NW 1/4, Sec. 31, T. 2 N. R. 30 E. BHM on None bank Jones County.
6. Annual period or periods during which water is to be used Continuously
7. To be used for:

- I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? None
- (a) Number of acres to be irrigated None acres.

(b) Legal subdivisions to be irrigated None

(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.) None

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

- (a) Nature of use Public Recreation- Wild Life Refuge
 Name any of the above uses claimed
- (b) Amount of power to be generated None horse power.
- Amount claimed for engine cooling None
- (c) Location of plant None
- (d) Method of developing power None
- (e) Point where water will be returned to stream N.A.

MAP No 740-2

8. Estimated cost of work:

(a) Head Gates, \$..... (b) Pumping plant, \$.....
 (c) Plumbing, \$..... (d) Canal-earth, \$..... Rock, \$.....
 (e) Other structures \$ 450.00..... Total, \$.....

9. Description of diversion works:

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

Pugout

II. Dimensions of works.

(a) Dam: Height None 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 1.29 acre feet. Surface area at highwater mark 3.7 acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET--ACRES	ACRE-Feet CAPACITY
	N. A.	

(c)* Head gate: Width.....feet; height.....feet;
 Material
 (d) Canal: Total length None 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 work Completed years.
 11. Time required for complete application of water to the proposed beneficial use one / years.
 12. Choice of newspaper for publication of notice of intention to appropriate
Murdo Coyote, Murdo, S. Dak.

STATE OF SOUTH DAKOTA

County of Sioux

ss.

I, William D. Nielsen, 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

William D. Nielsen

Subscribed and sworn to before me this

21

day of

January

19 65

Alvin Ernest Jensen
 Notary Public (or other qualified officer.)

NE Corner N.W. 1/4 Sec. 31, T. 2 N.
R. 30 E., B.H.M.

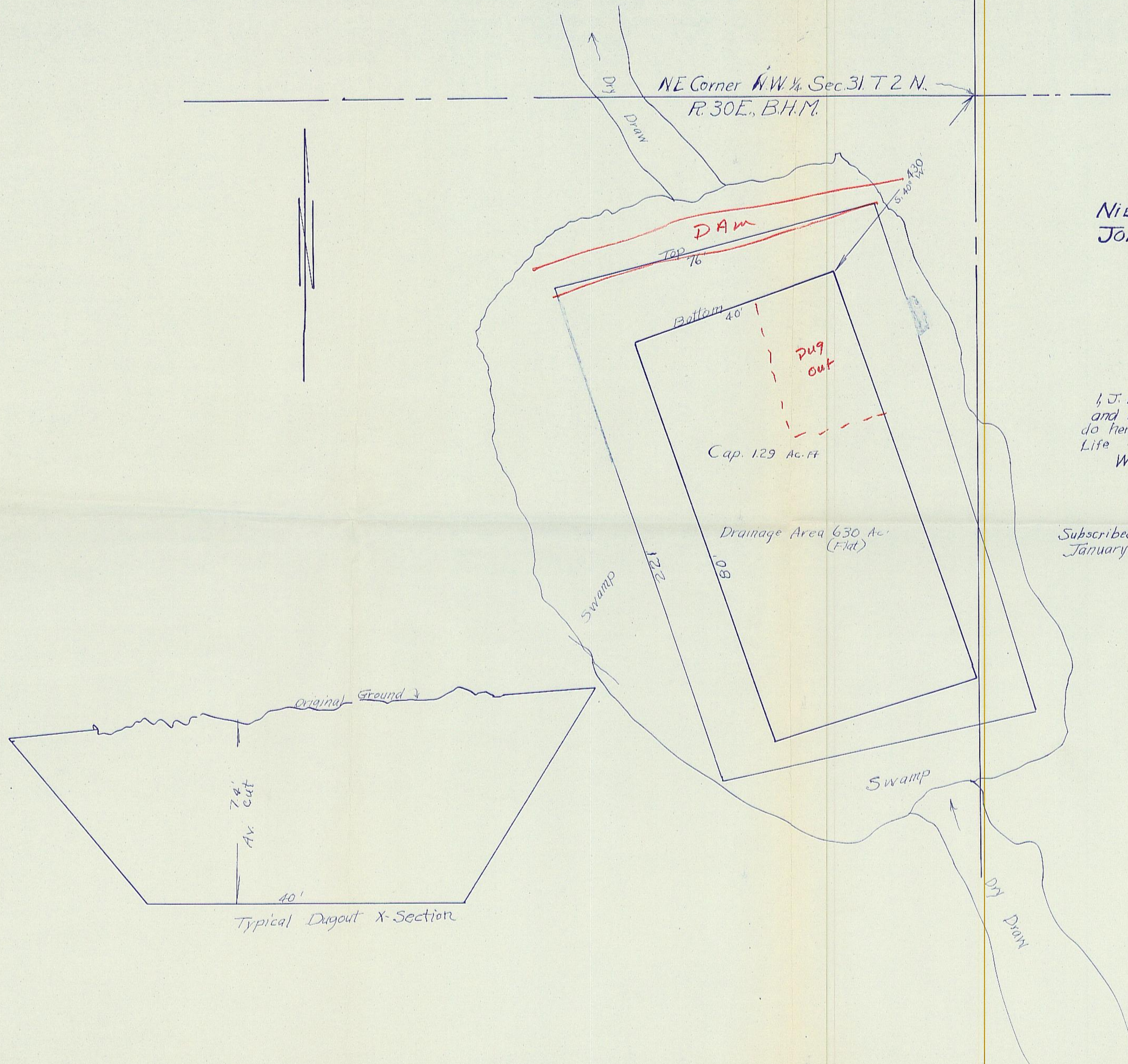
NIELSON'S WILD LIFE REFUGE
Jones County South Dakota
Scale 1"=100'

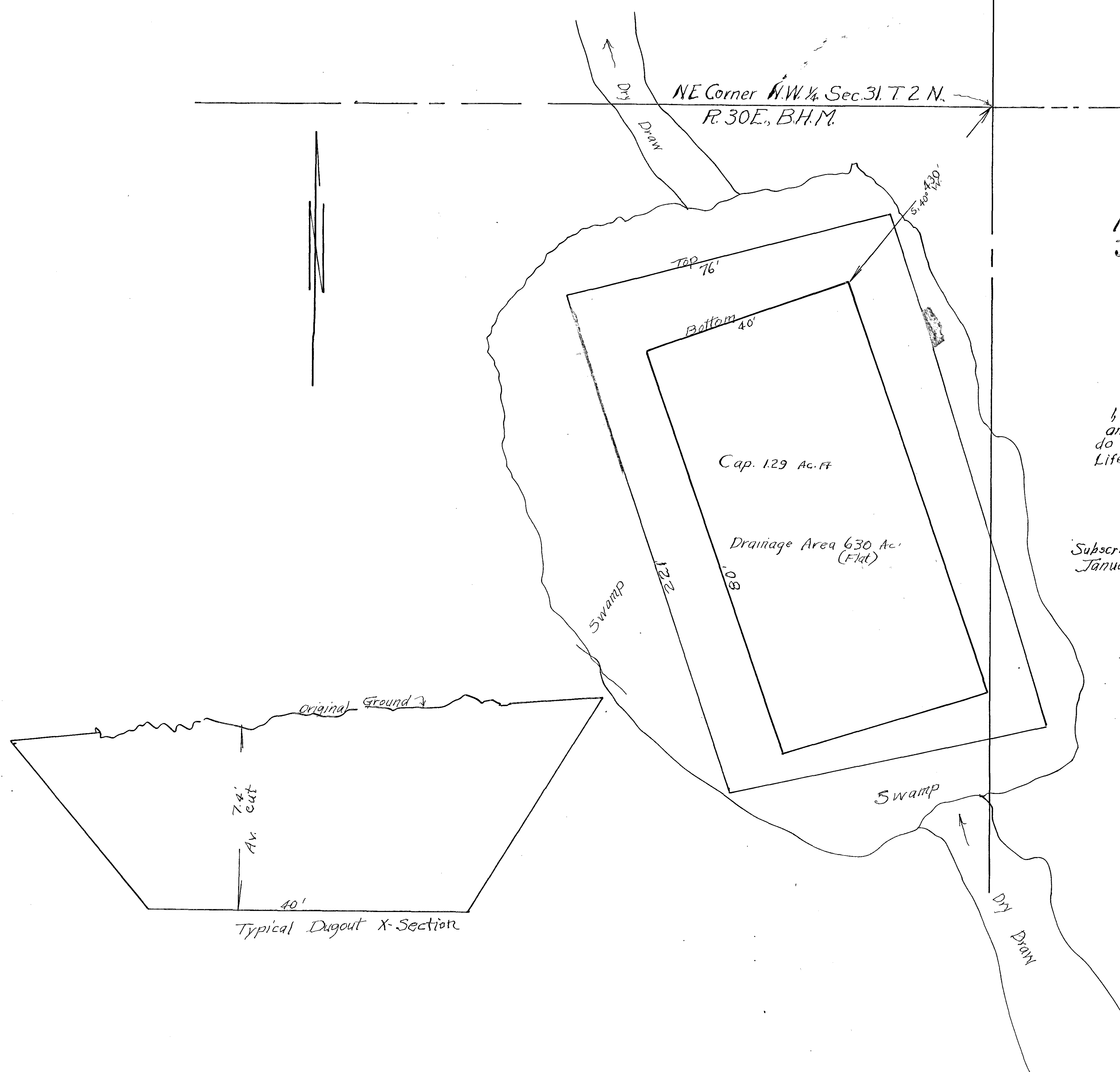
Surveyor's Certificate:-

I, J. R. Richardson, Registered Professional Engineer
and Land Surveyor No. 219, State of South Dakota
do hereby certify I have surveyed and platted Nielson's Wild
Life Refuge and that the attached is true and correct.
Witness my hand and seal this 25 day of January, 1965.
J. R. Richardson
Reg. Prof. Engr and Land Surveyor

Subscribed and sworn to before me a Notary Public this day of
January 1965.

Notary Public *[Signature]* My Commission expires 6-10-68





NIELSON'S WILD LIFE REFUGE
Jones County South Dakota
Scale 1"=100'

Surveyor's Certificate:-

I, J. R. Richardson, Registered Professional Engineer
and Land Surveyor No. 219, State of South Dakota
do hereby certify I have surveyed and plotted Nielson's Wild
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Witness my hand and seal this 25 day of January, 1965.
J. R. Richardson
Reg. Prof. Engr and Land Surveyor

Subscribed and sworn to before me a Notary Public this day of
January 1965.

[Signature]
Notary Public. My Commission expires 6-10-68

Remarks by State Water Resources Commission:

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

Pierre, South Dakota, MARCH 12, 1965

This is to certify that the foregoing application was received by the Commission at 8:00 o'clock
a m. upon the 27TH day of JANUARY, 1965

State Water Resources Commission

By:

Burton Jones
for Chief Engineer, Executive Officer

Number of permit 856-2

Date of first receipt of application JANUARY 27, 1965

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 JANUARY 27, 1965

Approved MARCH 10, 1965, Recorded in Book 8 Page 312

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~~ —

2d. The whole of said work is ~~to be~~ completed ~~on or before~~ —

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

MARCH 10, 1966

4th. The water appropriated shall be used for the purpose of PUBLIC RECREATION

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 3.7 ACRES FEET ANNUALLY
~~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-tenth (1/10) of one cubic foot of water per second of time for each acre of land to which water is actually~~
USED ON THE WILDLIFE REFUGE

and beneficially applied for irrigation on or before MARCH 10, 1966, said water to be used during the following described annual period:

CONTINUOUSLY

Witness my hand this 12TH day of MARCH, 1965.

State Water Resources Commission

By:

Geo. C. Jones
Chief Engineer, Executive Officer

Certificate of Construction issued SEPTEMBER 28, 1967

Water License issued SEPTEMBER 28, 1967

on or before February 11, 1965
(First Publication)

APPROPRIATION OF WATER

Office of State Water Resources Commission,

Pierre, S. Dak., January 28, 1965

Notice is hereby given that William J. Nielson whose postoffice address is Draper 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 3.7 acre annually 6000 feet of water per second of time from the a dry draw through the Nielson Wildlife Refuge, the point of diversion of which is to be located on the both

bank of said stream in the NE 1/4 of the NW 1/4 of Section 31

Twp. 2N Range 30E. Said water to be used for the purpose of providing irrigation on the following described land:

stored in place for a wildlife refuge and public recreation

and for purposes.

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of March, 1965, at 2 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

CC: Mr. M. M. Ingalls, Publisher
Murdo Coyote
Murdo, S. Dak.

By:
BURTON F. JONES
Water Right Specialist

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA

County Jones } ss.M. H. Ingalls being duly sworn, deposes and says the annexed printed copy of Notice

of Intention to Appropriate Water was taken from the -----

Murdo Coyote, a newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in theCity of Murdo County ofJones and State of South Dakota;

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

Feb. 11, 1965Feb. 18, 1965Feb. 25, 1965Mar. 4, 1965in each and every issue of the full number thereof, the first publication being made on the 11th day of Feb.1965 and the last publication on the 11th day ofMar. 1965, upon which days or times

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

was ----- the printer and publisher X of the said newspaper.

APPROPRIATION OF WATER

Office of State Water Resources Commission,
Pierre, S. Dak., January 28, 1965

Notice is hereby given that William J. Nielson whose post-office address is Draper S. Dak. as made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate or beneficial use .61 cubic feet of water per second of time from a dry draw through the Nielson's Flood Irrigation Project, the point of diversion of which is to be located on both banks of said stream in the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 31 Twp. 2N Range 30E. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ S $\frac{1}{2}$, Section 31, T2N, R30E; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T1N, R30E

This application will be taken up by the State Water Resources Commission at their office at Pierre for consideration upon the 10th day of March, 1965, at 2 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

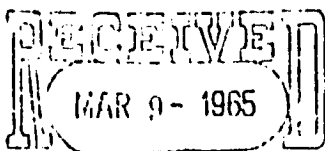
Water Right Specialist

CC: Mr. M. H. Ingalls, Publisher

Murdo Coyote

Murdo, S. Dak.

Pub: Feb: 11, 18, 25 March 4

Subscribed and sworn to before me this 8th day of March A. D. 1965Notary Public Jones County, S. D.

STATE WATER RESOURCES COMM

PIERRE, SOUTH DAKOTA

Permit No. 856-2

Water Division No. 2 BAD RIVER Water District

Certificate of Completion of Works

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That William J. Nielsen

of Draper, County of Jones, and State of South Dakota, the holder of Permit No. 856-2, issued upon Application

No. 856-2, bearing date of priority of January 27, 1965, authorizing the diversion of 3.7 acre feet annually

0.25 per second of the waters of a dry draw County of Jones, State of South Dakota, at a point S40°W, 430 feet from the N½ corner, Section 31, T2N, R31E

for public recreation purposes, has 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 Permit; that said works are now in satisfactory condition for diverting and conveying to the place of intended use 3.7 acre feet annually

~~XXXXXX~~ per second of water; and that the ~~XXXXXX~~ use of said water are described as follows, to-wit: to be used for public recreation purposes as a wild life refuge.

Witness my hand this 28th day of September A. D. 1967

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

WATER LICENSE No. 856-2

WHEREAS, On the 27th day of January A. D. 1965

William J. Nielsen

of Draper County of Jones and State of South Dakota duly made application (No. 856-2) to us for a permit to use 3.7 acre feet annually of the waters of a dry draw County of Jones, State of South Dakota, for public recreation purposes; and

WHEREAS, On the 12th day of March A. D. 1965 Permit No. 856-2 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 10th day of March A. D. 1966 and for the application to beneficial use of said water on or before the 10th day of March A. D. 1966 and,

WHEREAS, On the 7th day of September A. D. 1967 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.7 acre feet annually of said waters, as evidenced by our Certificate No. 856-2 dated September 28, 1967 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.7 acre feet annually of water, with date of priority of January 27, 1965 and,

WHEREAS, On the 7th day of September A. D. 1967 proof was duly made of the application to beneficial use of 3.7 acre feet annually of said water; to be used for public recreation as a wildlife refuge.

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 William J. Nielson
of Draper the holder and owner of said permit No. 856-2
a water right, dating from January 27, 1965 to the use of 3.7 acre feet
annually
~~public recreation~~ of the waters of a dry draw
in the County of Jones and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point 640⁰ W, 430 feet from
the N¹ corner, Section 31, T2N, R30E
and ~~public recreation~~ stored in place, on a portion of the N¹, Section 31,
T2N, R30E

for the purpose of public recreation as a wildlife refuge, subject to
any limitations listed in the Permit to appropriate water, and

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 lateral 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 28th day of September A. D. Nineteen
Hundred and Sixty-seven

State Water Resources Commission

By:

J.W. GRIMES
Chief Engineer Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 856-2Water Division No. 2 Big River Water District**Certificate of Examination of Works****Report of Examining Engineer**

To the State Water Resources Commission, Pierre, South Dakota:

Dear Sirs: I hereby certify that in accordance with your letter of authorization dated _____
 1965, I have this day made a thorough examination of the diversion works constructed by _____
William J. Nielsen, of Draper, Texas _____
 _____ County, South Dakota, holder of Permit No. 856-2, issued
 upon Application No. 856-2, bearing date of priority of Jan. 27, 1965, authorizing the
 diversion of 3.7 Acres Feet Annually cu. ft. per second of the waters of a Dry Draw for Public Recreation
 purposes. I have to report on the condition of the same as follows:

The diversion works comprise: A Dam about 100' long and 8' high
with a small dug out on the upstream side of
it. Surface area at highwater is approx. 3 acres
with about 5 acre feet of storage.

and the system is in the following condition: Good

The point of diversion is located NE 1/4 NW 1/4 Section 31, T.2N., R.32E. as
shown on map.

The works are capable of diverting and conveying to the place of use 3.7 Acres Feet Annually
cu. ft. per second of water,
 which is to be used for Wild Life and Recreation

The legal sub-divisions to be irrigated are: None

_____ comprising a total of _____ acres of land.
 The domestic use intended comprises None

The utilization for power, mining, or other beneficial uses comprises: Wild Life
Purposes and Recreation. At time of inspection
16 wild Ducks and two deer were making
use of the area.

Witness my hand this 2th day of September, A. D. 1967

—SEAL—

Richard D. Schuyler
 Examining Engineer.

Water Right Specialist.

Permit No. 856-2Water Division No. 2 - Bad River Water District

MAR 2 1965

STATE WATER RESOURCES COMMISSION

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.) Draper, S. Dak.(Date) March 18, 1965

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

DEAR SIR: Notice is hereby given that on the _____ day of _____
 19____, at _____ County of _____ State of South Dakota,
 before _____ (Examining Engineer or Officer) _____
 of _____ cubic feet per second of the waters of _____
 _____ in accordance with the terms and conditions of Permit No. _____
 heretofore issued by the Water Resources Commission of South Dakota.

1. The name and postoffice address of the person or corporation holding said permit are
William Nielson, Draper, S. Dak.
2. The use to which said water has been applied is irrigation
3. The amount applied to beneficial use is 3.7 acres ft annually
4. The place where said water is used is (if for irrigation, give full and accurate description of the lands irrigated)
430 ft. South 40 degrees West from NE corner of the NW 1/4 of Sec 34 T. 2 N. R. 30 E B.H.M. N.A. Jones County
5. The name of the canal or ditch or other works by which said water is conducted to such place of use is _____
6. The right to take the water from such works is based upon permit No. 856-2
7. The source of supply from which such water is diverted is dry draw
8. The date of priority which said user is prepared to establish is March 18, 1965

(Sign)

William Nielson

Permit No. 856-2Water Division No. 2 Red River Water District

MAR 21 1965

STATE WATER RESOURCES COMMISSION

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.) Dunlap, South Dakota
(Date) March 18, 1965

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 _____
_____ cu. ft. per second of the waters of the state from _____
through the _____
for _____ 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 William J. Nielsen
2. The postoffice address of such person or the place of business of such corporation is Dunlap
County of Dakota State of S. Dak.
3. The number of such permit is 856-2 and the date set for the completion of such work is completed
4. Said water to be used for will life refuge purposes
5. Said works 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 2.12 cfs at 2.25 ft. head cubic feet per second.
6. The amount of land for which said water is available is _____ acres,
particularly described as follows: reservoir capacity when filled is 29
acres (est)

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

William J. Nielsen

(Signature of Owners)