

1. Considered MAY 20, 1976 2679-3
2. Name of Applicant M. A. NELSON
3. Post Office Address TULARE
4. Amount of water claimed 4.0
5. Source of water supply 58' WELL
6. Water to be used for IRRIGATION
- Acres to be irrigated 300
7. Water to be diverted and used in HAND county
about 65.15 W miles of TULARE
8. Proof of Publication Received 1/51
Not Received _____
9. Application Approved _____
Subject to _____

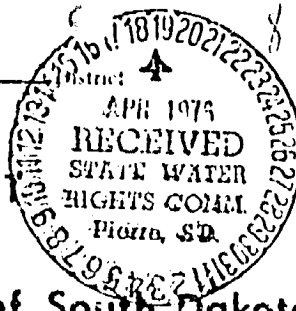
10. Remarks:

2679-3 11/16/76 11/16/76 11/16/76
10/16/76 Well #1 Motor H S Elev. 60' ft
ID# RXA 697-63245 87089352
Pump Volute Screw
Name tag not reliable
Nos 3827/602.

Well #2 North - 10 H.P. Submersible

Well #2 is 500' west and 100' north
of 80 sub line. Well #1 is 2' or
less straight line with south CP.

CP. Laidwood

Map No. 2042-3 Water Division No. 3 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 H. A. Nelson (owner) Randall C. Shultz (Manager)
 Postoffice address Tulare, State South Dakota 57476
 If a corporation - show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) contract
3. Name of diversion work well for irrigation H. A. Nelson Unit # 2
4. Amount of water claimed (cubic feet per second) 4.0 cubic feet per second
5. Source of water supply well
6. Location of point of diversion SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of section 29, township 115, range 66

County Hand

7. Annual period or periods during which water is to be used May 15 to September 1
8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation
9. For irrigation use. Total number of acres to be irrigated 300

List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
SE $\frac{1}{4}$ of section 29-115-66	150		
NE $\frac{1}{4}$ of section 29-115-66	150		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 3 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Hillier Press Hillier, So. Dak.
12. Principal Features of the Proposed Water Supply System.

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

Pump out of well

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

8" PVC pipe

C. Works proposed to apply water to beneficial use.

Center pivot irrigation system

Estimated Total Cost \$ 50,000
 Attachments. Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Hand)
 I, H. A. Nelson the applicant, certify that I have read the foregoing application and I 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 Randall C. ShultzSubscribed and sworn to before me this 2 day of April 1976

Notary Public (or other qualified officer)

COMMISSION EXPIRES
MARCH 4, 1981

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2679-3M.A. NELSON

(Applicant)

40 RANDALL C. SHULTZ, TULARE

(Post Office Address)

SOUTH DAKOTA 57476

(State)

With the following modifications:

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

Date of first receipt of application APRIL 19 19 76Date of return to applicant for correction, amendments or changes required — 19 —Date of receipt of corrected application APRIL 22 19 76Approved MAY 20 19 76, Recorded in Book 15 Page 202WATER RIGHT PERMIT NO. 2679-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2679-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is APRIL 19 19 76
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20 19 78
3. The whole of said work is to be completed on or before MAY 20 19 81
4. The limit of time from or out of beneficial use of water appropriated in accordance herewith is MAY 20 19 84
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 4.0 cubic feet per second, neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 20 19 84; said water to be used during the following described annual period: MAY 15 TO SEPTEMBER 1

Witness my hand this 16TH day of JUNE 19 76

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Certificate of Construction Issued — 19 —Water License Issued — 19 —

HURON DRILLING INC. DRILLERS LOG

PAGE NO.

M.A. Nelson (Randall Schultz)

N.E. 9-115-66 Hand. Co.

3/76

10

Lloyd Peterson

JOB NAME

LOCATION

DATE _____

RIG NO.

FOREMAN

[illegible]

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

D. Well Information or Estimates

(1) Drill Hole, Diameter 28, Depth 58

(2) Casing, Type Plastic, Diameter 15½, Thickness .410
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type Plastic, Diameter 15½, Length 58

(4) Gravel Pack, Thickness 6, Length of gravel pack 58

E. Dugout Information or Estimates

(1) Surface dimensions _____, Depth _____

F. Fill out for Either a Well or a Dugout. *Log furnished by driller.

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

Character of Water bearing materials _____

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Thickness of water bearing material _____

Depth to water (ground surface to water level) _____

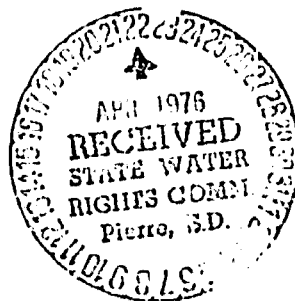
(2) Distance to nearest existing household or livestock watering wells.

On same owner's property 480 rds. On property owned by others 160 rds.

G. Water Storage Dams.

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

Russell J. Healy (manager)
Signature of Applicant
M. A. Nelson (owner)



April 13, 1976

Mr. Randall C. Shultz
Tulare, SD 57476

Dear Mr. Shultz:

We have now received the application materials, including the WI-1 form that pertains to your intent to irrigate in section 29, township 11S, range 56.

You earlier received the original copy of the report of analysis on the water sample (#76-221) which was mailed to you about March 23.

I am enclosing herewith the receipt for payment which I presume you will hand over to the Huron Drilling Co. I am also enclosing a copy of the AES publication #13 usually supplied to applicants for water permits, with the approximate quality of this water indicated by the red cross in the chart on the outside back cover. You will see that it is moderately high in total salinity, but low in sodium.

The Hard and Bonilla soils, which occupy the major portion of the area you intend to irrigate, should be satisfactory for irrigation with this water. You should experience no difficulty either with salt accumulation or with chemically-caused dispersion of the surface soil, if you use the water judiciously and do not over-irrigate or irrigate in frequent, small quantities. However, the area in the northeastern corner, which is alluvial saline land should not be irrigated under any circumstances, inasmuch as it now has intermittently high water table and is salty already. Any additional water on this would aggravate the situation and probably cause killing of whatever vegetation there is present.

I am sending a copy of the water analysis report and the WI-1 form and other application materials, and a copy of this letter to the State Conservation Commission for their action. You will be hearing directly from them.

I am also sending a copy of this letter, and of the water analysis to the conservationist in Beadle County, Mr. Ken Houska.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab
LOF:ckb

Enclosures

cc: State Conservation Commission, D. Pahl, Huron Drilling, Dick Faden

CONSERVATION
COMMISSION
FORM W1 #1

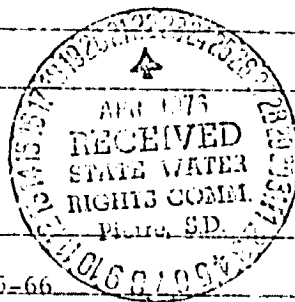
STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION)



NAME H. A. Nelson (owner) Randall C. Schultz (Manager)

ADDRESS Tulare, South Dakota 57476

COUNTY Hand



LEGAL DESCRIPTION

1. WELL LOCATION: S.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Sec. 29-115-66
2. LOCATION OF AREA TO BE IRRIGATED N.E. & S.E. $\frac{1}{4}$ of Sec. 29-115-66

TYPE OF IRRIGATION

3. GRAVITY _____ TOWLINE _____ CENTER PIVOT X GUN _____
4. CROPS TO BE IRRIGATED corn, alfalfa, small grain

WATER QUALITY

5. SAMPLE NUMBER 76-221
6. SALINITY (EC x 10⁶) 849 (moderately high)
7. SODIUM (SAR) 1.64 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and; the soils information has been acquired from Hand County Conservation District, County Extension office or Soil Conservation Service.

and:

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

Randall C. Schultz
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS
2 DAY OF APRIL 19 76.

Keith Leopold Ruking
TITLE OR SEAL
COMMISSION EXPIRES
MARCH 4, 1984

Allen H. Hoff
APPROVED/DISTRICT OFFICER

(SOILS INFORMATION ON REVERSE SIDE)

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

April 5, 1976

Huron Drilling Inc.
Box 7422
Huron, South Dakota 57350

Dear Sir:

Enclosed is the soils information you requested for M. A.
Nelson's Irrigation project for Section 29-115-66.

SE and NF 29-115-66

Houdek-Bonilla loam --IIe2 - Intake Family 0.3

Hard IIc2 - Intake Family 0.5

Saline alluvial --- Not suitable for irrigation

The attached soils survey interpretations sheet should give
you all the information that is needed.

Sincerely,

L.D. Rezek

L.D. Rezek, District Conservationist
Soil Conservation Service
Miller, South Dakota 57362

LDR/ct

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

Submitted by: Randall O. Shultz
Address: Tulare, SD 57076
cc: Huron Drilling, Inc.
P.O. Box 1422
Huron, SD 57350

Date Rec'd March 15, 1976
Sample No. 76-221
Identification El. Well

WATER ANALYSIS

Calcium (Ca)	110	ppm*	5.50	me/l**
Magnesium (Mg)	37	ppm	3.03	me/l
Sodium (Na)	78	ppm	3.39	me/l
Potassium (K)	6	ppm	0.36	me/l
Sulfate (SO ₄)	174	ppm	3.62	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	22	ppm	0.62	me/l
Bicarbonate (HCO ₃)	383	ppm	6.28	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g-p.g.***
Alkalinity (Methyl Orange)	314	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	849	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.64			
Sodium	28.06	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.85			
Others:				

*ppm=parts per million

**me/l=millequivalents per liter

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



COMMENTS: Total cations 12.08 me/l
Total anions 10.52 me/l

Please fill in the enclosed questionnaire and return with your payment.

By: Shirley M. M.

Service Performed	Amount Due
Irrigation analysis	\$8.00

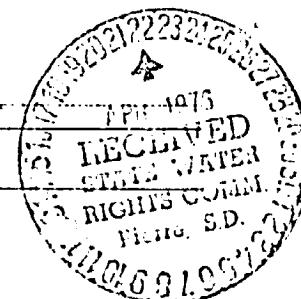
Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-221

Amount Enclosed \$

Signed



SOUTH DAKOTA STATE UNIVERSITY
BROOKINGS, SOUTH DAKOTA 57008

WATER RESOURCES RESEARCH INSTITUTE

March 21, 1976

William C. Stultz
Tulare, CA 97476

Dear Sir:

The water sample which you have sent to our laboratory was received
March 11, 1976. The laboratory number that we have assigned to your
sample is 76-221.

Using the information received we have started the analysis of your
sample. However, we do need some additional information which will enable
us to make more meaningful recommendations for future use of the water.

The legal description is important for two main reasons. First, if
this water is to be used for irrigation the soil on which it will be used
is of as much importance as the water quality. Secondly, all analytical
data that is identified by location and depth will be used to estimate the
overall quality of water available for development in South Dakota.

If you can furnish any additional information the problems you have
been having with the water, or, symptoms that you have observed it will be
of help to us. We would also like to know if any speciality crops are to be
irrigated.

Additional Information

Source (circle one): River, creek, spring, lake, stock pond, dugout, well,
other (name) _____

If river or lake, name _____

If well, depth 55

Legal description of source: Quarter section NE 1/4 Section 27
Section number 27
Township 115
Range 66

Intended crops:

Additional remarks:

SE 1/4 of Section
NE 1/4 of Section

Publish first publication, on or before May 6, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

April 28, 1976

n

M.A. Nelson

Notice is hereby given that

whose post office address is Tulare, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use4.0cubic feet of water per second of time from the ground water through theM.A. Nelson Unit #2

the point of diversion of which is to be located in the

SE 1/4 NE 1/4of Section 29, Twp. 115N, Range 66W. Said water to be used for the purposeof providing irrigation on ^{portions of} the following described land:E 1/2 Section 29, T115N, R66WThis application No. 2079-3will be considered by the Water Rights Commission at their office at
Pierre upon the 20th day of May, 1976, at 1:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc:

Sundall C. Schultz, Tulare, S.D. 57476

James

Length of line 10 Picas
Size of type 8 Point
Number of lines 38
Line rate .131

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Hand) ss

Robert H. McFarlane of said county being first duly sworn, on oath says that he is the publisher of The Miller Press, a weekly newspaper printed and published in Miller, said County of Hand and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein mentioned, and was and is printed wholly or in part in an office maintained at said place of publication; that the

Notice of Intent To
Appropriate Water

No. 2679-3

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once in each week two successive weeks, on the day of each week on which said newspaper was regularly published, to wit:

April 29 19 76
May 6 19 76
19 19
19 19
19 19

that the full amount of the fees for the publication of the annexed notice is \$ 8.96

Robert H. McFarlane

Subscribed and sworn to before me this 14th day of June 19 76

Florence Van Horn

Notary Public

County of Hand, South Dakota

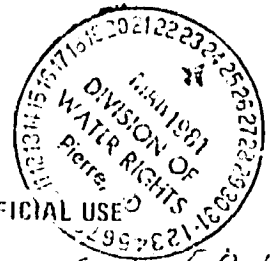


NOTICE OF
INTENT TO
APPROPRIATE WATER
No. 2679-3

Pierre, South Dakota 57561
April 23, 1976
Notice is hereby given that M. A. Nelson whose post office address is Tulare, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 4.0 cubic feet of water per second of time from ground water through the M. A. Nelson Unit No. 2, the point of diversion of which is to be located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Twp. 115N, Range 66W. Said water to be used for the purpose of providing irrigation of portions of the following described land: E $\frac{1}{2}$ Section 29, T115N, R66W.

This application No. 2679-3 will be considered by the Water Rights Commission at their office at Pierre upon the 20th day of May, 1976, at 1:00 P.M. All interested persons may appear and be heard.

WATER RESOURCES
COMMISSION
By: BURTON F. JONES
Water Rights
Specialist
FPNO 32 LPNO 33



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

DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
DIVISION OF WATER RIGHTS
JOE FOSS BUILDING

Post Office Tulare S.D. 57476Date March 23, 1981

TO: **PIERRE, SOUTH DAKOTA**
WATER RIGHTS COMMISSION
State Office Building No. 2
Pierre, South Dakota 57501

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2679-3

Water Right Permit No. 2679-3 states that the diversion system is to be constructed by May 20, 1981 and that the water is to be put to beneficial use by May 20, 1984.

The diversion system was completed on March 1, 1977. Applying the water to beneficial use was completed on May 31, 1977.

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

Russell Schmitt
(Signature)

**SOUTH DAKOTA Department of
Water & Natural Resources**

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

January 29, 1988

RANDY SCHULTZ-OPERATOR
RR #1 BOX 96
TULARE, SD 57476

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation
Questionnaire

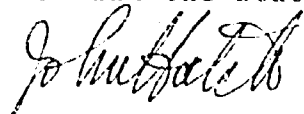
Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 2656-3, 2679-3, 415-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2656-3, 2679-3, 415-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

cc: Maynard A Nelson, Tulare, SD 57476

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

SOUTH DAKOTA
Department of
Water & Natural Resources

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

February 12, 1988

415-3
2656-3
2679-3

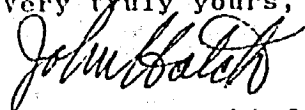
Randy Schultz, Operator
RR 1, Box 96
Tulare SD 57476

Dear Mr. Schultz:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 415-3, 2656-3, 2679-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

cc: Maynard Nelson
Tulare SD 57476



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 7 1992

2679A-3

M. A. Nelson
RR 1, Box 97
Tulare, SD 57476

Dear Mr. Nelson:

Enclosed is Water License No. 2679A-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412847 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 2679A-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2679-3 are incorporated into this Water License No. 2679A-3.