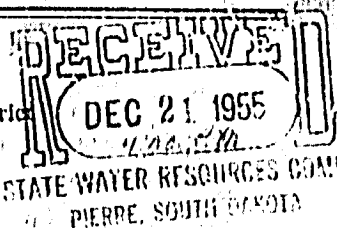


Water Division No. 3 District James River
(Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

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

1. Name of applicant ORLYN NIELSON
Postoffice address Tulare County Spink 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)

Irrigation features, including irrigation well, are completed and in operation

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

2. Name of diversion work Hilkemeier Well

3. Amount of water claimed 2.22 cubic feet per second

4. Source of water supply Well

5. Location of point of diversion 940 feet West 20°00' North from South 1/4 corner of Section 4,
Township 111 North, Range 61 West on bank Spink County.

6. Annual period or periods during which water is to be used April 15 through November 1

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Combination system

(a) Number of acres to be irrigated 160 acres.

(b) Legal subdivisions to be irrigated SW 1/4 Section 4, T. 111 N., R. 61 W. — 160 acres
(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. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use None
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. 107-3

8. Estimated cost of work:

(a) Head Gates, \$350.00

(b) Pumping plant, \$6,100.00

(c) Fluming, \$-----

(d) Canal-earth, \$200.00

Rock, \$-----

(e) Other structures Land leveling and sprinkler system 6,000.00

Total, \$12,650.00

9. Description of diversion works:

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

Well

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-Feet CAPACITY

Gate valve with totalizing line meter

(c) Head gate: Width ----- feet; height ----- feet;
Material Steel

(d) Canal: Total length 0.54 miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
A. 0.00 Mile	1.2 feet	1.0 feet	4 feet	3.5 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 0 years.

11. Time required for complete application of water to the proposed beneficial use 2 years.

12. Choice of newspaper for publication of notice of intention to appropriate Redfield Press

Redfield, South Dakota

STATE OF SOUTH DAKOTA

County of Spink

I, Ernest Hickman, 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

Ernest Hickman

Subscribed and sworn to before me this

22nd

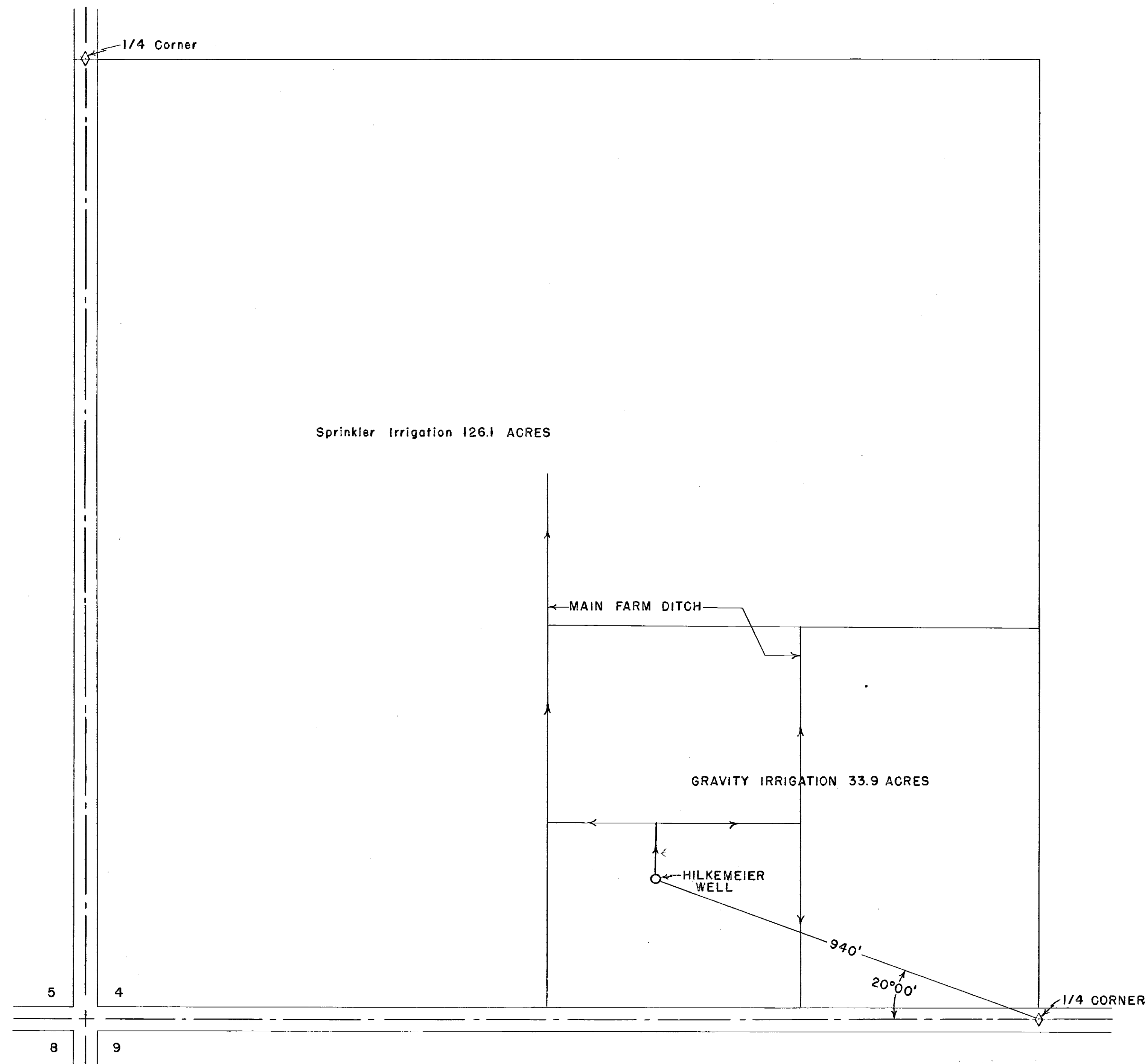
day of

June

1951

Notary Public (or other qualified officer.)

MAP SHOWING LOCATION OF HILKEMEIER WELL (POINT OF DIVERSION)
AND LANDS TO BE IRRIGATED WITH WATER DIVERTED FROM THIS WELL.
ERWIN HILKEMEIER, OWNER



LEGAL SUBDIVISION AREA TO BE IRRIGATED:
S.E. 1/4 SECTION 4 T114N R 64 W 160.0 ACRES
TOTAL 160.0 ACRES
LENGTH OF MAIN FARM DITCH 2860 FEET
SCALE: 1 INCH = 200 FEET

Certified Correct Mr. E. J. Sjogren
Chief, Projects Development Division
Bureau of Reclamation, Department of Interior
Huron, South Dakota.

Subscribed and sworn to before me
this 21st day of November 1955
Anthony H. Cantu
Notary Public for the State of South Dakota
Residing at Huron, South Dakota
My Commission expires February 9, 1956

Remarks by State Water Resources Commission:

Veiled Right

STATE OF SOUTH DAKOTA

County of Minnehaha

ss.

Pierre, South Dakota, Dec 21, 1955

This is to certify that the foregoing application was received by the Commission at 4:00 o'clock
P.m. upon the 21 day of Dec, 1955.

State Water Resources Commission

By: G. W. H. Rineer

Chief Engineer, Executive Officer

Number of permit 10855

Date of first receipt of application Dec 21, 1955

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 Oct 1, 1953

Approved Dec 27, 1955, Recorded in Book 3 Page 98

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 _____, 19____

2nd. The whole of said work is to be completed on or before Completed Oct. 1, 1953

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

Dec 27, 1957

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 2.22 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-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 Dec 27, 1957; said water to be used during the following described annual period:

Witness my hand this 21 day of January, 1956

State Water Resources Commission

By: G. W. H. Rineer

Chief Engineer, Executive Officer

Certificate of Construction Issued Jan 21, 1956

Water License Issued January 22, 1958

Form 2A - Wells (Supplement to Form 2)

9. (continued)

III. Well Specifications

(a) Hole and casing

Size of drill hole or excavation 36 inch,

Depth 11 1/2 feet

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

Size of casing 12 inch, Thickness of casing 1/4 inch
Length of casing 72 feet. If collection gallery,
length, size, and depth of gallery _____.

(b) Screens

Type of perforated screen Slot wire wound No. 100

Size of perforated screen 12 inch, 40 feet
(diameter) (length)

Thickness of gravel pack 12 inch, length of gravel
pack 100 feet.

(c) Water Bearing Materials

Distance to water 70 feet.

Character of water bearing materials Sands

Thickness of water bearing material 4 1/2 feet

(d) Pump and Motor

Type of pump Turbine
(centrifugal, propellor, mixed flow, etc.)

Name of pump Jacuzzi, size 10 inch

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

Horsepower 40

Name of motor Allis Chalmers

(e) Complete well

Capacity 2.2 c.f.s. at drawdown of 42 feet

Estimated cost \$1,000.00

(f) Owner of land upon which well is located Erwin
Name

Milkemeier, Tulare, South Dakota
Address

(g) Distance to nearest existing wells

On same Owner's property 160 rods

On property owned by others 150 rods

STATE OF SOUTH DAKOTA

WATER LICENSE No. 108-3

WHEREAS, On the 21st day of December A. D. 1955

Erwin Hilkemaier

of Tulare County of Spink and State of South Dakota duly made application (No. 108-3) to us for a permit to use 2.22 cubic feet per second of the waters of ground water County of Spink, State of South Dakota, for irrigation purposes; and

WHEREAS, On the 21st day of January A. D. 1956 Permit No. 108-3 was issued to said applicant for the diversion of said water, and ~~recognizing~~ recognizing completion of the works of diversion therein described on or before the 1st day of October A. D. 1953 and for the application to beneficial use of said water on or before the 27th day of December A. D. 1957 and,

WHEREAS, On the 21st day of December A. D. 1955 the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.22 cubic feet per second of said waters, as evidenced by our Certificate No. 108-3 dated January 21, 1956 confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.22 cubic feet per second of water, with date of priority of October 1, 1953 and,

WHEREAS, On the 24th day of October A. D. 1957 proof was duly made of the application to beneficial use of 2.22 cubic feet per second of said water; on 160 acres located in the SW $\frac{1}{4}$, Sec. 4, T 114 N, R 64W

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 Erwin Hilkemeier
 of Tulare, South Dakota the holder and owner of said permit No. 103-3
 a water right, dating from October 1, 1953 to the use of 2.22
 cubic feet per second of the waters of ground water
 in the County of Spink and State of South Dakota, or so much thereof as may be
 necessary for the purposes hereinbelow mentioned, to be diverted at 240 feet W 20° 00' N from the
S 1/2 Cor., Sec. 4, T 114 N. R 64W
 and conducted to and upon the SW 1/4, Sec. 4, T 114 N, R 64W
 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 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 22nd day of January 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 _____

Amt. _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 108-3Water Division No. 3 Jamez River Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Erwin Hilkensier
 of Tulare County of Spink, and State of
South Dakota, the holder of Permit No. 108-3, issued upon Application
 No. 108-3, bearing date of priority of October 1, 1953, authorizing the diversion of
2.22 cu. ft. per second of the waters of ground water
 County of Spink, State of South Dakota, at a point 2000 ft. N.
940 feet from the S.E. Corner, Sec. 4, T. 114N, R. 64W
 for irrigation
 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 found in satisfactory
 condition for diverting and conveying to the place of intended use 2.22 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: SW 1/4, Sec. 4, T. 114N, R. 64W - - - - - 160 acres

Witness my hand this 21st day of January A. D. 1956.

State Water Resources Commission

By:

J. W. Grimes, Chief Engineer, Executive Officer

Permit No. 108-3Water Division No. 3James
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 ~~XXXX~~ authorization ~~XXXX~~ on October 24, 1957
~~XXXX~~, I have ~~this day~~ made a thorough examination of the diversion works constructed by Erwin Hilke-meier, of Tulare
Spink County, South Dakota, holder of Permit No. 108-3, issued upon Application No. 108-3, bearing date of priority of October 1, 1953, authorizing the diversion of 2.22 cu. ft. per second of the waters of ground water for irrigation purposes. I have to report on the condition of the same as follows:

The diversion works comprise: Jacuzz: Pump, Spec. #7130A, and Fig. #HC-12-2;
Johnson Gear Head #21334; Allis Power Unit Model W-201; Sparling Water
Meter; 66 Model 40 Rainbird 5/32 x 13/64 nozzles; adequate lateral
and mainline for 120-130 acres; 2800-3000 feet of ditch for the balance
of the project; and a metal combination surge and division tank.
 and the system is in the following condition: very good

The point of diversion is located 940 feet W 20°00' N from the S½ Cor.,
Sec. 4, T 114 N, R 64 W.

The works are capable of diverting and conveying to the place of use 2.22 cu. ft. per second of water, which is to be used for irrigation

The legal sub-divisions to be irrigated are: SW¼ Sec. 4, T 114 N, R 64 W

comprising a total of 160 acres of land.

The domestic use intended comprises -----

The utilization for power, mining, or other beneficial uses comprises: -----

Witness my hand, this 22nd day of January, A. D. 19 58

--SEAL--

Les Wyborny

Examining Engineer

Location No.

Water Division No. Water District

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

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

Ans. Erwin Hilkemel, 1000 1st Ave., South Dakota - farmer

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

Ans. Does not apply

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

Ans.

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

Ans. Source of water is a well located 940 feet west and 2000' north of the south quarter corner of Sec. 4, T. 111 N., R. 61 W., in Spink County.

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.

Ans. The pump delivers 2.22 cubic feet per second and water is conveyed by ditch to place of use on farm. The well was completed October 1, 1953.

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. Water is used for irrigation purposes. Approximately 160 acres in the SW 1/4 of Sec. 4, T. 111 N., R. 61 W., have received irrigation water from this well.

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

Ans. Does not apply

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

Ans. One acre-foot of water per year for each acre irrigated

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. 55.0 acre-feet were applied to 100 acres in 1954 by sprinkler methods.

109.9 acre-feet were applied to 160 acres in 1955 utilizing both gravity

and sprinkler irrigation methods.

(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. 19____

} 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 _____

NOTICE OF TRANSFER OF WATER PERMIT

MARCH 26, 1968

TO: Office of State Water Resources Commission
Pierre, South Dakota

This is to notify you that ERWIN HILKEMEIER, TULARE,
S. DAK

who previously owned the land described below has sold his interests to ORLYN NIELSON,
TULARE, S. DAK.

together with any rights to the beneficial use of water thereon as evidenced by State Water Permit No. 108-3
and as provided for in section 51.0141 of the SDC of 1939 and elsewhere

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.

A fee of one dollar is hereto attached to cover filing fees as required under Section 55.1806 of the SDC of 1939.

STATE OF SOUTH DAKOTA
County of HUGHES } ss.

I, ORLYN NIELSON 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.

Signed Orlyn Nielson

Subscribed and sworn to before me this 26TH day of MARCH, 1968

H. E. Bowers
Notary Public

H. E. Bowers, Notary Public
My Commission Expires
July 25th, 1968.

Tulare, South Dakota

November 23, 1955

Water Resources Commission

Pierre, South Dakota

Gentlemen:

I made an application for a permit to appropriate water for irrigation from a well in 1953. I was assigned Permit No. 106-3. After I had filed the application I was informed that a permit was not required for a well as result of the court action taken at Redfield during 1953. Since the revision of the water laws during the last session of legislature, it is my understanding that I must have a permit. My application to appropriate water for irrigation purposes is enclosed. I sent in the \$5.00 fee at the time of my first application. Duplicate maps are being sent under separate cover.

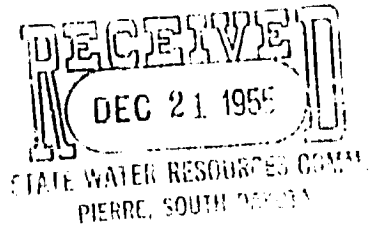
The well was constructed by the Bureau of Reclamation, United States Government, and was completed October 1, 1953. I have irrigated since that time.

Very truly yours,

Erwin Wilkemeier

Erwin Wilkemeier

Enclosure





**Department of
Water & Natural Resources**

Joe Foss Building
529 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

2659-3

No. 108-3

1708-3

December 13, 1983

Larry Nelson
RR#1, Box 26
Tulare, South Dakota 57476

Dear Mr. Nelson:

Please find enclosed a copy of a Notice of Transfer of Water Permit form. This form must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 **for each, total of \$7.50.**

Upon receipt of the enclosed forms and the \$2.50 filing fee **for each** the permit will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

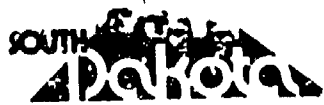
Please advise if you have any questions.

Sincerely,

Maxine Stirling
Staff Assistant

ms/
Enc.

DWNR-820A-8/83



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

March 14, 1984

SECOND NOTICE
Permit Nos. 108-3
1708-3
2659-3

Larry Nielson
RR 1 Box 26
Tulare SD 57476

Dear Mr. Neilson

On December 13, 1983 notice was sent to you concerning the transfer of Water Permit Nos. 108-3, 1708-3 and 2659-3 in the name of Orlyn Nielson. To date, we have not heard from you on this matter.

Transfer forms were previously sent to you, enclosed please find additional forms. Please sign, have notarized and return the form to this office with the required filing fee of \$2.50 each (\$7.50 total). The permits can then be transferred to your name. If you are not the present owner of the land covered under these Permits, please notify this office. It is very important that ownership records be kept current. The first notice was sent to you made reference to South Dakota Water Law 46-5-30.3 which requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

ks

enclosures

Equal Opportunity Employer

108-3
1708-3
2659-3

PS Form 3811, Dec. 1960

SENDER: Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one):

- ☒ Show to whom and date delivered —¢
- ☐ Show to whom, date, and address of delivery.. —¢
- ☐ **RESTRICTED DELIVERY** —¢
(The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL \$

3. ARTICLE ADDRESSED TO:
Larry Nelson
PO Box 26
Duluth SD 57476

4. TYPE OF SERVICE:

☒ REGISTERED	☐ INSURED
☐ CERTIFIED	☐ COD
☐ EXPRESS MAIL	

ARTICLE NUMBER
P321 937 440

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent
Chapman

5. DATE OF DELIVERY
3-15-84

6. ADDRESSEE'S ADDRESS (Only if requested)

7. UNABLE TO DELIVER BECAUSE:

7a. REASON FOR UNDELIVERED

7b. ADDRESSEE'S INITIALS

my

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

POSTMARK
MAR 15 1984



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

Water Rights Division
605 773-3352

April 9, 1984

108-3
1708-3
2659-3

Larry Nielson
RR #1, Box 26
Tulare SD 57476

Dear Mr. Nielson:

Enclosed is receipt Nos. 4 9633 thru 4 9635 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 108-3, 1708-3 and 2659-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

KAREN SCHLAACK
Administrative Aide

enclosure

Equal Opportunity Employer

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

No 4 9633

Pierre, April 6, 19 84

RECEIVED OF Larry Nielson, RR#1, Box 26, Tulare, SD 57476

the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form 108-3 _____	2	50
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	2 50

By

Chief Engineer

JOHN HATCH ms

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 1/17/84

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

160 acres - SW $\frac{1}{4}$ Section 4, T114N, R64W

formerly owned by Orlyn Nielson

has been transferred to Larry Nielson, RR#1, Box 26, Tulare, SD 57476

(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 108-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Spink) ss.

I, Larry Nielson 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.

Larry Nielson
(Signed)

Subscribed and sworn to before me this 17th Day of January, 19 84

W. A. Heaton
(Notary Public)



WNR-R20-9/83

Notice of Transfer of Water Permit

Observations during the Field Inspection on October 24,
1957 of the Erwin Hilkemeier Project relative to Application
#108-3.

Mr. Hilkemeier accompanied me on this inspection and was very helpful in assisting in order that I might complete the work.

This project consisted of 160 acres plus ^{or minus} divided into 4-80 acre fields of alfalfa, corn, and wheat and oats. The well was located about 65-70 rods west and 20 rods north of the S $\frac{1}{2}$ Cor., Sec. 4, T 114 N, R 64 W in the SE $\frac{1}{4}$ SE $\frac{1}{4}$. Location of the well and lands corresponds to those shown on map #107-3. The area irrigated was essentially the whole SE $\frac{1}{4}$.

Equipment included a Jacuzzi Pump, Serial #WDG1648, Spec. #T130A, Fig. No. HC12 Z, with a capacity of 1000-1100 gpm; Johnson Gear Head, Serial No. 21334 and HB 30 rated @ 1760 rpms; on Allis Power Unit, Serial #PU 82584W, Model No. W-201, with a 201 cu. in. displacement; a Sparling water meter, Serial #6702; 66 Model-40 Rainbird 5/32 x 13/64 nozzles and adequate mainline and lateral pipe to irrigate 120-130 acres in the northern and southwest part of the quarter. There are about 2800-3000 feet of ditches of adequate capacity to gravity irrigate the balance of the field not sprinkled.

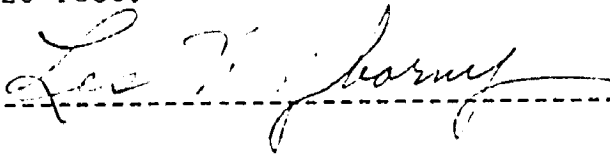
A metal surge tank was installed at the pump to cut down turbulence and erosion.

The equipment was in very good condition.

The system was not in operation at the time of the inspection but there was good evidence that the area had been irrigated this year.

The capacity of the works and area irrigated corresponded to the conditions as set forth in the permit.

The well is 115 feet deep with the static water level at about 20 feet.



November 2, 1957

Les Wyborny

Water Rights Engineer.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

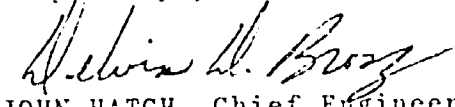
Larry Nielson
RR 1, Box 26
Tulare SD 57476

Dear Mr. Nielson:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 108-3 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,

for 
JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352



 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

4108-3
#1703-3
#2654-3
#4435-3

February 17, 1989

Larry Nielson
RR 1, Box 26
Tulare, SD 57476

Dear Mr. Nielson:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

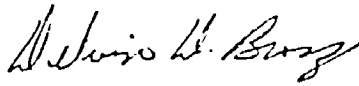


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 4935-3 & 108-3

James River Water District
10160006

Report Of Examination Of Works And/Or Application Of Water To Beneficial Use

TO: Chief Engineer, Division of Water Rights, DWR, Foss Bldg., Pierre, SD 57501

I have this day made a thorough examination of the water use system constructed by Larry Nielson
RR 1 Box 26 of Tulare, SD 57476 holder of
108-3 Permit No. 4935-3 bearing the priority of Oct. 1 53
Nov. 2 1987 authorizing
the diversion of 2.45 cu. ft. per second of the waters of groundwater (one well)
for irrigation purposes, in Spink County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

Well: 124' Deep, 16" Fiberglass Casing, 60' Fiberglass Screen

Pump: Western Land Roller, Ser. No. 8604253

Motor: High Thrust U.S. Electrical, No. A405UP, 75 H.P.

B. Works used to transmit water to place of use:

300' of buried 8" PVC Pipe

C. Works used to apply water to beneficial use:

7 & 1 Center Pivot: 8 towers + corner (9 towers),
1100 gpm @ 50 psi

The system is in the following condition: good

The point of diversion is located NW 1/4 SW 1/4 Sec. 4, T114N, R64W;
1330' N & 1020' E of the SW corner of Sec. 4.

The works are capable of diverting and conveying to the place of use: 2.44

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: Sec. 4, T114N, R64W

NW 1/4 SW 1/4 - 40 acres

NW 1/4 SE 1/4 - 12 acres

NE 1/4 SW 1/4 - 40 "

SW 1/4 SE 1/4 - 12 "

SE 1/4 SW 1/4 - 40 "

SW 1/4 SW 1/4 - 40 "

comprising a total of 184 acres of land and the license should be issued for 2.44 cfs

Applicable permit qualifications have been complied with ☒ Yes ☐ No

Exceptions to compliance are: _____ Date Sept. 2, 1987

James L. Wendt
(Signature)

Form B

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
 County of Spink) ss



Notary Public
 certify that the attached printed Notice was

taken from the Redfield Press

printed and published in Redfield, SD

County of Spink and State of

South Dakota. The notice was published in
 the newspaper on the following two dates:

February 3, 1993

February 10, 1993

Cost of Printing \$15.00

Notary Public
 (Signature)

Notary Public
 (Title)

Notary Public
 (Date Signed)

Notice of Intent to Validate Water Rights

No. 51

RE-ADVERTISEMENT OF NOTICE OF INTENT TO VALIDATE VESTED WATER RIGHT CLAIMS

Notice is given that the following vested water right claims in Spink County are eligible for validation by the Water Management Board pursuant to SDCL 46-2A-17 without a hearing unless a petition to oppose the validation is filed pursuant to SDCL 46-2A-22. Re-advertisement of the original notice of intent to validate these claims, as published on June 22 and 29, 1998 in the Redfield Press, is necessary to correct errors in the previously published notice.

Vested Water Right No. 108-3, Larry Nelson, RR 1 Box 26, Tulare, SD 57476, appropriates 2.22 cubic feet of water per second (cfs) from one well 142 feet deep located in the NW 1/4 SW 1/4 Section 4 to irrigate 160 acres located in the SW 1/4 Section 4; all in T114N R64W. The priority date is 10/11/1953.

Vested Water Right No. 136-3, Richard Jessen, RR 1, Box 77 Tulare, SD 57476, appropriates 1.72 cfs from one well located in the NW 1/4 SW 1/4 Section 27 to irrigate 107 acres located in the SW 1/4 Section 27; all in T115N R65W. The priority date is 12/12/1953.

Any person who wishes to oppose validation of any of the re-advertised vested right claims shall file a petition of intent to oppose the validation by February 22, 1993 with the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources, Joe Foss Building, 523 East Capitol, Pierre, SD 57501-3181 (605-773-3352) and with the vested water right holder at the listed address. The petition may be informal, but it must include a statement describing the petitioner's interest in the vested water right claim, the reasons for the petitioner's opposition to the claim, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained.

If a petition of intent to oppose the validation of a recognized vested water right claim is filed, the Water Management Board will conduct a hearing on the opposed claim at 10:00 am, March 3, 1993, Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre SD. The March 3, 1993 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by February 22, 1993.

If no person opposes validation of a recognized vested water right claim pursuant to SDCL 46-2A-16, the Water Management Board will issue an order pursuant to SDCL 46-2A-17, validating the vested water right claim.

These validations are made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-2A-16 thru 46-2A-18, 46-2A-22; 46-5-1 thru 46-5-6.1, 46-5-8.2, 46-5-13 thru 46-5-15, 46-5-30.2 thru 46-5-37.1, 46-5-46, 46-5-49; 46-6-1 thru 46-6-3, 46-6-6, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-21, 46-7-1 thru 46-7-5.3, 46-7-12, 46-7-14, 46-7-15 and Board Rules ARSD 74:02:01:01 thru 74:02:01:05.03 and 74:02:01:20 thru 74:02:01:22.

Contact Eric Gronlund by February 22, 1993 at the above Water Rights Division address to: 1) request copies of information pertaining to a vested right claim or a copy of the vested water right claim list for another county; 2) obtain a summary of South Dakota Water Law and Water Rights Information; 3) to assure access to the hearing by the handicapped; or 4) obtain an interpreter for the hearing impaired.

Robert E. Roberts
 Secretary

Department of Environment and Natural
 Resources

(February 3, 10)

108-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

January 27, 1993

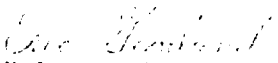
Larry Nielson
ER 1, Box 26
Tulare SD 57467

Dear Mr. Nielson:

The original Notice of Intent to Validate your Vested Water Right Claim No. 108-3 was published with an error. The location of the diversion point was incorrect. Therefore, the notice needs to be readvertised to correct the error. The Readvertisement of the Notice of Intent to Validate Vested Water Right Claims has been sent to the Publisher of the Redfield Press printed at Redfield SD. For your information, a copy of the notice is enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 774 3352

cc: Losper

108-3



JUN 11 1993

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

Larry Nielson
RR 1, Box 26
Tulare SD 57476

Dear Mr. Nielson:

The Water Management Board has validated the enclosed Vested Water Right No. 108-3. This validation gives legal status to the claim and is the final document for your vested right.

As long as you use the water beneficially, as stated in the validation, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'John Hatch', is written over a horizontal line.

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosure

SOUTH DAKOTA

VESTED WATER RIGHT NO. 108-3 FOR IRRIGATION

Date of Receipt of Claim December 21, 1955.

Date of Validation March 3, 1993.

The Water Management Board validated Vested Water Right Claim No. 108-3 for irrigation purposes for Larry Nielson, RR 1, Box 26, Tulare, South Dakota, 57476 with the following limitations, conditions and qualifications:

1. Vested Water Right No. 108-3 appropriates 2.72 cubic feet per second of water from a well to irrigate 160 acres. The point of diversion is located in the NW 1/4 SW1/4 Section 4, T114N, R64W. The irrigated lands are located in the SW1/4 Section 4, T114N, R64W.
2. The appropriation may not exceed the amount of water needed for beneficial use for irrigation. The appropriation may not exceed 3 acre feet per irrigated acre per year. Water is to be used during the following annual period: April 15 to November 1.
3. The priority date of the Vested Water Right is: October 1, 1953
4. The water use system has been constructed and water has been applied to beneficial use.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

WATER MANAGEMENT BOARD

By: _____

Chief Engineer

JUN 11 1993

date

Division of Water Rights
Dept. of Environment and Natural Resources

Note: Vested Water Right No. 108-3 has been incorporated into Water License No. 4935-3.

NOT TO SCALE

