

Considered: \_\_\_\_\_

WATER PERMIT NO. 2600A-3

MAP No. same

Name of Applicant Morris Nelson

Post Office Address Rt 2, Box 102, Yankton SD 57078

Amount of Water Claimed .44 cfs Total Acres 31

Source of Water Supply James River

Water to be used for irrigation County Yankton

About 5 miles N of Yankton

PROOF OF PUBLICATION: Received 8/12/86 Not Received \_\_\_\_\_

APPLICATION: Approved September 3, 1986 Subject to \_\_\_\_\_

F.F. & C.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received Feb. 27, 1986 Fee \$150.00 Remarks \_\_\_\_\_

2/27/86 Additional lands adjacent to 2600-3 are being irrigated

Corrected Application Received \_\_\_\_\_ Period of Annual Use Mar 1 - Nov 30

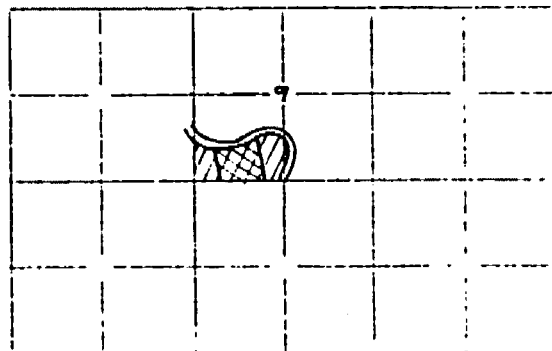
WATER QUALITY APPROVAL RECEIVED \_\_\_\_\_ APPROVED CONDITIONAL (Circle one)

WI-1 Description same as Application: YES ✓ NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point James River : any point in  
S 1/2 of sec. 9-T94N-R55W

Land to be Irrigated SW 1/4 SW 1/4 (14.3 ac); SE 1/4 SW 1/4  
(16.7 ac); all in sec 9-T94N-R55W

 2600A-3  
2600-3



Well Log: Driller NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well NA REMARKS \_\_\_\_\_

Type of Map aerial photo PREPARED BY Ron Duval Reviewed and the Number

assigned on June 13, 1986 By Ron Duval

STATE OF SOUTH DAKOTA  
WATER LICENSE NO. 2600A-3

(1) Morris I Nelson of RR 2 Box 102, Yankton, SD 57078 made Application No. 2600A-3, February 27, 1986 for a water permit to appropriate 0.44 cubic feet of water per second (cfs) from the James River, Yankton County, South Dakota for irrigation purposes. Permit No. 2600A-3, with a priority date of February 27, 1986 was approved September 3, 1986 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before September 3, 1991 and for the application to beneficial use of said water on or before September 3, 1995.

Water Permit No. 2600A-3 was obtained to authorize irrigation of acreage adjacent to land irrigated under Water Permit No. 2600-3. The applicable portions of Water Permit No. 2600-3 are incorporated into this Water License No. 2600A-3. A priority date of March 2, 1976, established under No. 2600-3, is retained for 0.42 cfs. A priority date of February 27, 1986, established under No. 2600A-3, is retained for 0.44 cfs.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.86 cubic feet of water per second for beneficial use. The location of the diversion point at the time of the field investigation was 1150° N3°E of the S/W corner of Section 9, T94N, R55W (SW 1/4 SW 1/4). The diversion point can be moved to any point along the river in the S 1/2 Section 9.

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in Section 9, T94N, R55W**

|               |                 |
|---------------|-----------------|
| SW 1/4 SW 1/4 | 30 acres        |
| SE 1/4 SW 1/4 | 31 acres        |
| Total         | <u>61 acres</u> |

(4) Pursuant to South Dakota Water Law 46-5-30.1 Morris I Nelson of RR 2 Box 102, Yankton, SD 57078 the holder and/or owner of Incorporated Water Permit No. 2600A-3 is issued a license to appropriate water, the right to use 0.86 cubic feet of water per second from the James River with priority dates of March 2, 1976 (0.42 cfs) and February 27, 1986 (0.44 cfs) from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 2600A-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
John Hatch, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

JUL 2 1996  
\_\_\_\_\_  
date



Mail to: Water Rights Div.  
DWNR, Foss Bldg.  
Pierre, SD 57501  
(605) 773-3352

No. 2600A-3 Hydrologic Unit 10160011  
Map No. same Basin James River  
Newspaper Yankton Press & Dakotan, Box 56 (daily)

# Application For Permit To Appropriate Water Within The State Of South Dakota

Type of Application: Check one or more of the following:

- New ☒ Vested Right ☐ Future Use ☐  
☐ Application to amend Permit No. 2600-3 with old priority date retained  
☐ Change diversion point(s) ☐ Add diversion point(s) ☐ Change acreage ☐ Other ☐  
☒ Application to: ☐ Change use ☐ Change diversion point(s) ☐ Add diversion point(s)  
☒ Add Acreage ☐ Increase diversion rate ☐ Other \_\_\_\_\_ See Permit No. \_\_\_\_\_  
☐ Application to: ☐ Use ☐ Transfer water reserved by Future Use Permit No. \_\_\_\_\_

1. Name of Applicant Morris I. Nelson Phone No. \_\_\_\_\_  
 Post Office Address Rt 2, Box 102 Yankton SD State 57078  
 (Street, RR or Box) Zip Code  
 2. Amount of water claimed (c.f.s) 0.44 Total acres irrigated 31  
 3. Source of Water supply James River  
 4. Location of point of diversion James River: any point in the S $\frac{1}{4}$  of Section 9  
T94N, R55W  
 \_\_\_\_\_ County Yankton  
 5. Counties where water will be used Yankton  
 6. Annual period during which water is to be used March 1 to November 30  
 7. 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. |
|--------------------------------------------------------------------------------|----------------|
| <u>SW<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> Sec 9, T94N, R55W</u> | <u>14.3</u>    |
| <u>SE<math>\frac{1}{4}</math> SW<math>\frac{1}{4}</math> " "</u>               | <u>16.7</u>    |
|                                                                                |                |
|                                                                                |                |

| Land Description | No. Acres Irr. |
|------------------|----------------|
|                  |                |
|                  |                |
|                  |                |
|                  |                |

Attach sheet if more space is needed

8. Give a brief description of proposed project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

This permit application proposes to irrigate additional acreage adjacent to  
lands irrigated under Permit No. 2600-3.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (see instruction)

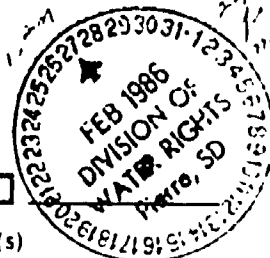
STATE OF SOUTH DAKOTA,  
County of Yankton ) ss

I, Morris I. Nelson the applicant, certify that I have read the foregoing application, 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 Morris I. Nelson

Subscribed and sworn to be, at me this 21st day of February 1986

John W. Nelson



# WATER PERMIT

The Water Management Board hereby approves Water Permit Application No. 2600A-3  
Morris Nelson Rt 2, Box 102, Yankton  
(Applicant) (Post Office Address)  
SD 57078 With the following qualifications.  
(State) (Zip Code)

1. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application February 27, 1986.  
 Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19\_\_\_\_.  
 Date of receipt of corrected application \_\_\_\_\_, 19\_\_\_\_. Approved September 3, 1986.

The Water Management Board hereby approves this Water Permit No. 2600A-3 authorizing the construction of the water use system and the placing of water to beneficial use as stated in the Application and as qualified in the Water Permit approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is February 27, 1986.
2. One-fifth of the work is to be completed on or before February 3, 1987.
3. The whole of said work is to be completed on or before September 3, 1991.
4. The time limit for proof of beneficial use of water is September 3, 1995.
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 unlawfully impaired by this appropriation.
7. The amount of the appropriation herein granted shall not exceed .44 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. For irrigation purposes said appropriation must be limited to not more than 2 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 3, 1995; said water to be used during the following described annual period: Mar 1 - Nov 30.

**WATER MANAGEMENT BOARD**  
 By: John Hatch  
Chief Engineer  
 Division of Water Rights  
 Dept. of Water and Natural Resources  
NOV 14 1986, 19\_\_\_\_

Report on Application No. 2600A-3  
Morris I. Nelson  
July 9, 1986

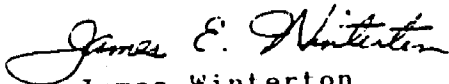
Application No. 2600A-3 by Morris Nelson proposes to appropriate 0.44 cfs from the James River to irrigate 31 acres in addition to the acreage presently irrigated by permit no. 2600-3. The application is a result of an inspection conducted by Ron Duvall to correct the acreage actually irrigated by Mr. Morris. Portions of the lands irrigated were not covered by permit no. 2600-3. The time for developing or amending permit no. 2600-3 ended on March 18, 1981, therefore, a new permit is required for any irrigated acreage not covered by this original permit.

Discussion

The location of the proposed point of diversion on the James River is usually within the Missouri River backup waters. Water is available to meet the needs of this application from the James River as well as the backup flows from the Missouri River. Approval of the application will not interfere with existing water rights on the James River.

Conclusion

Water is available for appropriation from the James River at the location described on Application No. 2600A-3 and no adverse impacts will be caused by this appropriation of water. It is recommended that the application be approved with only the "Low Flow Bypass Qualification".



James Winterton  
Natural Resources Engineer

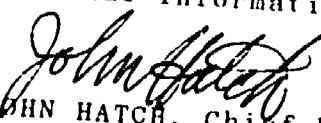
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 2600A-3, Morris I Nelson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 2600A-3, Morris I Nelson, Rt 2, Box 102, Sankton SD.

The Chief Engineer is recommending APPROVAL of Application No. 2600A-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock watering and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.

  
JOHN HATCH, Chief Engineer  
July 11, 1986



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

July 15, 1986

NOTE:

TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT THE  
NEWSPAPER RIGHT AWAY.

Morris I. Nelson  
Route 2, Box 102  
Yankton, South Dakota 57078

Dear Mr. Nelson:

Your Application No. 2600A-3 for a permit to appropriate water for  
irrigation use, has been examined and found to  
comply with the South Dakota Water Laws and applicable rules. A notice of  
your intent to appropriate water has been sent to the Publisher of the

Yankton Press & Dakotan printed at Yankton  
South Dakota. For your information, a copy of this notice, the recommendation  
of the Chief Engineer and a report on the application are enclosed. Please  
review this notice prior to publication and notify this office, if you have  
any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your notice  
of intent to appropriate water and to arrange for payment. Early contact with  
the paper can eliminate delays. The publisher has been instructed to publish  
your notice once each week for two consecutive weeks with the last publication  
to occur at least thirty days before the board meeting. We must receive  
Proof of Publication before the application can be considered by the Water  
Management Board.

Sincerely,

RON DUVAL  
Natural Resources Engineer

enclosures



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

July 15, 1986

Yankton Press & Dakotan  
Box 56  
Yankton, South Dakota 57078

Dear Sir:

Enclosed is a Notice of Intent to Appropriate Water by Morris L. Nelson  
Application No. 2600A-3, in Yankton County, South Dakota. Please  
publish this notice once each week for two consecutive weeks in your paper. The  
first publication should be on, or before July 25, 1986.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you  
make the first publication. The applicant is to pay the cost of publication and  
should make the necessary arrangements with you to pay these costs.

A copy of BOTH publications must be sent to the Water Rights Division. IMMEDIATELY  
after the FIRST publication, return a copy of the notice with the FIRST Publication  
Transmittal form on the bottom of this page. The first copy is needed to check  
the publication for errors so any corrections can be made before the second  
notice is published.

Please be sure the SECOND publication is returned with the enclosed Proof of  
Publication form. The permit application cannot be considered by the Water  
Management Board until proof of publication has been recieved.

Thank you for your assistance.

Sincerely,

RON DUVALL  
Natural Resources Engineer

cc: applicant

\*\*\*\*\* CUT HERE \*\*\*\*\*

FIRST  
Publication  
Transmittal

No. \_\_\_\_\_ Date \_\_\_\_\_  
TO: Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

We are in receipt of your letter dated \_\_\_\_\_ and Notice of Hearing to  
Appropriate Water by Application No. \_\_\_\_\_. The notice was first published  
in our issue dated \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

NAME \_\_\_\_\_ NEWSPAPER \_\_\_\_\_

*Equal Opportunity Employer*

Instruction to Newspaper - Publish first publication of the following Notice on or before July 23, 1986 with 2nd publication 1 week later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 2600A-3 to Appropriate Water  
and/or to Amend Water Permit or Water Right No. \_\_\_\_\_

Notice is hereby given that Morris J. Nelson whose mailing address is  
Route 2, Box 102, Yankton, South Dakota has made an application for a permit

to appropriate .44 cubic feet of water per second from the James River to irrigate 31 acres. The point of diversion will be located along and within the river reach in the S $\frac{1}{2}$  of Section 9 - T94N-R55W. The land to be irrigated is located in the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 9-T94N-R55W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends

APPROVAL of Application No. 2600A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

This application will be considered by the Water Management Board at Room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD, September 3,

19 86 at 10:00 am. The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; (ground) 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; (future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-30.4, 46-5-33 thru 46-5-35; (10,000 AFA) 46-5-20.1, 46-5-8.1, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use) 74:02:01:24 thru 74:02:01:25; (10,000 AFA) 74:02:01:15.02 thru 74:02:01:15.05.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWNR, Joe Foss Bldg, Pierre SD (605 773-3352) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.

No. \_\_\_\_\_

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Yankton ) ss

I, Larry Benson hereby

certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Yankton Daily Press & Dakotan

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 Yankton of \_\_\_\_\_

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

August 1, 1986

August 8, 1986

Larry A. Benson  
(Signature)

Business Mgr.  
(Title)

8 8 86  
(Date Signed)

Cost of Printing: \$42.70

NOTICE OF HEARING  
ON APPLICATION NO. 2000A-3  
TO APPROPRIATE WATER

Notice is hereby given that Morris I. Nelson whose mailing address is Route 2, Box 102, Yankton, South Dakota has made an application for a permit to appropriate .44 cubic feet of water per second from the James River to irrigate 31 acres. The point of diversion will be located along and within the river reach in the S½ of Section 9 - T4N - R55W. The land to be irrigated is located in the S½SW¼ of Section 9 - T4N - R55W.

Pursuant to SDCL 46-2A-2 the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 2000A-3 because 1) unappropriated water is available, 2) will be no unlawful impairment of existing rights, 3) is beneficial use of water and 4) is in the public interest.

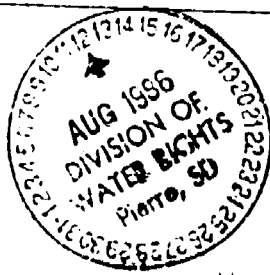
This application will be considered by the Water Management Board at Room 215, Joe Foss Building, 323 E. Capitol, Pierre, SD, September 3, 1986 at 10:00 a.m.

The recommendation of the Chief Engineer is not final or binding upon the Board and the Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application after it reaches a conclusion based upon facts presented at the public hearing. Any interested person who may be affected by a Board decision and who intends to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-38, must file a written petition with BOTH the applicant and the Chief Engineer by August 22, 1986. The petition may be informal, but it must include a statement describing the petitioner's interest in the application, the reasons for the petitioner's opposition to or support of the application, and the signature and mailing address of the petitioner or his legal counsel if legal counsel is obtained. The applicant need not file a petition.

This application is made pursuant to the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-3-1 thru 46-3-11, 46-3-13 thru 46-3-15, 46-3-24, 46-3-25, 46-3-30.2, 46-3-30.4, 46-3-31; and Board Rules ARSD 74:02:01 thru 74:02:01:15.

This hearing is an adversary proceeding. The applicant or any person, after filing a petition, has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

Any person wishing a copy of the Chief Engineer's recommendation, further information on this application or to assure access to the hearing by the handicapped can contact the Water Rights Division, DWRN, Joe Foss Bldg., Pierre, SD (605-773-3357) for assistance prior to the hearing date. The time of the hearing will be automatically extended for at least twenty days upon written request of the applicant or any person who has filed a petition to oppose or support the application. The request for extension must be filed with the Chief Engineer by August 22, 1986.



SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Division of Conservation

Office Use Only

4119

WR#

OWNERS NAME: Morris I. Nelson

OWNERS ADDRESS: Rt 2 Box 102

Yankton SD 57078

COUNTY LAND LOCATED IN: Yankton

PHONE: \_\_\_\_\_

TENANT'S NAME AND ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: (Show Legal Descriptions to Nearest 10 Acres)

1. WELL LOCATION \_\_\_\_\_

Depth \_\_\_\_\_

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: James River

Diversion Location any point in the S 1/2 of sec 9-T94N-R55W

| Legal Description             | Acres | Legal Description | Acres |
|-------------------------------|-------|-------------------|-------|
| SW 1/4 SW 1/4 sec 9-T94N-R55W | 14.3  |                   |       |
| SE 1/4 SW 1/4 "               | 16.7  |                   |       |
|                               |       |                   |       |
|                               |       |                   |       |

3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED 76

LEGAL DESCRIPTION: S 1/2 SW 1/4 sec 9-T94N-R55W

IN WHAT NAME: Morris Nelson

4. LOCATION OF AREA TO BE IRRIGATED NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

5. TYPE OF IRRIGATION: GRAVITY ☒ TOWLINE: \_\_\_\_\_ CENTER PIVOT: \_\_\_\_\_ GUN: \_\_\_\_\_ OTHER: \_\_\_\_\_ (Specify)

6. CROPS TO BE IRRIGATED: corn

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

7. WATER SAMPLE NUMBER: 1 James River

10. ADJUSTED (SAR): \_\_\_\_\_

8. SALINITY (EC X 10<sup>3</sup>): 1220 - 1900

11. PERCENT SODIUM: 2070 - 3870

9. SODIUM (SAR): 1.2 - 2.5

I hereby certify that I personally obtained or that I personally observed that taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was taken at \_\_\_\_\_ a.m./p.m., on \_\_\_\_\_ 19\_\_\_\_, at the following location: \_\_\_\_\_

by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

Signature of Water Sampler: \_\_\_\_\_

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4)

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_

21<sup>ST</sup> DAY OF FEBRUARY 1986

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE \_\_\_\_\_

Director, Division of Conservation

Date \_\_\_\_\_

☒ APPROVED

☐ DISAPPROVED

☐ WAIVER

☒ REQUIREMENTS

Soil/water permits will be recorded by the Department of Agriculture with the County Register of Deeds.

Approved with Requirements

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE  
DIVISION OF CONSERVATION

NAME OF APPLICANT: Morris Nelson

LOCAL DESCRIPTION: SW1/4 SW1/4 9-94-55 = 14.3  
SW1/4 SW1/4 9-94-55 = 16.7

## SOIL REQUIREMENTS:

Internal drainage shall be provided to enhance the leaching of salts and prevent the water table from moving into the root zone. Under conditions which do not provide adequate internal drainage crop yields may be reduced by salt accumulation and/or water logging. An example of internal drainage is tile drains or air drains.

There also shall be adequate protection to prevent top soil loss and river banks due to flooding.

RECOMMENDED MANAGEMENT:

A form of conservation tillage be used to control runoff and maintain the tilth of the soils.

Also, that an intensive water management plan be developed to address the water requirements of the crop, and provide adequate salt leaching. You may wish to use tensiometers and a soil monitoring in relation to this management plan.

*Tab M Light*  
SIGNATURE  
5-8-86  
DATE



# Department of Water & Natural Resources

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

Water Rights Division  
605 773-3352

February 12, 1986

Morris Nelson  
Rt 2, Box 102  
Yankton SD 57078

Dear Mr. Nelson:

On May 28, 1985, I visited your farm for the final inspection of Water Permit No. 2600-3. The purpose of the final inspection is to compare the original conditions of the permit with what you have developed. After any necessary corrections are made, the water permit is licensed and becomes a water right.

I discussed with you that portions of the irrigated lands are not covered by Permit No. 2600-3. The lands listed on the enclosed permit application are the areas which are not covered by permit. Enclosed is a map which outlines in blue the lands covered by Permit No. 2600-3 and outlines in red the acreage listed on the enclosed permit application. The time for developing or amending Permit No. 2600-3 ended on March 18, 1981; therefore, a new permit is required for any irrigated acreage not listed on Permit No. 2600-3.

Soil and water compatibility approval is also required for all new permits. Enclosed is a WI-1 form which must be completed to obtain soil and water compatibility approval. Contact the Division of Conservation if you have questions about the WI-1 form (773-3259).

Please answer any questions which have not been completed and correct any errors. Inform our office if any variation exists between the enclosed information and the actual condition of the irrigation system. The forms must then be notarized and returned with an application fee of \$150.00. Thank you for your time and consideration.

Sincerely,

RON DUVALL  
Natural Resources Engineer

RD:ks

enclosures



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501

Water Rights Division  
605 773-3352

NOV 14 1986

Morris Nelson  
Route 2, Box 102  
Yankton, South Dakota 57078

Dear Mr. Nelson:

Enclosed herewith is your Water Permit No. 2600A-3 as approved by the Water Management Board authorizing you to construct your water diversion system and the water to beneficial use, not exceeding the limits as specified in said Water Permit No. 2600A-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that your Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Division

JH:ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period-i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

**Permit No. 2600-3 & 2600A-3**  
**Missouri River - Water District**

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

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

I have this day, September 29, 1993 made a thorough examination of the water use system constructed by Morris T. Nelson of Yankton, SD holder of Permit Nos. 2600-3 and 2600A-3, bearing the priority of March 2, 1976 and February 27, 1986 respectively authorizing the diversion of 0.42 and 0.44 respectively, cu. ft. per second of the waters of The James River for irrigation purposes, in Yankton County.

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

A. Works used to divert the water:

Water is diverted from the James River at a point 1150' N3'E of the SW corner of Sec. 9, T94N-R55W, with a 9" diameter Berkely Centrifugal pump (Model No. B62RL CW, Serial No. 7165057), powered by a 4 cylinder diesel engine (Model No. 4031-C, Unit No. 4A-77053).

B. Works used to transport water to place of use, and apply water to beneficial use:

Water is transported and applied to beneficial use through 825 feet of 10 inch diameter, and 825 feet of 8 inch diameter, gated aluminum pipe with 30 inch spacing between each gate.

The system is in the following condition good. The point of diversion is located 1150' N3'E of the SW corner of Sec. 9, T94N-R55W. The works are capable of diverting and conveying to the place of use 1.78 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:

|                                        |                 |
|----------------------------------------|-----------------|
| <u>SW 1/4 SW 1/4 Sec. 9, T94N-R55W</u> | <u>30 acres</u> |
| <u>SE 1/4 SW 1/4 Sec. 9, T94N-R55W</u> | <u>31 acres</u> |

comprising a total of 61 acres of land and the license should be issued for 0.87 cfs.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are:

Date: December 20, 1993



Ken Buhler  
Natural Resources Engineer  
DENR, Water Rights Division

# **REPORT ON INSPECTION OF PERMIT NO. 2600-3 and 2600A-3**

**DATE: December 17, 1993**

Other permit(s) associated with the project:

**DIVERSION POINT LEGAL LOCATION: 1150 feet North 3 degrees East from the South West Corner of Section. 9, Township 94 North, Range 55 West; (NW NW SW SW Sec.9, T94N-R55W)**

## **PUMP:**

- 1) Make Berkely Centrifugal
- 2) Model B6ZRL CW, Serial No. 7165057
- 3) Size 9" diam. Impeler
- 4) Capacity 800 GPM

## **MOTOR:**

- 1) Make 4 cylinder diesel
- 2) Model No. 4031-C Unit No. 4A-77053
- 3) Horsepower rating hp

## **SYSTEM TYPE:**

### **Gated Pipe:**

(I)

- 1) Length 825 feet
- 2) Diameter 10 inches
- 3) Spacing of gates 30 inches

(II)

- 1) Length 825 feet
- 2) Diameter 8 inches
- 3) Spacing of gates 30 inches

## **CHEMIGATION EQUIPMENT:**

- 1) Does chemigate Y/N

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Soil and water permit lands agree with lands being irrigated and lands listed on permit Y/N
- 2) Special qualifications to permit being abided by Y/N
- 3) All structures, wells and lands on map Y/N
- 4) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y/N



April 30, 1996

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

Permit No. 2600A-3

Morris Nelson  
RR 2, Box 102  
Yankton, SD 57078

Dear Mr. Nelson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit Nos. 2600-3 and 2600A-3, has been completed. Your final water right document, the Water License, can now be issued. Upon licensing, the applicable portions of Water Permit No. 2600-3 will be incorporated into 2600A-3.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:  
Department of Environment & Natural Resources  
Water Rights Program  
523 E. Capitol  
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

Cheryl F. Frost  
Secretary  
Water Rights Program  
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

JUL 2 1996

2600A-3

Morris I. Nelson  
RR 2, Box 102  
Yankton, SD 57078

Dear Mr. Nelson:

Enclosed is Water License No. 2600A-3 and Receipt No. 414956 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 2600A-3 is the final document which completes the process of obtaining a water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer  
Water Rights Program  
(605) 773-3352

gm  
enclosures

**NOTE:** The applicable portions of Water Permit No. 2600-3 are incorporated into this Water License No. 2600A-3.

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

410385

Pierre, February 27, 1926

RECEIVED OF Morris I. Nelson, Route 2, Box 102, Yankton, SD 57072  
the following amount in fees for services rendered as provided for by law:

|                                                                                                                            |     |    |
|----------------------------------------------------------------------------------------------------------------------------|-----|----|
| Fee for Application for Permit No. <u>2473</u> to Appropriate Water, to construct works and to put water to beneficial use | 150 | 00 |
| 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 _____                                                                                         |     |    |
| Fee for Filing Extension Request _____                                                                                     |     |    |
| Fee for Certified Copy of _____                                                                                            |     |    |
| Fee for Print Copy of Map _____                                                                                            |     |    |
| Fee for Certifying _____                                                                                                   |     |    |
| Fee for _____<br>(Any Other Work Provided by Law)                                                                          |     |    |
| <b>Total</b>                                                                                                               | 150 | 00 |

By John Hatch  
Chief Engineer JOHN HATCH

# RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2600A-3  
414956

Pierre, \_\_\_\_\_ May 13, 19 96

RECEIVED OF Morris Nelson Farm, RR 2, Box 102, Yankton, SD 57078

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

|                                                                                                                      |       |       |
|----------------------------------------------------------------------------------------------------------------------|-------|-------|
| Fee for Application for Permit No. _____ to Appropriate Water, to construct 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. <u>2600A-3</u>         | 50    | 00    |
| Fee for Filing Transfer Form _____                                                                                   |       |       |
| Fee for Filing Extension Request _____                                                                               |       |       |
| Fee for _____                                                                                                        |       |       |
| _____                                                                                                                |       |       |
| _____                                                                                                                |       |       |
| (Any Other Work Provided by Law)                                                                                     | Total | 50 00 |

By John Hatcher  
Chief Engineer

1993

NOT TO SCALE



NOT TO SCALE

2f  
N  
R-93

40.0

94-55

2

2f

14.1

 Acreage covered by Permit No. 2600-3

 Acreage listed on permit application

9

3.9

10.5

3.4

(9)

Ron Duwall  
Natural Resources Engineer

Appl. No. 2600A-3



2600A-3

**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 16, 2015

**NOTICE**

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program



SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaires

Our records indicate your 2014 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2600A-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

[denr.sd.gov](http://denr.sd.gov)

January 27, 2015

Darrell Nelson  
Nelson Family Partnership  
44023 306<sup>th</sup> St  
Yankton SD 57078

RE: Irrigation Questionnaires for Permit or Right Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for the above listed Water Permits and Water Rights. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



2600A-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

January 15, 2016

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaires

Our records indicate your 2015 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



2600A-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 26, 2016

Darrell Nelson  
44023 306<sup>th</sup> St  
Yankton SD 57078

RE: Water Right or Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3 & 7972-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2015 irrigation questionnaires for the above listed water permits and water rights. You may disregard the January 15, 2016, "Notice" concerning reporting requirements. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

With respect to the ownership changes needed, I have enclosed partially completed transfer forms for use in filing the ownership changes. Copies of the corresponding water rights and permit are also included. Please review the forms and make any necessary corrections. Upon completion, the forms need to be signed and returned to our office with a required filing fee of \$50.00 each (total of \$300). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please contact me.

Sincerely,

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: genny.mcmath@state.sd.us

Enclosures: Transfer forms & copies of Water Right Nos. 3369B-3, 4251-3, 4443-3, 2600A-3, 5414-3 and Water Permit No. 7199-3.



2600A-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
PMB 2020  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
www.state.sd.us/denr

January 23, 2020

NOTICE

TO: NELSON FAMILY PARTNERSHIP, DARRELL NELSON, 44023 306TH ST, YANKTON, SD 57078

FROM: Ron Duvall, Natural Resources Engineer  
for Jeanne Goodman, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://denr.sd.gov/iq> using this password: VTCLLD**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

2600A-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3182  
[www.denr.sd.gov](http://www.denr.sd.gov)

February 10, 2020

Darrell Nelson  
Nelson Family Partnership  
44023 306<sup>th</sup> St  
Yankton SD 57078

RE: Water Right/Permit Nos. 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3,  
6178-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3

Dear Mr. Nelson:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for the above listed water rights and permits. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Genny McMath". The signature is written in a cursive, flowing style.

Genny McMath  
Water Rights Program  
(605) 773-3352  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

January 14, 2025

**NOTICE**

TO: DARRELL & DENNIS NELSON, 44023 306TH ST, YANKTON, SD 57078 6008

FROM: Ron Duvall, Engineer III  
for Eric Gronlund, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2024 Irrigation Questionnaires

Our records indicate your 2024 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 23, 2024. The Water Management Board has directed owners of water permits who have not submitted the 2024 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held on **Wednesday, March 5, 2025, at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 2600A-3, 4551-3, 5414-3, 6704-3, 6756-3 & 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1661-3, 3369B-3, 4251-3 & 4443-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaires are received in this office before the **March 5, 2025**, hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires for your use. If you have questions or need assistance, please contact Amanda Dewell at (605) 773-3352 or email at [amanda.dewell@state.sd.us](mailto:amanda.dewell@state.sd.us). **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: URZTFB**

**Note:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of AGRICULTURE  
and NATURAL RESOURCES**

JOE FOSS BUILDING  
523 E. CAPITOL AVE  
PIERRE SD 57501-3182  
danr.sd.gov

January 17, 2025

1661-3, 2600A-3, 3369B-3, 4251-3,  
4443-3, 4551-3, 5414-3, 6704-3,  
6756-3, 7138-3, 7199-3,  
7544-3, 7972-3 & 8348-3

Nelson Farms Inc  
44023 306<sup>th</sup> St  
Yankton SD 57078

Dear Mr. Nelson:

I am writing to acknowledge the receipt of your 2024 irrigation questionnaire(s).

You may disregard the January 14, 2025, "Notice" concerning the reporting requirements for Water Permit No(s). 1661-3, 2600A-3, 3369B-3, 4251-3, 4443-3, 4551-3, 5414-3, 6704-3, 6756-3, 7138-3, 7199-3, 7544-3, 7972-3 & 8348-3. The information was received prior to the March 5, 2025, Water Management Board meeting and the above listed permit number(s) have been removed from the agenda.

If you have any questions or concerns, please contact me.

Sincerely,

Amanda Dewell  
Permitting Administrator  
Water Rights Program  
605 773-3352  
Amanda.Dewell@state.sd.us