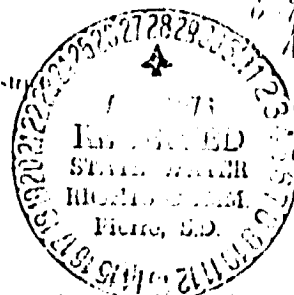


2712-3

1. Considered MAY 20, 1976
2. Name of Applicant ~~LEO~~ J. NELSON
3. Post Office Address PLATTE
4. Amount of water claimed 8.75
5. Source of water supply MISSOURI RIVER
6. Water to be used for IRRIGATION
Acres to be irrigated 600
7. Water to be diverted and used in CHAS MIX county
about 85.2W miles of PLATTE
8. Proof of Publication
Received 5-17-76
Not received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2712-3Map No. 2074-3 Water Division No. 3 Missouri River District
(Blank 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)

*Incorporated into Permit 4577-3*1. Name of Applicant Leo J. Nelson
Post-office address Platte, State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract3. Name of diversion work Nelson #14. Amount of water claimed (cubic feet per second) 8 3/4 CFS5. Source of water supply Missouri River6. Location of point of diversion Sec. 3-97-68County Charles Mix7. Annual period or periods during which water is to be used May through September8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) irrigation9. For irrigation use, Total number of acres to be irrigated 600

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>E 1/2 Sec. 27-98-68</u>	<u>300</u>		
<u>S 1/2 Sec. 27-98-68</u>	<u>300</u>		

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 none years.11. Choice of newspaper for Notice of Intent to Appropriately Water publication Platte Enterprise, Platte, SD

12. Principal Features of the Proposed Water Supply System.

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

Centrifugal pumps - electric power

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

Steel mainline

C. Works proposed to apply water to beneficial use.

Center pivotEstimated Total Cost \$ 350,000Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map.
(See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Charles MixI, Leo J. Nelson

the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary construction

Signed Leo J. NelsonSubscribed and sworn to before me this 26th day of April 1976

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2712-3

LEO J. NELSON

(Applicant)

PLATTE

(Post Office Address)

SOUTH DAKOTA 57369

(State)

With the following modifications:

INCORPORATED INTO
PERMIT NO. 4577-3
1/29/81

Date of first receipt of application APRIL 28, 1976

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

Date of receipt of corrected application 19

Approved MAY 20, 1976, Recorded in Book 15 Page 156

WATER RIGHT PERMIT NO. 2712-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2712-3 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 28, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 20, 1978
3. The whole of said work is to be completed on or before MAY 20, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 20, 1981
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 8.57
8.75 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, 1981; said water to be used during the following described annual period: MAY THRU SEPTEMBER

Witness my hand this 8TH day of JUNE, 1976

WATER RIGHTS COMMISSION

By:

John H. Hallett
Chief Engineer, Executive Officer

Certificate of Construction Issued , 19

Water License Issued , 19

No. 2712-3

Publish first publication, on or before May 6, 1976

**NOTICE
INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501

April 30, 1976

Notice is hereby given that Leo J. Nelson

whose post office address is Platte, 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 8.75

8.75 cubic feet of water per second of time from the Missouri River through the Nelson #1

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

SE 1/4 NW 1/4

of Section 3, Twp. 97N, Range 68W. Said water to be used for the purpose

of providing irrigation on the following described land:

NW 1/4, E 1/4 Section 27; Section 22, T98N, R68W

This application No. 2712-3 will be considered by the Water Rights Commission at their office at 20th May 76 1:00 P.

Pierre upon the _____ day of _____, 19____, at _____ M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Leo J. Nelson, Platte, S.D. 57362

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

No. 2712-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Charles Mix) ss.

I, Ralph Nachtigal hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Platte Enterprise

A newspaper which during the whole time of publication of said notice
herein after stated, has been and is printed and published in the

City of Platte

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

May 6, 1976

May 13, 1976

Ralph Nachtigal
(Signature)

Publisher
(Title)

May 13, 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER

Notice is hereby given that
Leo J. Nelson, whose post office
address is Platte, South Dakota,
has made an application in
accordance with the provisions
of the water laws of South
Dakota for a permit to appropri-
ate for beneficial use 8.75 cubic
feet of water per second of time
from the Missouri River
through the Nelson No. 1, the
point of diversion of which is to
be located in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 3, Twp., 97N, Range
68W. Said water to be used for
the purpose of providing irriga-
tion on portions of the following
described land: NW $\frac{1}{4}$, E1 $\frac{1}{2}$ Sec-
tion 27; Section 22, T98N, R68W.

This application no. 2712-3 will
be considered by the Water
Rights Commission at their
office at Pierre upon the 20th
day of May, 1976, at 1 p.m. All
interested persons may appear
and be heard.

WATER RIGHTS
COMMISSION

By: Burton F. Jones
Water Rights Specialist
(May 6, 1976)





DEPARTMENT OF THE ARMY
OMAHA DISTRICT, CORPS OF ENGINEERS
6014 U.S. POST OFFICE AND COURT HOUSE
OMAHA, NEBRASKA 68102

MROOP-N
SD 2SB OXT 1 000849
Leo J. Nelson
Irrigation Intake Structure
Missouri River Mile 904.06L (1960 Mileage)

8 November 1976

NOTICE OF PERMIT PENDING

The application of Leo J. Nelson, Platte, South Dakota 57369 for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Engineer District, Omaha, Nebraska.

The applicant requests permission to place a permanent water intake structure in the Missouri River at mile 904.66, left bank (Lake Francis Case), in Section 3, Township 07 North, Range 68 West, Charles Mix County, South Dakota. This proposed activity would consist of some minor site grading and sloping of the bank to install three 15 horsepower skid mounted submersible pumps that will pump directly into three 150 horsepower electric booster pumps. The booster pumps will be permanently mounted on a 10-foot by 20-foot concrete base and connected to a 14-inch buried discharge line. The water will be pumped directly to the 550 acres to be irrigated.

A preliminary determination has been made that neither singularly nor cumulatively would this project have a significant effect on the quality of the human environment within the meaning of the National Environmental Policy Act and, therefore, an Environmental Impact Statement will not be required.

In compliance with the National Environmental Policy Act of 1969 and Section 106 of the National Historic Preservation Act of 1966, the National Register of Historic Places and monthly supplements thereto have been consulted and no properties included therein will be affected by this activity. However, presently unknown archeological, scientific, prehistoric, or historic data may be lost or destroyed by work to be accomplished under the requested permit.

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation,



recreation, water supply, water quality, and in general the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

Any person who may have an interest in the proposed work described herein may request a public hearing. The request must be submitted in writing to the District Engineer within 30 days of the date of this public notice. The request must state the specific reasons for holding the public hearing.

Any interested party (particularly officials of any town, city, county, state, federal agency, or local association whose interests may be affected by the proposed work) is invited to submit to this office written facts, arguments, or objections on or before 8 December 1976. Any agency or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons.

A permit, if granted, will be under Section 10 of the River and Harbor Act of 1899 (30 Stat. 1151; 35 U.S.C. 403).

A drawing showing the location and extent of the work is attached to this notice.

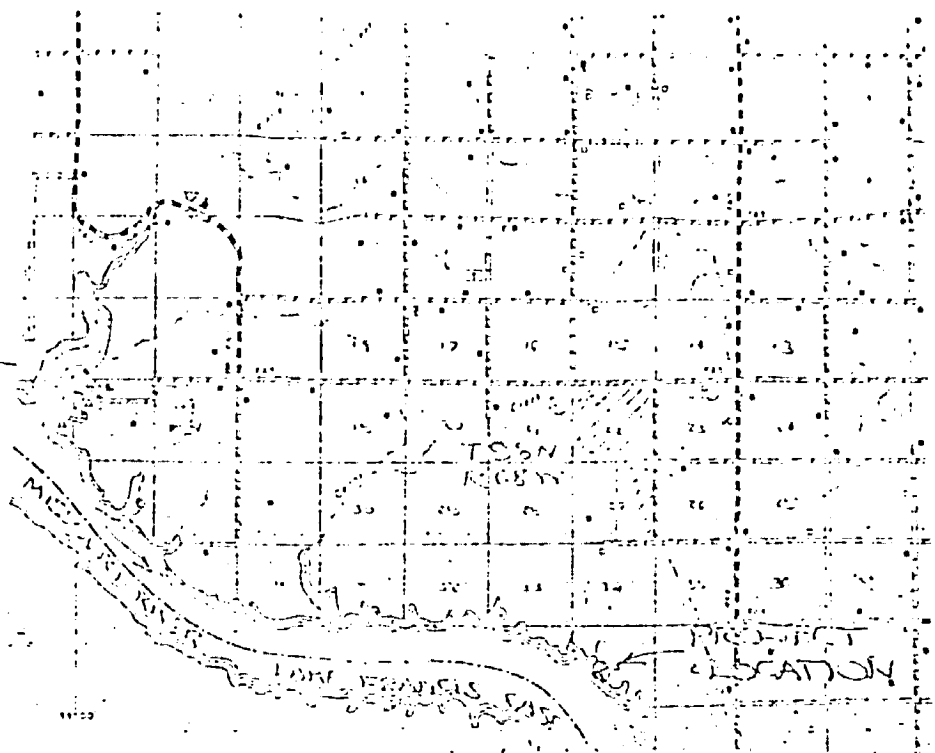
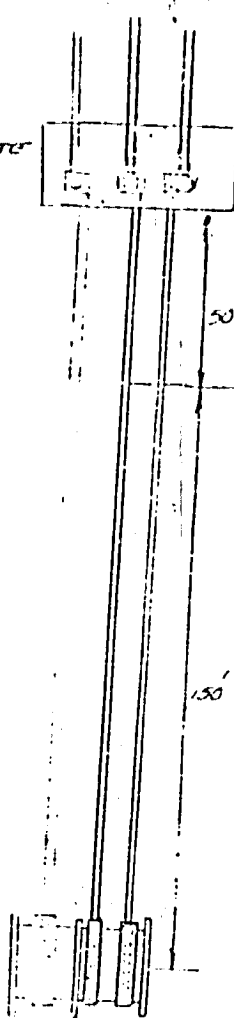
FOR THE DISTRICT ENGINEER:

Attachment
As stated

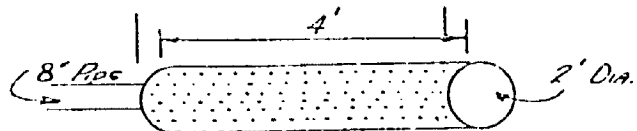

KENNETH J. HAVEMAN
Major, Corps of Engineers
Deputy District Engineer for Civil Works

3' x 6' CONCRETE PAD

PLAN
NO SCALE

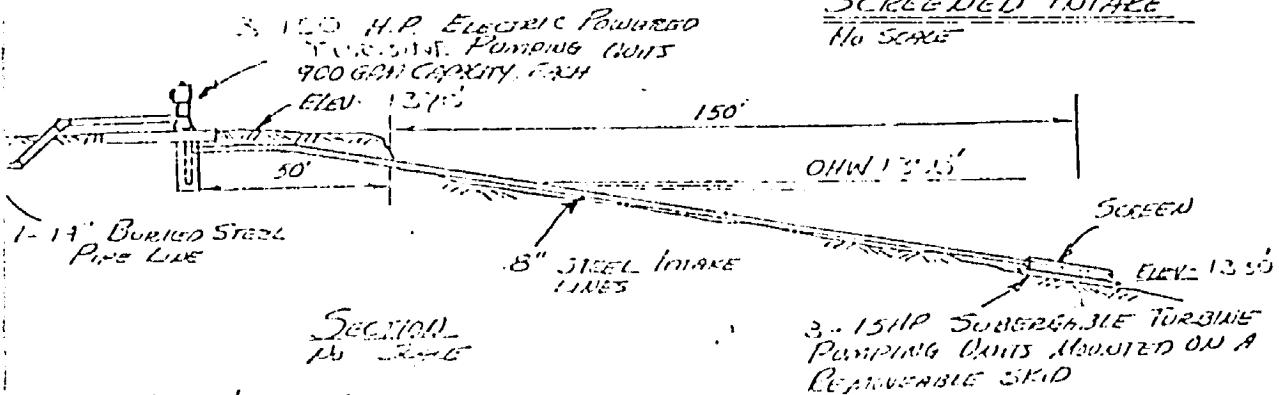


SHADING DENOTES AREA TO BE IRRIGATED



1/2" HOLES, 5/16" SPACING 50% OPEN AREA
BOTTOM AREA IS SOLID = 1/3 TOTAL AREA
INTAKE VELOCITY = 0.21 CFS

SCREENED INTAKE
NO SCALE



PURPOSE: WATER INTAKE, IRRIGATION

ATUM MSL

ADJACENT PROPERTY OWNERS:

1 U.S. GOVT

2

IN MISSOURI RIVER

AT MILE

COUNTY OF CHARLES, MO, STATE OF MO

APPLICATION BY LEO D. MURPHY

SHEET 11 OF 11 DATE 2-2-76

MRØ FORM 1643
15 MAY 76

27123 Ltr Nelson

9-11-79 Pumping 7300 gpm C&D

Syringe to C.P.

3 pump & Rev.

West Pump Motor GE 3550 RPM 150 HP

Model SK6268XH4017A, Ser #MAJ1208126

Pump Johnson, Ser #1. J-2090.

Model Pump 71 150 HP, 71 150 HP 3550

Model SK6268XH4017A, Ser #MAJ1208127

Pump Johnson Ser #1. J-2091.

Syringe No. 19655

East Pump 71 150 HP, 3550 RPM

Model Pump 71 150 HP, Ser #MAJ1208128

Pump Johnson Ser #1. J-2089

Syringe No. 19656

1/2 in. 31 Submersible in Sand Creek

38 Submersible, approx 250 ft. deep

over

CP. No. N1-11 Electrolux

Model 2-613, S. # 377C 4457

Length 1195 ft Pumping 200 gpm

Level in shaft - 73 Timmatics

Model 507, S. # 110842

Stallong 360 gpm Length 1225

65' End gun

Booster Pump GE 15 HP, 3500 RPM

Model 5K2450L 1485

Pump Belsley, S. # 7971413

Model 13TFM, 6 1/2" Diameter

3600 RPM 15 HP

7-10-5 To Wilson Cont

7-11-71 CP. No. N1-22 - Electrolux

Model 2-615, S. # 377C 4457

Length 1505 ft, 1150 gpm

Booster Pump GE 40 HP 1710 RPM

Model 3K2450L 2685

Pump Cornell, Mod. 4K240-4

S. # E 7372 1776

CP. E 21 Electrolux Model

2-515, S. # 377C 4457

788 ft Comp 450 gpm

CP. No. N1-23, Model N1-23

S. # 110842

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 4577-3 FOR IRRIGATION

(1) Leo Nelson, of Platte SD made Application No. 4577-3, May 12, 1980 for a water permit to appropriate 8.9 cubic feet of water per second from the Missouri River, Charles Mix County, South Dakota for irrigation purposes. Permit No. 4577-3, with priority dates of August 18, 1980 (0.33 cfs) and April 28, 1976 (8.57 cfs), respectively, was approved January 29, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 29, 1986 and for the application to beneficial use of said water on or before January 29, 1990.

Permit No. 4577-3 incorporated applicable portions of Permit No. (2712-3) and added 24 acres with a diversion rate of 0.33 cfs. Water Permit No. 4577-3 was on transferred December 23, 1988 to Gary L. and Arlo Nelson.

Permit No. 4577-3 was readvertised October 19 and 26, 1995 to include the 100 acre-feet storage reservoir. The readvertisement of the original notice of hearing did not authorize an increase in the acreage or developed diversion rate.

(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 7.40 cubic feet of water per second for beneficial use. The location of the diversion point is 330 feet E and 1450 feet N from the W 1/4 corner of Section 3-T97N-R68W (NW 1/4 NW 1/4). The location of the 100 acre-feet storage dam is the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 22-T98N-R68W.

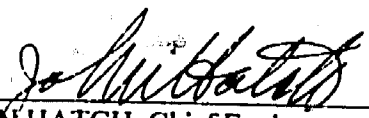
(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land: **all in T98N-R68W**

Section 21	NE 1/4 NE 1/4	7 acres	Section 22	NW 1/4 NW 1/4	23 acres
	SW 1/4 NE 1/4	2 acres		NW 1/4 SW 1/4	15 acres
	SE 1/4 NE 1/4	26 acres		SW 1/4 SW 1/4	28 acres
	NE 1/4 SE 1/4	26 acres		NE 1/4 SW 1/4	38 acres
	SE 1/4 SE 1/4	27 acres		SE 1/4 SW 1/4	40 acres
Section 27	NW 1/4 NW 1/4	2 acres	NW 1/4 SE 1/4	38 acres	
	NE 1/4 NW 1/4	18 acres	NE 1/4 SE 1/4	32 acres	
	NW 1/4 NE 1/4	34 acres	SW 1/4 SE 1/4	39 acres	
	SW 1/4 NE 1/4	33 acres	SE 1/4 SE 1/4	30 acres	
	NE 1/4 NE 1/4	38 acres			
	SE 1/4 NE 1/4	32 acres			
				TOTAL	518 acres

(continued)

Water License No. 4577-3
Gary L. and Arlo Nelson
Page 2

(4) Pursuant to South Dakota Water Law 46-5-30.1 Gary L. and Arlo Nelson of RR 1, Box 133, Geddes SD 57342 the holders and/or owners of Water Permit No. 4577-3 are issued a license to appropriate water, the right to use 7.40 cubic feet of water per second (based on 1 cfs per 70 acres) from the Missouri River and a 100 acre feet dry draw storage dam with priority dates of April 28, 1976 (7.07 cfs) and August 18, 1980 (0.33 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 Water Permit No. 4577-3 and subject to South Dakota State Law.

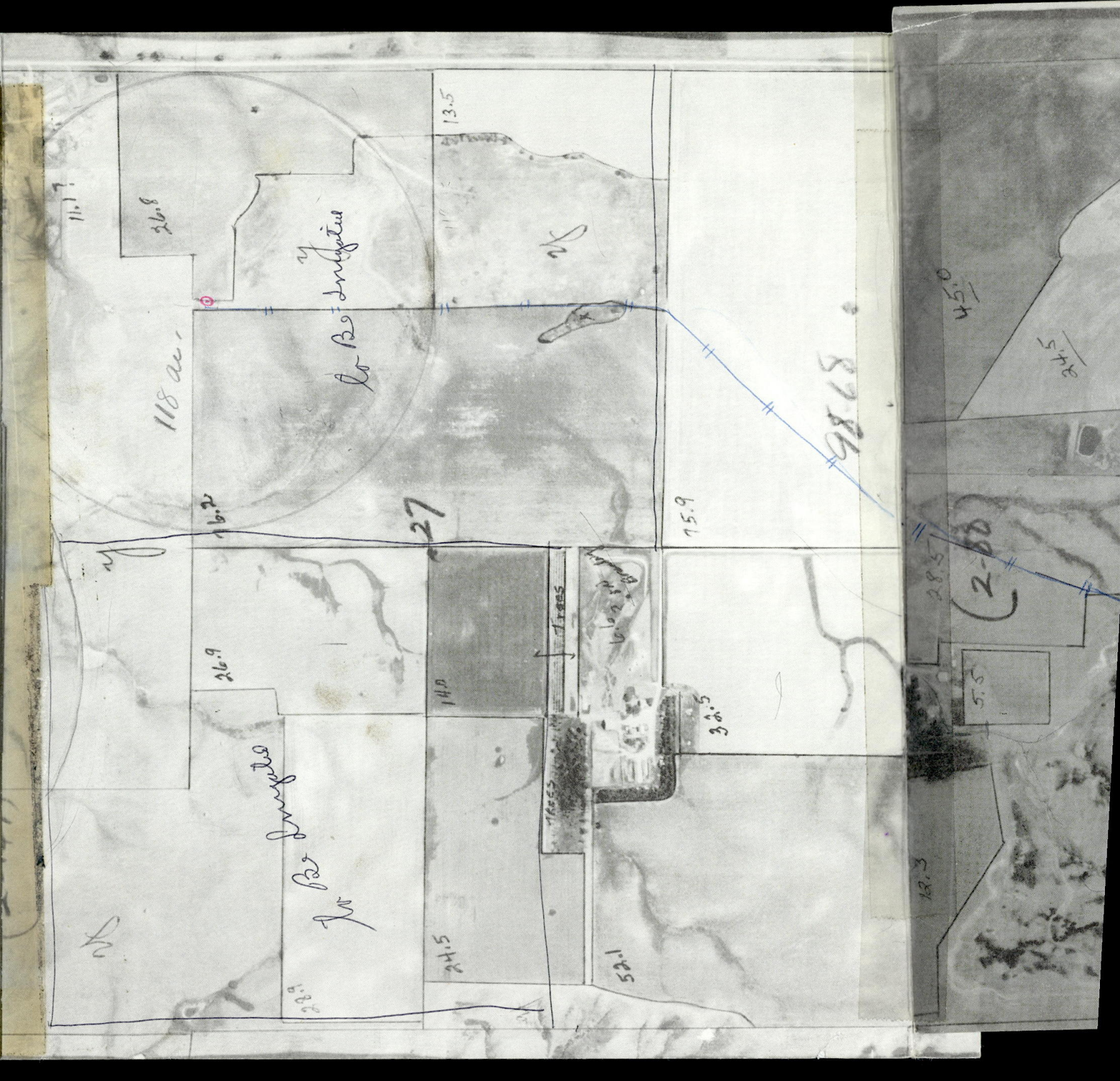


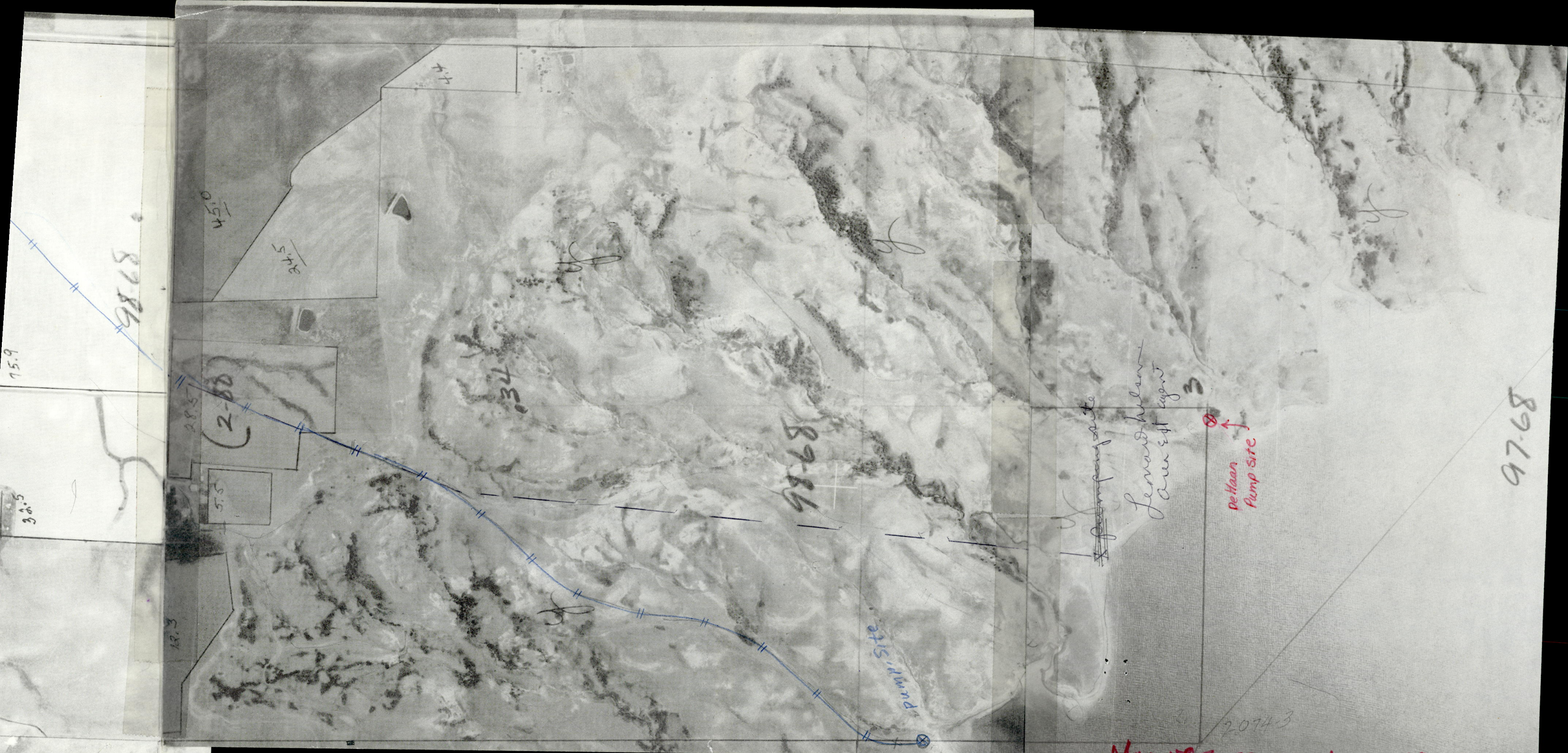
JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

DEC 18 1995

date







MAP NO 2073-3 APPL NO 2712-3

97-68