

356 17

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 3369A-3
DIVISION OF NO. 3369-3 INTO 3369A-3 & 3369B-3

(1) Morris and Luverne Nelson, RR 2 Box 102, Yankton SD 57078 made Application No. 3369-3, December 27, 1976 for a water permit to divert 4.0 cubic feet of water per second (cfs) from groundwater (two wells), Yankton County, South Dakota for irrigation purposes. Permit No. 3369-3, with a priority date of December 27, 1976 was approved January 27, 1977 and issued to the applicants for diversion of water with construction of the described water supply system to be completed on or before January 27, 1982 and for the application to beneficial use of said water on or before January 27, 1984.

On July 11, 1996, a transfer of ownership was received, transferring a portion of the water permit to Delores Nelson. Water Permit No. 3369-3 is being licensed to the extend of development, divided and reissued to reflect separate ownership as follows:

No. 3369A-3, Delores Nelson: irrigation of 129 acres in the SW 1/4 Section 19 with diversion of 1.44 cfs from one well located in the approximate center of the SW 1/4 Section 19; all in T94N-R55W.

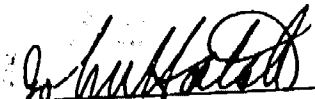
No. 3369B-3, Morris & Luverne Nelson: irrigation of 140 acres in the NW 1/4 Section 19 with diversion of 1.67 cfs from one well located in the approximate center of the NW 1/4 Section 19; all in T94N-R55W.

(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 1.44 cubic feet of water per second for beneficial use. The location of the diversion point is 1,900 feet north 50 degrees east from the southwest corner of Section 19-T94N-R55W (approximate center of SW 1/4).

(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:

Section 19-T94N-R55W	NE 1/4 SW 1/4	38 acres
	NW 1/4 SW 1/4	44 acres
	SW 1/4 SW 1/4	15 acres
	SE 1/4 SW 1/4	32 acres
Total		129 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Delores Nelson, RR 2, Box 202, Yankton SD 57078 the holder and/or owner of Water Permit No. 3369A-3 is issued a license to appropriate water, the right to use 1.44 cubic feet of water per second from groundwater (one well) with a priority date of December 27, 1976 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. 3369-3 and subject to South Dakota State Law.


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

OCT 17 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

June 27, 1996

Morris Nelson
RR 2, Box 102
Yankton SD 57078

Dear Mr. Nelson:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Permit No. 3369-3. The water permit is currently list in the name of Morris and Luverne Nelson. It is our understanding that the SW 1/4 Section 19-T94N-R55W is under different ownership, with you still owning the NW 1/4 of the same section.

The transfer form should be completed, checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

After the "Notice of Transfer" is filed, Water Permit No. 3369-3 will be divided and reissued to reflect separate ownership. The final inspection of these two systems has been completed, and we are ready to issue the Water Licenses. Statutes require we charge \$50 each for the inspection and issuance of the final papers.

Please forward the "Notice of Transfer" to the current owner or let us know who the form should be sent to. If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
Water Rights Program
605 773-3352

enclosure



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

July 12, 1996

3369A-3

Delores Nelson
RR 2 Box 202
Yankton SD 57078

Dear Mr. Nelson:

Thank you for submitting the "Notice of Transfer". As stated in the June 27, 1996 letter, the final inspection of the systems has been completed, and we are ready to issue your final water right document, the Water License.

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, we will process your Water License for the SW 1/4 Section 19-T94N-R55W.

In the fall of each year, we send out an Irrigation Questionnaire regarding your annual water usage for the past year. This questionnaire will be sent directly to you, unless you indicate otherwise.

If you have any questions, please contact Genny McMath or me.

Sincerely,

Karen Schlaak

Karen Schlaak
Environmental Scientist
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.

NOTICE OF TRANSFER OF OWNERSHIP



To: Chief Engineer
Water Rights Program, DENR
523 E. Capitol
Pierre, SD 57501-3181

No. 3369A-3

Date: 7-9-96

I/We request that Water Permit No. 3369A-3

formerly owned by: Morris and Luverne Nelson

be transferred to: (name & address) Delores Nelson

R+2, Box 202 Yankton, S.D 57018 Telephone No. 605-665-5252

Title to the following described land(s)/property has been transferred as described above:

SW 1/4 Section 19-T94N-R55W (129 acres)

I/We understand that the validity of Water Permit No. 3369A-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Right Program, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Yankton)

I/We Janet L Waggoner being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Delores Nelson
(Signed)

Subscribed and sworn to before me this 10 day of July, 1996.

Janet L Waggoner
(Notary Public)

Commission Expires 03-01-01

NOTE: Water permits may be canceled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

415003

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____, July 11, 1996RECEIVED OF Delores Nelson, Rt 2, Box 202, 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. _____		
Fee for Filing Transfer Form for Permit No. <u>3369A-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By John Hatch
Chief Engineer John Hatch ks



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3161

OCT 17 1996

Delores Nelson
RR 2 Box 202
Yankton SD 57078

Dear Ms. Nelson:

Enclosed is Water License No. 3369A-3. On July 11, 1996, a transfer of ownership was received, transferring a portion of the water right to you. Water Right No. 3369-3 is being divided and reissued to reflect separate ownership. The reissued water right will be as follows:

No. 3369A-3, Delores Nelson: irrigation of 129 acres in the SW 1/4 Section 19 with diversion of 1.44 cfs from one well located in the approximate center of the SW 1/4 Section 19; all in T94N-R55W.

No. 3369B-3, Morris & Luverne Nelson: irrigation of 140 acres in the NW 1/4 Section 19 with diversion of 1.67 cfs from one well located in the approximate center of the NW 1/4 Section 19; all in T94N-R55W.

As long as you use the water beneficially, as stated in Water License No. 3369A-3, South Dakota Water Laws provide that you have a continuing right to the use of the water.

Enclosed are the receipts for payment of the transfer and water license fees. If you have any questions, please contact us.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Right Program
605 773-3352

ks

enclosures



3369A-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 14, 2004

NOTICE

TO: DELORES NELSON, RR 2 BOX 202, YANKTON, SD 57078

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

SUBJECT: Reporting Requirement for 2003 Irrigation Questionnaire(s)

Our records indicate that the 2003 Irrigation Questionnaire has not been submitted for Permit No(s) 3369A-3. The request for the Questionnaire was dated October 17, 2003. The Water Management Board has directed that owners of water permits who have not submitted the 2003 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 8:30 am, March 3, 2004, 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 3369A-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
3. 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 on/or before **February 27, 2004**, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (605) 773-3352.

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.



3369A-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 8749

Your item was delivered at 11:45 am on January 16, 2004 in YANKTON, SD 57078. The item was signed for by D NELSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)

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Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 8749

DELORES NELSON
RR 2 BOX 202
YANKTON SD 57078

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

for mailing.

POSTAL CUSTOMER:

Keep this receipt. For Inquiries:
Access Internet web site at
www.usps.com
or call 1-800-222-1811

☐ Priority Mail®
☐ Package Services

3369A-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 4, 2004

3369A-3

Delores Nelson
30698 US Hwy 81
Yankton SD 57078

Dear Ms. Nelson:

I am writing to acknowledge receipt of your 2003 irrigation questionnaire. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 3369A-3.

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
Environmental Scientist
Water Rights Program
(605) 773-3352



3369B-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 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. 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.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 27, 2015

Darrell Nelson
Nelson Family Partnership
44023 306th 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