

1. Considered January 28 19 81
2. Name of Applicant Leo J. Nelson
3. Post Office Address Platte, S.D.
4. Amount of Water Claimed 8.9
5. Source of Water Supply Missouri River
6. Water to be used for Irr
7. Acres to be irrigated 624 maximum acre feet
8. Water to be diverted and used in Charles Mix County about 2N, 7 miles West of Geddes
9. PROOF OF PUBLICATION Received OK 1-5-81
Not Received
APPLICATION Approved 1/29/81
Subject to OK
Not Approved
Action deferred

Priority Date 5/12/80 Application Complete yes no FEE 275.00
12/1/80 Received Fee Rec. Remarks Wrote for fee, Sept, 8, 1980, the additional amount needed. Also upon
old priority 7 Approval will cancell 2967-3A as it was advertised and approved and
April 28, 1976 was not correct. This application corrects prior applications and Permit
2712-3 which upon approval of this application will be incorporated into
Permit 4577-3. Add acreage = 275 fee correct

Date information and/or fee or corrected Application received Fee-12/1/80
Period of Annual use June - September
Received yes 8/18/80 no no APPROVED/CONDITIONAL (Circle one)
W-1 Description same as application yes xx no no Remarks

Disapproved

Returned

Diversion Point

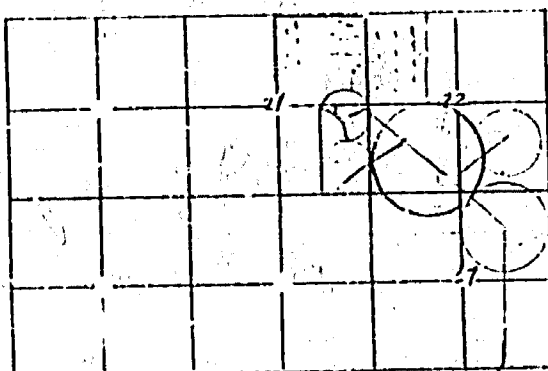
NW 1/4 NW 1/4, Section 3-T97N-R68W

Lands to be irrigated

NE 1/4 & E 1/4 SE 1/4, Sec. 21; S 1/4 and

NW 1/4, Sec. 22 and NW 1/4 Sec. 27 all

in T98N-R68W



To the River

WELL LOG

Remarks

Driller Licensed yes no

Depth

*has been inspected by
L. Roy.*

MAP

Map No. 3795-3 Map located in Water Right xx Map file _____

Type of Map Aerial Prepared by Mernaugh
and Lyle Labree, RC&D

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1/23/81

[Signature]
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

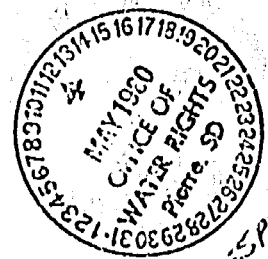
REMARKS
F.F. & C
OF LAW,
FINAL
DECISIONS
ETC.

Date _____
Final Decision, including F.F. & C of Law were adopted _____

Date _____
Final Decision mailed to parties and/or parties notified that Final Decision was adopted _____

Remarks _____

Form 2 - Application for Permit to Appropriate Water-Original (Includes Approval and Permit)



No. 4577-3
Map No. 3795-3 Water Division No. 3 MISSOURI RIVER District
Above for Office Use 10140101

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

Check one of the following:

New ☒ Vested Right _____ Future Use _____ and combination of 2712-3, ~~2967-3A~~ and ~~2967-3~~

Change in Diversion _____ Additional Diversion ☒

Change in Acreage _____ Additional Acreage ☒

- Name of Applicant Leo J. Nelson Phone No. 337-3415
Post Office Address Platte State South Dakota 57369
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation _____
- Method of accomplishing work (contract, employment of others, or by direct labor) _____
- Name of diversion work Nelson
- Amount of water claimed (cubic feet per second) 8.9 MAXIMUM ALLOWABLE
- Source of water supply Missouri River
- Location of point of diversion NW 1/4 NW 1/4 3-97-68

- County Charles Mix
- Annual period or periods during which water is to be used June, July, August, September
- Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
- For irrigation use, Platte Enterprise Total number of acres to be irrigated 587 624

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.
NE 1/4 & E 1/2 SW 1/4 21-98-68 (see map)	123.145	None call 11/26/80	
SW 1/4 NW 1/4 22-98-68 (see map)	50.65	Lyle Labrec	
S 1/2 22-98-68 (see map)	266	(transfer)	
SW 1/4 22-98-68 (see map)	148		

- Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 5 years.
- Choice of county newspaper for publication of Notice of Intent to Appropriate Water Platte Enterprise
- Principal Features of the Proposed Water Supply System.

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

Pipeline

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

Pipeline

C. Works proposed to apply water to beneficial use.

Center pivot, towline or big gun

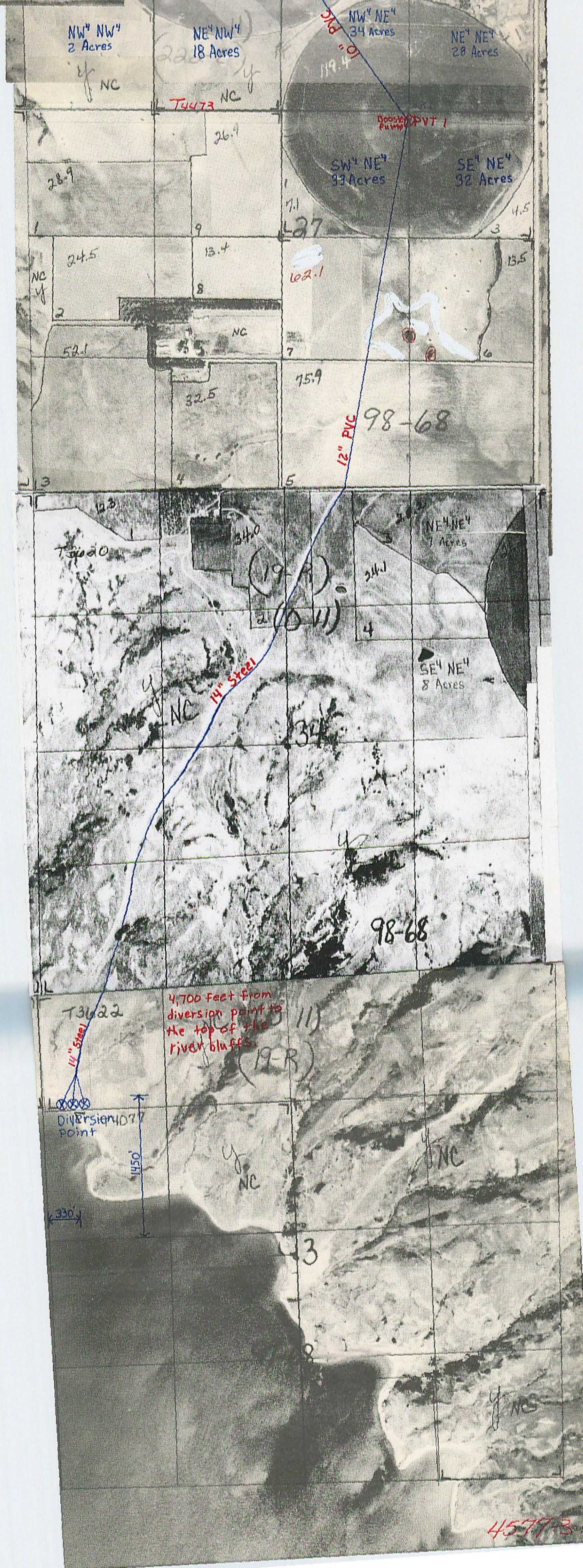
Estimated Total Cost \$ 250,000

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 Charles Mix) ss.

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. Nelson
8th day of May, 1980
Judy Holcomb
Notary Public (or other qualified officer)



(2-147)

7000-571-800
7000-571-800
7000-571-800

7000-571-800
7000-571-800
7000-571-800

(2-147)

91
510

100

80.8

7000-571-800
7000-571-800
7000-571-800

LEO J. NELSON

98-68

110.3

98-68

43.5

14.8

27

13.5

15.9

32.3

PIPE LINE
MISSOURI
98-68

Lot 10, 11, 12
Record 100

~~MISSOURI~~ APR 4577-3

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4577-3

Leo J. Nelson

Platte

(Applicant)

South Dakota

57369

(Post Office Address)

(State)

With the following qualifications.

The applicable portions of Water Permit No. 2712-3 have been incorporated into this Permit No. 4577-3.

Date of first receipt of application MAY 12 1980
 Date of return to applicant for correction, amendments or changes required MAY 16 1980
 Date of receipt of corrected application WQ AUGUST 18 1980
 Approved JANUARY 29 1981 Recorded in Book 22 Page 38

WATER RIGHT PERMIT NO. 4577-2

The Water Management Board hereby grants and issues this Water Right Permit No. 4577-2 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is 33 cfs FROM AUG. 12, 1980 & 8.57 cfs FROM APRIL 28, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 29, 1983

3. The whole of said work is to be completed on or before JANUARY 29, 1986

4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 29, 1990

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 8.9 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 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 JANUARY 29, 1990; said water to be used during the following described annual period: JUNE - SEPTEMBER

Witness my hand this 13th day of MARCH 1981

THE WATER MANAGEMENT BOARD

By:

John H. Kater
 Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

CONSERVATION COMMISSION
W-1 FORM
3/80

Office Use Only

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

OWNERS NAME: LEO J. NELSON OWNERS ADDRESS: 13446, South Dakota
57260

COUNTY LAND LOCATED IN: Charles Mix PHONE: 337-1414

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

In accordance with State Law SDCL 46-5-6.5, if a water permit is granted with a conditional Soil/Water Compatibility permit, a copy of such conditional soil/water compatibility permit must be filed with the County Register of Deeds. This action must be taken by the holder of a water permit within 6 months of receipt of such water permit.

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

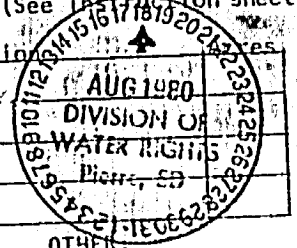
1. WELL LOCATION OR DIVERSION POINT: NW 1/4, NW 1/4, 22-98-68

2. SURFACE WATER SOURCE: Missouri River

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

clear add'l acreage w/sec 12-1-80 BW/WS

Legal Description	Acres	Legal Description
NW 1/4, NW 1/2 NW 1/4, 21-98-68	122.45	
NW 1/4, NW 1/4, 22-98-68	59.65	
SW 1/4, 22-98-68	265	
NE 1/4-27 & NE 1/4 OF NW 1/4-27-98-68	11.8	



4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: _____ GUN: _____ (Specify) _____
5. CROPS TO BE IRRIGATED: corn, alfalfa - water control grain
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: _____
- LEGAL DESCRIPTION: Combination of 2712-2, 2712-3, and 2067-3
- IN WHAT NAME: _____

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

7. WATER SAMPLE NUMBER: W-24861
8. SALINITY (EC X 10⁶): 500 to 600
9. SODIUM (SAR): 1.4
10. ADJUSTED (SAR): 2.6

RECEIVED

JUL 09 1980

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the 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: non-tested - Missouri River water 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.

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11th DAY OF July, 1980.

(NOTARY PUBLIC)

IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application. In all cases a WATER PERMIT must be obtained from the Board of Water Management.

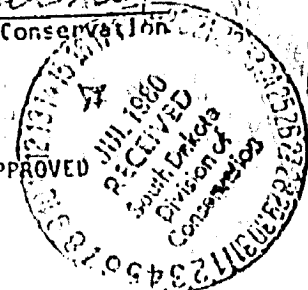
APPLICANT'S SIGNATURE

Director, Division of Conservation

APPROVED

DISAPPROVED

CONDITIONALLY APPROVED



SOUTH DAKOTA DEPARTMENT OF AGRICULTURE
DIVISION OF CONSERVATION

NAME OF APPLICANT Leo J. Nelson, Platte

SOIL RESTRICTIONS:

THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:

Belts Loam LSF -- because of steep slopes.

Odd shaped and/or small areas that you may have under pivot should be kept in permanent vegetation to hold down surface erosion and to act as a waterway for irrigation runoff and/or excess precipitation.

RECOMMENDED MANAGEMENT:

1. Water should not be applied more than _____ times during the irrigation season.
2. Each uninterrupted application (one rotation of center pivot) should be of at least _____ inches of water.
3. (x) Yes () No Continual surface drainage improvement of flat areas _____.
4. () Yes () No Subsurface drainage suggested on _____.
5. (x) Deep tillage (for the purpose of aiding movement of water through dense subsoils.
COMMENTS: Occasional use will benefit water intake on fine textured soils.
6. () Heavy fall application of irrigation water.
7. Type of irrigation system recommended for use on this application center pivot.

GENERAL COMMENTS:

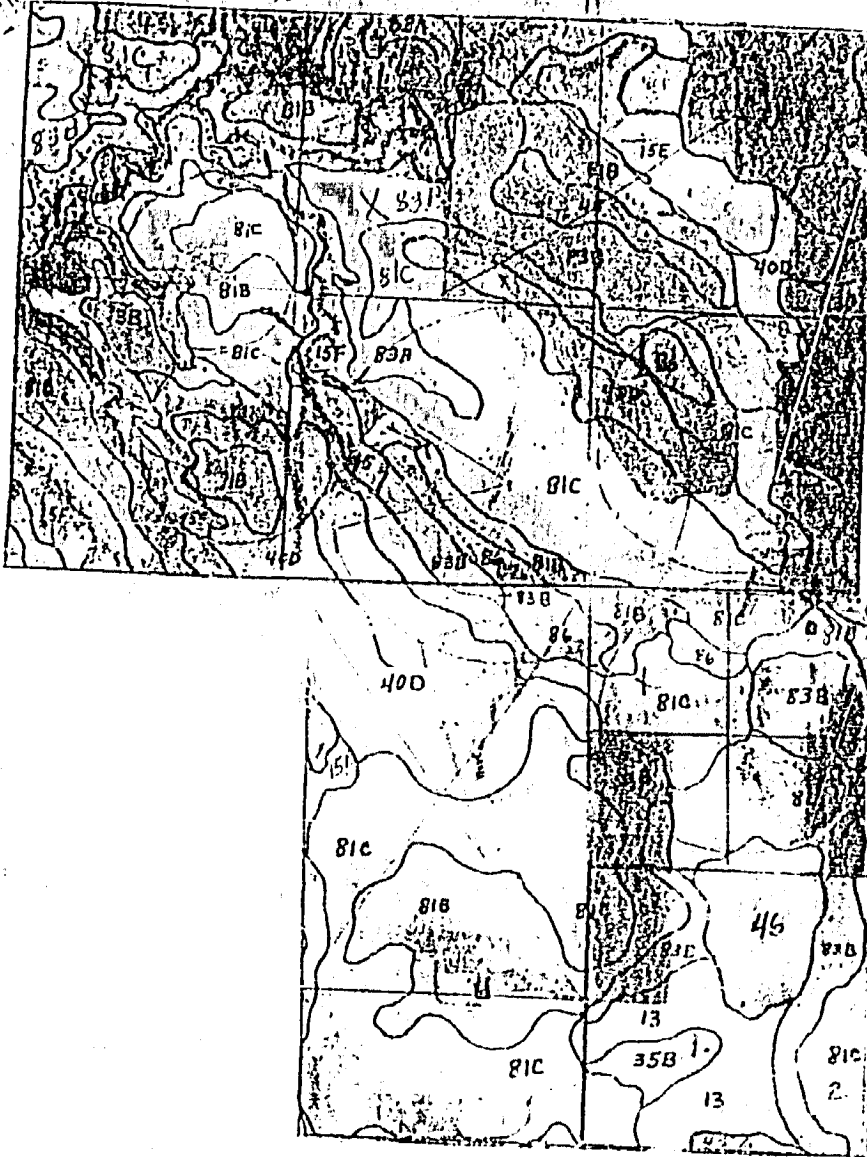
odd shaped areas/towline or gun.

Your experience with irrigation has already told you where the problem areas are.

Copy to applicant
Copy to Water Rights
Copy on File

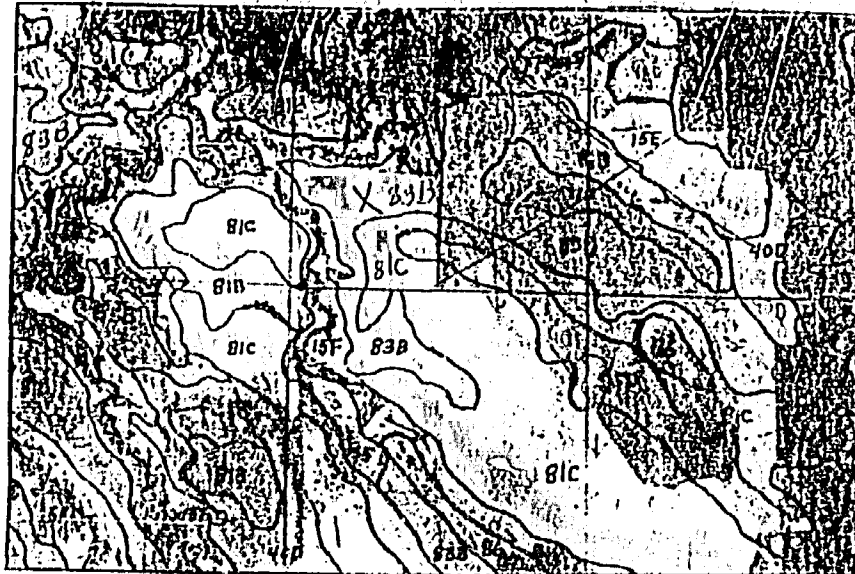


Section 22.

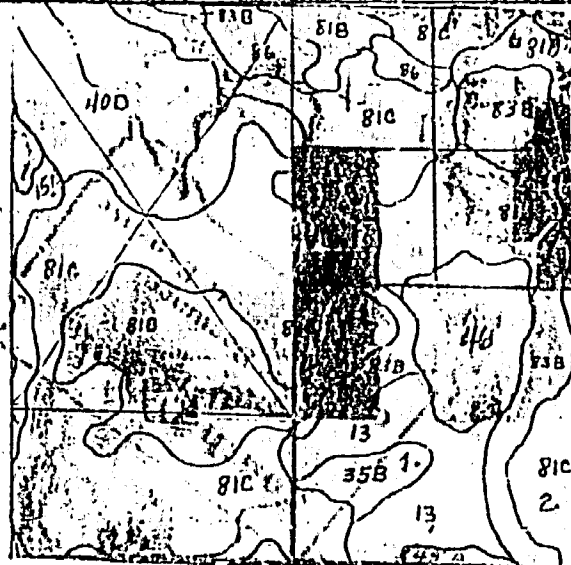


Leo Meiser and Sons

Section 21



Section 22



Section 27-98-68

Leo Nelson and Sons

SOIL INTERPRETIVE GROUPS

81B	Eakin-Ethan Complex Eakin part Ethan part	IIc2 IIIc12
81C	Eakin-Ethan Complex Eakin part Ethan part	IIIc2 IVe3
46	Onita-Tetonka silt loams Onita part Tetonka part	IIc3 IVw1
83B	Highmore-Eakin silt loams	IIc1
35B	Houdek loam	IIc2
13	Prosper loam	IIc3
45A	Onita silt loam	IIc3
45	Onita silt loam	IIc3
83A	Highmore silt loam	IIc2
15F	Betts loam	VIIc3
86	Tetonka silt loam	IVw1
40D	Ethan-Clarno loams Ethan part Clarno part	VIc3 IVe1

INTAKE RATES

Eakin	0.3
Ethan	0.5
Crita	0.5
Tetonka	0.1
Highmore	0.5
Houdek	0.3
Prosper	0.5
Betts	0.5
Clarno	0.5

LAND CAPABILITY UNITS

- IIe2 Deep, loamy soils on gently undulating (2 to 6%) upland slopes. They have moderate wind and water erosion hazards.
- IIIe12 Deep and moderately deep, loamy soils with limy subsoils on gently undulating and gently sloping (2 to 6%) uplands. They have moderate to severe wind and water erosion hazards.
- IIIe2 Deep, loamy soils on undulating (6 to 9%) uplands and eroded soils on gently undulating (2 to 6%) uplands. They have moderate to severe water and moderate wind erosion hazards.
- IVe3 Deep and moderately deep, loamy soils on undulating and sloping (6 to 9%) uplands and eroded soils on gently undulating and gently sloping (2 to 5%) uplands. These soils have thin limy surface layers. They have severe wind and water erosion hazards.
- IIc3 Deep, loamy, well to moderately well drained soils in upland swales that receive beneficial moisture. However, moisture is still inadequate in most years.
- IIe1 Deep and moderately deep, loamy soils on gently sloping (2 to 6%) uplands. They have moderate wind and water erosion hazards.
- IIc2 Deep, and moderately deep, loamy, well drained soils on nearly level (0 to 2%) uplands. Moisture is inadequate in most years and these soils have slight to moderate wind erosion hazards.

VIIc3

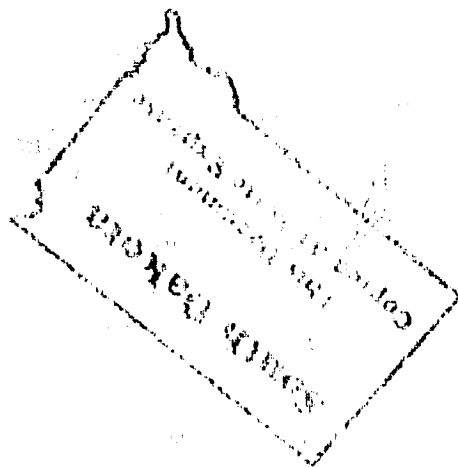
Moderately deep and deep, loamy soils on very hilly (25 to 50%) uplands. These soils have thin surface layers and severe water erosion hazard.

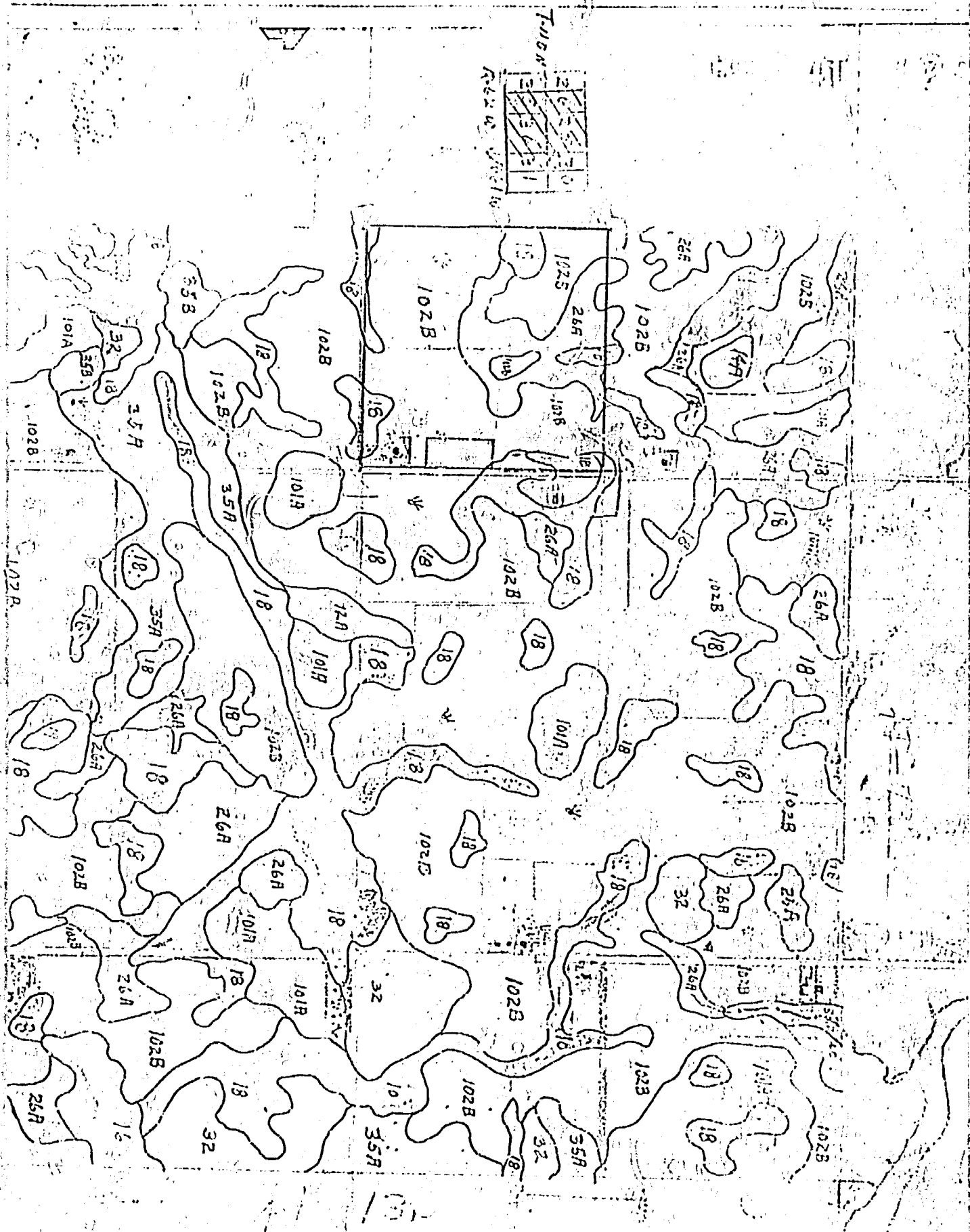
IVw1

Deep, loamy, poorly drained, soils on bottom lands and in depressions. An intermittent water table, occasional flooding, or salinity severely limits use.

IVe1

Deep and moderately deep, loamy soils on rolling (9 to 15%) uplands and eroded soils on undulating (6 to 9%) uplands. These soils have severe water erosion and moderate wind erosion hazards.





This quarter consists largely of Houdek-Prosper loams on complex 2 to 6% slopes (102 D). These are ~~clay~~ well and moderately well drained loamy soils which formed in clay loam glacial materials. They have moderate permeability in the subsoil and moderately slow permeability in the substrata. These soils have a high available water holding capacity.

About 25% of the quarter consists of Dudley-Stickney silt loams on 0 to 2% slopes (26 A). These soils occur as a narrow elongated area in the north central part of the quarter. They are moderately well drained soils with 4 to 10 inches of friable, loamy surface of dense claypans. Permeability in the claypan is very slow. The claypan and materials below it contain salts and alkali. Surface runoff on these soils is slow. Time of cultivation is influenced by the wetness of these soils.

Small areas of Tetonka silt loam (18) occur throughout the quarter. These soils occur in enclosed depressions which become ponded. They are very productive when drained.

No. 4577-3

Publish first publication, on or before December 18, 1980

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 12, 1980

Notice is hereby given Leo J. Nelson whose post office address is Platte, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 8.9 cubic feet of water per second of time from the Missouri River through the Nelson #1, the point(x) of diversion of which is(xxx) to be located in the NW 1/4 NW 1/4

of Section 3, Twp. 97N, Range 63W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

NE 1/4 and E 1/4 SE 1/4 Section 21; NW 1/4 and S 1/4 Section 22; NW 1/4 NW 1/4 and NE 1/4,

Section 27 all in T98N - R68W (portions of this acreage is covered under a prior permit)

This Application No. 4577-3 will be considered by the Water Management Board at the Kneip Building, Meeting Room #1, upon the 28th day of January 1981 Illinois & Church Street, Pierre, SD 57501

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Leo J. Nelson
Platte, SD 57369

BETTY WESTLUND
Water Rights Specialist

WNR-806B-7/79 Notice of Intent to Appropriate Water
SURFACE WATER

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

No. 447-3

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:

Dec 18, 1980

Dec. 25, 1980

Ralph Nachtigal
(Signature)

Publisher
(Title)

Jan 2, 1981
(Date Signed)

NOTICE OF HEARING ON
APPLICATION 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 SDCL 46-1-1 thru 46-1-9, 46-1-14, 46-2-9 thru 46-2-11, 46-2-13, 46-3-1 thru 46-3-8, 46-3-10 thru 46-3-22, 46-3-41, and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 8.9 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 NW 1/4, NW 1/4 of section 3, Twp. 97N, Range 68W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4 and E 1/2 of section 22, NW 1/4 and SW 1/4 of section 22, NW 1/4 and NE 1/4 of section 27 all in T98N R68W (portions of this acreage are covered up for a prior permit.) This application no. 4577-3 will be considered by the Water Management Board at the Kneip Building Meeting Room No. 1, Illinois and Church Street, Pierre, S.D. 57501 upon the 28th day of January, 1981 at 10 a.m. The board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-16 may notify the board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWNR, Joe Foss Building, Pierre, S.D., prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT

BOARD

Betty Westlund

Water Rights Specialist

(Dec. 18, 25)



RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 7549

PIERRE, June 20, 1980

RECEIVED OF Leo Nelson & Sons, Platte, SD 57369

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

Fee for Application for Permit to Appropriate Water No. 4877-3 (examination, processing, recording and filing)	125.00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing	
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for (any other work as provided by law)	
TOTAL	125.00

WATER RIGHTS COMMISSION

By *(John Hatch)*
Chief Engineer, Executive Officer
JOHN HATCH / (bt)

RECEIPT
WATER RIGHTS COMMISSION
State of South Dakota

No 4 7798

PIERRE, December 1, 1980

RECEIVED OF Leo Nelson, Platte SD 57369

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

Fee for Application for Permit to Appropriate Water No. 4577-3 (examination, processing, recording and filing)	150	00
Fee for Inspecting Construction, and Issuing Cert. of Construction No.		
Fee for Inspecting Beneficial Use, and Issuing Water License No.		
Fee for Issuing Location Certificate-Dry Draw, No.		
Fee for filing		
Fee for certified copy of		
Fee for Print copy of map		
Fee for Certifying		
Fee for (any other work as provided by law)		
TOTAL	150	00

WATER RIGHTS COMMISSION

By John Hatch
Chief Engineer, Executive Officer
JOHN HATCH



**Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 22, 1983

4577-3
Leo J. Nelson
Platte, SD 57369

Dear Sir:

Water Permit No. 4577-3 was approved with the qualification that the irrigation questionnaire be submitted each year. To date we have not received the 1982 questionnaire from you.

Please complete the enclosed questionnaire and return to this office. Failure to return the questionnaire is in violation of the conditions under which the permit was approved.

Please advise, if you have any questions.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH:ks
enclosure



**Department of
Water & Natural Resources**

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

4577-3

December 15, 1987

Gary L. Nelson
RR #1, Box 133
Geddes, SD 57342

Dear Mr. Nelson:

I am contacting you concerning the 1987 irrigation questionnaire you returned for Water Permit No. 4577-3. The permit is currently listed under the name of Leo J. Nelson. The questionnaire was completed properly, however, I did have a question as to whether you owned or operated the land.

If you own the land, the water permit should be transferred to your name. However, if you operate the land, ownership of the permit would remain under Leo Nelson, but a notation would be added to the file to send correspondence to you as the operator.

Please notify our office as to the status of this permit. I have enclosed a copy of Water Permit No. 4577-3 for your reference. Your assistance in this matter will be appreciated. If you have any questions, please contact me.

Sincerely,

Genny McMATH
GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure

 **Department of
Water & Natural Resources**

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

December 2, 1988

4577-3

Gary Nelson
RR #1 Box 133
Geddes, SD 57342

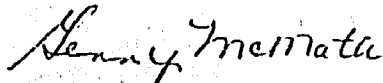
Dear Mr. Nelson:

In followup to our telephone conversation of December 1, 1988, enclosed is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 4577-3. Please check over the form and sign in the presence of a notary public. Upon completion of the form, return it to our office with a required filing fee of \$2.50. The water permit will then be transferred to your name.

South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

If you have any questions, please contact us.

Sincerely,



GENNY MCMATH
Natural Resources Analyst
605 773-3352

enclosure



SOUTH



Department of Water & Natural Resources

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

December 13, 1988

Gary L Nelson
RR #1 Box 133
Geddes, SD 57342

Dear Mr. Nelson:

Enclosed, as we discussed, is a partially completed "Notice of Transfer" for use in filing an ownership change on Water Permit No. 4577-3. You indicated your brother owned part of the land described in the permit and should also be listed on the permit.

Please complete the form, sign and have notarized. The form should be signed by both you and your brother. A \$2.50 transfer fee was received from you on December 12th. You are not required to submit another fee.

If you have any questions, please contact me.

Sincerely,

GENNY MCMATH
Natural Resources Analyst
(605) 773-3352

enclosure



NO. 4577-3



NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: 12-20-88

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

NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 21, NW $\frac{1}{4}$ and S $\frac{1}{2}$ Section 22, N $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ Section 27,

all in T98N, R68W

formerly owned by Leo J Nelson, Platte, SD

has been transferred to Gary L. Nelson Box 137 RR#1 Geddes SD 57742
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4577-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)
County of Charles Mix) ss.

I, Gary L. Nelson being first sworn, on my oath depose and say:
That my relation to the above described under is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Gary L. Nelson
(Signed)

Leo Nelson
(Signed)

Subscribed and sworn to before me this 21st Day of December, 1988.

Carl Nelson
(Notary Public)

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____ December 12, 1988

411538

RECEIVED OF Gary L. Nelson, RR-1, Box 133, Geddes SD 57342

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct works and to put water to beneficial use _____

Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____

Fee to retain Future Use Permit No. _____ after period of seven years.

Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____

Fee for Filing Transfer Form Water Permit No. 4577-3

Fee for Filing Extension Request _____

Fee for Certified Copy of _____

Fee for Print Copy of Map _____

Fee for Certifying _____

Fee for _____

(Any Other Work Provided by Law)

Total

2 50

By John Hoken
Chief Engineer

SOUTH DAKOTA

Department of Water & Natural Resources

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

January 31, 1989

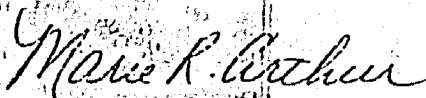
Gary L. Nelson
RR 1, Box 133
Geudes, SD 57342

Dear Mr. Nelson:

Enclosed is Receipt No. 411538 in the amount of \$2.50 which you paid for transfer of Water Right No. 4577-3.

Our records now show you as the owner of this Water Right.

Sincerely,



Marie R. Arthur
Water Rights Division
(605) 773-3352



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 SE 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

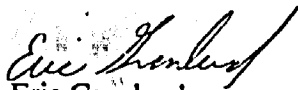


REPORT ON WATER PERMIT NO. 4577-3
GARY L. AND ARLO NELSON
October 5, 1995

Water Permit No. 4577-3 appropriates 8.9 cubic feet of water per second from the Missouri River located in the NW 1/4 NW 1/4 Section 3-T97N-R68W to irrigate 624 acres located in the NE 1/4, E 1/2 SE 1/4 Section 21, NW 1/4, S 1/2 Section 22, NE 1/4, N 1/2 NW 1/4 Section 27; all in T98N-R68W. Readvertisement of this permit is necessary to include the 100 acre-feet storage reservoir prior to issuance of the water license. The 100 acre-feet storage reservoir is located in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 22-T98N-R68W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 4577-3.
2. This readvertisement is necessary to include the 100 acre-feet storage reservoir prior to issuance of a water license. The reservoir was identified on the map and permit application.
3. The 100 acre-feet storage reservoir is located in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 22-T98N-R68W.


Eric Gronlund

Natural Resources Engineer



Ron Duvall

Natural Resources Engineer IV

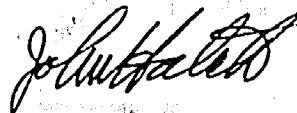
**RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER PERMIT
APPLICATION NO. 4577-3, Gary L. and Arlo Nelson**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning readvertised Water Permit Application No. 4577-3, Gary L. and Arlo Nelson, RR 1, Box 133, Geddes, SD 57342

The Chief Engineer is recommending APPROVAL of readvertised Application No. 4577-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion has been 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. The applicable portions of Water Permit No. 2712-3 have been incorporated into this Permit No. 4577-3.
2. Approval of Permit No. 4577-3 authorizes storage of up to 100 acre feet of water annually.

See report on application for additional information.



JOHN HATCH, Chief Engineer
October 5, 1995



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

October 12, 1995

Gary L. and Arlo Nelson
RR 1, Box 133
Geddes SD 57342

Dear Sirs:

The original notice of hearing for Water Permit No. 4577-3 was published with an error. The notice did not include the 100 acre-foot storage reservoir located in Section 22-T98N-R68W. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Platte Enterprise printed at Platte SD (Ph # 605 337-3101). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

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

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 12, 1995

Platte Enterprise
Box 546
Platte, SD 57369-0546

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 4577-3 to be published twice. Please publish the first notice on October 19, 1995, with the second publication 7 days later.

Please bill the Water Rights Program for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS PROGRAM. IMMEDIATELY return the FIRST publication with the FIRST 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 in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

CUT HERE

FIRST TRANSMITTAL NOTICE

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

TO: Eric Gronlund
Water Rights Program
Joe Foss Building
Pierre SD 57501-3181

Name _____

Newspaper _____

Instruction to Newspaper - Publish first Notice on October 19, 1995, with the second publication 7 days later.

NOTICE OF HEARING ON APPLICATION NO. 4577-3 to Appropriate Water

Notice is given of readvertisement of Water Permit No. 4577-3 held by Gary L. and Arlo Nelson, RR 1, Box 133, Geddes, SD 57342.

The permit was originally applied for on May 12, 1980. Water Permit No. 4577-3 appropriates 8.9 cubic feet of water per second from the Missouri River located in the NW 1/4 NW 1/4 Section 3-T97N-R68W to irrigate 624 acres located in the NE 1/4, E 1/2 SE 1/4 Section 21, NW 1/4, S 1/2 Section 22, NE 1/4, N 1/2 NW 1/4 Section 27; all in T98N-R68W. Readvertisement of this permit is necessary to include the 100 acre-feet storage reservoir. The 100 acre-feet storage reservoir is located in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 22-T98N-R68W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 4577-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 16, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Nettie H. Myers, Secretary, Department of Environment and Natural Resources.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Charles Mix) SS1. Sharon Hinzinger

certify that the attached printed Notice was

taken from the PlatteEnterpriseprinted and published in PlatteCounty of Charles Mix and State ofSouth Dakota. The notice was published in
the newspaper on the following two dates:10-19-9510-26-95Cost of Printing: \$ 39.69Sharon Hinzinger
(Signature)B.L. Keppner
(Title)10-26-95

(Date Signed)

NOTICE OF HEARING ON
APPLICATION NO. 4577-3
TO APPROPRIATE WATER

Notice is given of readvertisement of Water Permit No. 4577-3 held by Gary L. and Arlo Nelson, RR 1, Box 133, Geddes, SD 57342.

The permit was originally applied for on May 12, 1980. Water Permit No. 4577-3 appropriates 8.9 cubic feet of water per second from the Missouri River, located in the NW 1/4 NW 1/4 Section 3-T97N-R68W to irrigate 624 acres located in the NE 1/4, E 1/2 SE 1/4 Section 21, NW 1/4 S 1/2 Section 22, NE 1/4, N 1/2 NW 1/4 Section 27, all in T98N-R68W.

Readvertisement of this permit is necessary to include the 100 acre-foot storage reservoir. The 100 acre-foot storage reservoir is located in the SW 1/4 NW 1/4 and the NW 1/4 SW 1/4 Section 22-T98N-R65W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Readvertised Application No. 4577-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the chief engineer will act on the application as recommended unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and chief engineer. The applicant must file a petition if contesting the chief engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre, SD 57501 - (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by November 6, 1995.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Nettie H. Myers, Secretary,
Department of Environment and
Natural Resources.

(Oct. 19, 26)

Permit No. 4577-3
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 made a thorough examination of the water use system constructed by Leo J. Nelson of Platte, SD 57369 holder of Permit No. 4577-3, bearing the priority of April 28, 1976 & August 18, 1980 authorizing the diversion of 8.57 & 0.33 cu. ft. of water per second and the storage of 100 acre-feet from the Missouri River for irrigation purposes, in Charles Mix County.

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

A. Works used to divert the water:

Motors: (at the river)

- 1) General Electric
Serial No. MMJ 1208128
150 HP
- 2) General Electric
Frame No. B405VP16
150 HP
- 3) General Electric
Model No. 5K6268XH4017A
150 HP

Johnson Pump
Serial No. LJ2089
750 GPM

Johnson Pump
Model No. MA26658
750 GPM

Johnson Pump
Serial No. LJ2089
750 GPM

**** NOTE:**

Each pump has 800 feet of 8" steel pipe with a General Electric 15 HP submersible pump attached.

- (at the storage dam)
- 1) Marathon
Frame No. 286TC
40 HP
 - 2) General Electric
Model No. 5K286JL1150
40 HP
 - 3) Marathon
Frame No. 215TCZ
15 HP

Cornell Pump
Serial No. 32353
450 GPM

Cornell Pump
Serial No. 32353
450 GPM

Berkeley Pump
Serial No. 805226
300 GPM

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

BOOSTER: (at center of pivot #1)

General Electric
Model No. 5K256JL1011A
25 HP

Cornell Pump
Model No. 4WB25-2
800 GPM

DISTRIBUTION LINES:

- | | | |
|-------------------------|------------------------|-----------------------------|
| 1) Type <u>Steel</u> | 2) Size <u>14</u> inch | 3) Length <u>5,280</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inch | 3) Length <u>5,280</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inch | 3) Length <u>3,000</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inch | 3) Length <u>4,300</u> feet |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> inch | 3) Length <u>2,600</u> feet |
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inch | 3) Length <u>2,000</u> feet |

C. Works used to apply water to beneficial use:

Center pivot: #1

- 1) Make Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 800 GPM

Center pivot: #3

- 1) Make Zimatic
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure Low
- 7) Capacity 500 GPM

Center Pivot: #5

- 1) Make Electrogator
- 2) Overall length 900 feet
- 3) Number of towers 6
- 4) Distance between towers 150 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 400 GPM

Flood irrigation:

- 1) Distance between gates 30 inches
- 3) Total length of gated pipe 520 feet

Center pivot: #2

- 1) Make Electrogator
- 2) Overall length 1650 feet
- 3) Numbers of towers 9
- 4) Distance between towers 183 feet
- 5) End gun Y
- 6) High or low pressure Low
- 7) Capacity 1100 GPM

Center pivot: #4

- 1) Make Zimatic
- 2) Overall length 900 feet
- 3) Number of towers 4
- 4) Distance between towers 225 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 400 GPM

Center pivot: #6

- 1) Make Zimatic
- 2) Overall length 660 feet
- 3) Number of towers 3
- 4) Distance between towers 220 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 350 GPM

- 2) Length per pipe 20 feet
- 4) Size 6 inch

The system is in the following condition good. The point of diversion is located 330 feet E and 1450 feet N from the W1/4 corner of Section 3 T97N-R68W (NW1/4 NW1/4). The works are capable of diverting and conveying to the place of use **5.00 cu. ft. of water per second and storing 100 acre-feet of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

T98N-R68W

SECTION 21

SECTION 22

<u>NE1/4 NE1/4</u>	<u>7 acres</u>
<u>SW1/4 NE1/4</u>	<u>2 acres</u>
<u>SE1/4 NE1/4</u>	<u>26 acres</u>
<u>NE1/4 SE1/4</u>	<u>26 acres</u>
<u>SE1/4 SE1/4</u>	<u>27 acres</u>
<u>NW1/4 NW1/4</u>	<u>23 acres</u>
<u>NW1/4 SW1/4</u>	<u>15 acres</u>

SECTION 22

SW $\frac{1}{4}$ SW $\frac{1}{4}$	28 acres
NE $\frac{1}{4}$ SW $\frac{1}{4}$	38 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres
NW $\frac{1}{4}$ SE $\frac{1}{4}$	30 acres
NE $\frac{1}{4}$ SE $\frac{1}{4}$	32 acres
SW $\frac{1}{4}$ SE $\frac{1}{4}$	39 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	30 acres
NW $\frac{1}{4}$ NW $\frac{1}{4}$	2 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	18 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	34 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	33 acres
NE $\frac{1}{4}$ NE $\frac{1}{4}$	28 acres
SE $\frac{1}{4}$ NE $\frac{1}{4}$	32 acres

SECTION 27

comprising a total of 518 acres of land and the license should be issued for **7.40 cfs and 100 acre-feet of storage.

**** NOTE:**

5.01 CFS is diverted from the river and 2.67 CFS from the dam. The licensed amount is 7.40 CFS, based on 1 CFS per 70 acres. A total of 7.68 CFS (based on pump diversion rates) can be diverted through the use of a 100 ac-ft storage dam and the pumps at the river.

Applicable permit qualifications have been complied with: Yes ☒ No

Exceptions to compliance are: None

Date: June 10, 1993


Barry A. McLaury
Natural Resources Analyst
DENR, Water Rights Division

REPORT ON INSPECTION OF PERMIT NO. 4577-3

DATE: June 10, 1993

Other permit(s) associated with the project: None

DIVERSION POINT LEGAL LOCATION: 330 feet E and 1450 feet N from the W1/4 corner of Section 3 T97N-R58W (NW1/4 NW1/4).

Motors: (at the river)

- | | |
|--|---|
| 1) General Electric
Serial No. MMJ 1208128
150 HP | Johnson Pump
Serial No. LJ2089
750 GPM |
| 2) General Electric
Frame No. B405VP16
150 HP | Johnson Pump
Model No. MA-2665-88
750 GPM |
| 3) General Electric
Model No. 5K6268XH4017A
150 HP | Johnson Pump
Serial No. LJ2089
750 GPM |

**** NOTE:**

Each pump at the river has 800 feet of 8" steel pipe with a General Electric 15 HP submersible pump attached.

(at the storage dam)

- | | |
|---|---|
| 1) Marathon
Frame No. 286TC
40 HP | Cornell Pump
Serial No. 32353
450 GPM |
| 2) General Electric
Model No. 5K286JL1150
40 HP | Cornell Pump
Serial No. 32353
450 GPM |

3) Marathon

Frame No. 215TCZ

15 HP

Berkeley Pump

Serial No. 805226

300 GPM

DISTRIBUTION LINES:

- | | |
|-------------------------|------------------------|
| 1) Type <u>Steel</u> | 2) Size <u>14</u> inch |
| 1) Type <u>PVC</u> | 2) Size <u>12</u> inch |
| 1) Type <u>PVC</u> | 2) Size <u>10</u> inch |
| 1) Type <u>PVC</u> | 2) Size <u>8</u> inch |
| 1) Type <u>PVC</u> | 2) Size <u>6</u> inch |
| 1) Type <u>Aluminum</u> | 2) Size <u>6</u> inch |

- 3) Length 5,280 feet
- 3) Length 5,280 feet
- 3) Length 3,000 feet
- 3) Length 4,300 feet
- 3) Length 2,600 feet
- 3) Length 2,000 feet

SYSTEM TYPE: (See map)

Center pivot: #1

- 1) Make Electrogator
- 2) Overall length 1320 feet
- 3) Number of towers 7
- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 800 GPM

Center pivot: #3

- 1) Make Zimmatic
- 2) Overall length 1320 feet
- 3) Number of towers 7

Center pivot: #2

- 1) Make Electrogator
- 2) Overall length 1650 feet
- 3) Numbers of towers 9
- 4) Distance between towers 183 feet
- 5) End gun Y
- 6) High or low pressure Low
- 7) Capacity 1100 GPM

Center pivot: #4

- 1) Make Zimmatic
- 2) Overall length 900 feet
- 3) Number of towers 4

- 4) Distance between towers 188 feet
- 5) End gun Y
- 6) High or low pressure Low
- 7) Capacity 500 GPM

Center Pivot: #5

- 1) Make Electrogator
- 2) Overall length 900 feet
- 3) Number of towers 6
- 4) Distance between towers 150 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 400 GPM

Flood Irrigation:

- 1) Distance between gates 30 inches
- 3) Total length of gated pipe 520 feet

DAM INFORMATION:

- 1) Height to crest 40 feet
- 2) Height to primary spillway 35 feet
- 3) Height to secondary spillway 36 ft
- 7) Spillway width 75 feet
- 8) Approx. storage 100 ac-ft
- 9) Approx. storage to crest 105 ac-ft
- 10) Date constructed: ?
- 11) Name of contractor VanderPol Construction

- 4) Distance between towers 225 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 400 GPM

Center pivot: #6

- 1) Make Zimmatic
- 2) Overall length 660 feet
- 3) Number of towers 3
- 4) Distance between towers 220 feet
- 5) End gun Y
- 6) High or low pressure High
- 7) Capacity 350 GPM

- 2) Length per pipe 20 feet
- 4) Size 6 inch

- 4) Crest width 15 feet
- 5) Crest length 250 feet
- 6) Spillway length 150 feet
- 12) Outlet tubes:
 - a) diameter 8 inches
 - b) Type PVC
 - c) Valved N
 - d) Valve type drop tube

CHEMIGATION EQUIPMENT:

- 1) Does chemigate N

PERMIT QUALIFICATIONS AND REGULATIONS:

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

PAYMENT REQUEST FORM

PAYEE: Platte Enterprise
Box 546
Platte, SD 57369-0546

FROM: Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

DESCRIPTION OF SERVICE, PRODUCE OR TRANSFER

Readvertisement of Notice of Hearing on Application
No. 4577-3 to Appropriate Water.

AMOUNT: \$39.69

FUNDING SOURCE:

GENERAL: X

FEDERAL:

COMMENTS:

AUTHORIZATION: Dr. M. N. 11/18 10-11-18

I declare and affirm under the penalties of perjury that this claim is in all things, true and correct. I further agree to comply with the provisions of the Civil Rights Act of 1964 and regulations issued thereunder relating to nondiscrimination in federal assisted programs.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

DEC 18 1995

4577-3

Gary L. and Arlo Nelson
RR 1, Box 133
Geddes, SD 57342

Dear Sirs:

Enclosed is Water License No. 4577-3 and Receipt No. 414693 for \$50.00 which was assessed for an inspection and issuance of the license. Water License No. 4577-3 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

rd
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

4577-3
414693

Pierre. _____ December 1 . 19 95

RECEIVED OF Gary Nelson, RR 1, Box 133, Geddes, SD 57342

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>4577-3</u>		
Fee for Filing Transfer Form _____		50 00
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)		
Total		50 00

By John Hatcher
Chief Engineer



4577-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 17, 2003

NOTICE

TO: GARY L & ARLO NELSON, 27963 373RD AVE, GEDDES, SD 57342

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

SUBJECT: Reporting Requirement for 2002 Irrigation Questionnaire

Our records indicate that the 2002 Irrigation Questionnaire has not been submitted for Permit No(s) 4577-3. The request for the Questionnaire was dated October 11, 2002. The Water Management Board has directed that owners of water permits who have not submitted the 2002 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 5, 2003, 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) 4577-3 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 28, 2003, 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.



4577-3

Track & Confirm

Delivery Status

You entered 2301 0370 0000 7540 6178

Your item was delivered at 2:31 pm on January 18, 2003 in GEDDES, SD 57342. The item was signed for by G GNELSON.

[Request Delivery Record >](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)


POSTAL INSPECTORS
Preserving the Trust

site map contact us government services
Copyright © 1999-2002 USPS. All Rights Reserved. Terms of Use Privacy Policy

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 0370 0000 7540 6178

GARY L & ARLO NELSON
27963 373RD AVE
GEDDES SD 57342

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

- ☐ Priority Mail
☐ Package Services

PS Form 183, February 2001

(See Reverse)



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 10, 2003

NOTICE OF AMENDMENT OF WATER RIGHT

TO: Gary L & Arlo Nelson, 27963 373rd Ave, Geddes SD 57342

FROM: Garland Erbele, Chief Engineer
Water Rights Program *Garland Erbele*

SUBJECT: Amendment to Water Right No. 4577-3

Pursuant to the provisions of the notice dated January 17, 2003, and following the hearing March 5, 2003, the Water Management Board has amended Water Right No. 4577-3 to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

This action was taken for failure to return the 2002 irrigation questionnaire. The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

Our records indicate the land was last irrigated in 1994. If you no longer irrigate and do not wish to retain the water right, let us know and the water right can be scheduled for cancellation consideration before the Water Management Board. Cancellation of the water right would eliminate the need for annual submission of the irrigation questionnaire.

Please contact Genny McMath (605) 773-3352, if you have any questions.



4577-3

**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: GARY L & ARLO NELSON, 27963 373RD AVE, GEDDES, SD 57342

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(s) has not been submitted for Permit No(s) 4577-3. 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(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 4577-3 qualification:

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

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. 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) 4577-3 in accordance with applicable provisions of SDCL 46-1-12;
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, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in 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.



4577-3

Track & Confirm

Current Status

You entered 2301 3460 0000 8515 9418

Your item was delivered at 2:34 pm on January 15, 2004 in GEDDES, SD 57342. The item was signed for by G NELSON.

[Shipment Details >](#)

Notification Options

▶ Track & Confirm by email

[What is this?](#)

[Go >](#)

▶ Request Proof of Delivery

[What is this?](#)

[Go >](#)



POSTAL INSPECTORS
Preserving the Trust

[site map](#) [contact us](#) [government services](#)

Copyright © 1999-2002 USPS. All Rights Reserved. [Terms of Use](#) [Privacy Policy](#)

Track & Confirm

Enter label number:

[Track & Confirm FAQs](#)

U.S. Postal Service Signature Confirmation Receipt

SIGNATURE CONFIRMATION NUMBER:
2301 3460 0000 8515 9418

GARY L & ARLO NELSON
27963 373RD AVE
GEDDES SD 57342

Waiver of Signature ☐ YES ☐ NO

Postmark
Here

POSTAL CUSTOMER:

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

CHECK ONE (POSTAL USE ONLY)

☐ Priority Mail®
☐ Package Services

PS Form 153, July 2001

(See Reverse)

Year	Permit	Basic	Mail	Count	Fname	Lname	Contact	Corpn	Address	Address2	City	State	Zip	Water	Not	Not	Print	rd
1985	4577.3	MI	CM	LEO J.	NELSON				PR		PLATTE	SD	57363000		X		89	
1983	4577.3	MI	CM	LEO J.	NELSON				PR		PLATTE	SD	57363000		X		89	
1984	4577.3	MI	CM	LEO J.	NELSON				PR		PLATTE	SD	57363000		X		89	
1986	4577.3	MI	CM	LEO J.	NELSON				PR		PLATTE	SD	57363000		X		89	
1987	4577.3	MI	CM	LEO J.	NELSON				PR		PLATTE	SD	57363000		X		89	
1988	4577.3	MI	CM	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1989	4577.3	MI	CM	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1990	4577.3	MI	CM	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1991	4577.3	MI	CM	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1992	4577.3	MI	CM	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1993	4577.3	MI	CM	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1994	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1995	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1996	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1997	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1998	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
1999	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
2000	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
2001	4577.3	MI	F	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	
2002	4577.3	MI	T	GARY L & ARL	NELSON				PR 1 BOX 133		GEDDES	SD	57342		X		89	



**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 26, 2004

4577-3

Gary and Arlo Nelson
27963 373rd Ave
Geddes SD 57342

Dear Sirs:

Thank you for calling concerning your 2003 irrigation questionnaire. I completed a form for you based on our phone conversation. You may disregard the January 14, 2004, "Notice" concerning reporting requirements for Water Right No. 4577-3.

During our conversation, you indicated the land had not been irrigated for several years. In checking through past irrigation questionnaires, it looks like the land was last irrigated in 1994. The water right authorizes diversion of water from the Missouri River and a dry draw storage dam (100 acre feet capacity) for irrigation purposes. Currently, the irrigation portion of the water right may be subject to cancellation due to abandonment and/or forfeiture. The Water Management Board is the entity that makes determinations of whether or not water rights have been maintained. I am enclosing excerpts of our water laws and Board rules concerning these issues. I have also included a copy of your water right and the inspection report for your review.

If the Board determines that the irrigation portion has been abandoned and forfeited, the license will be reissued for domestic use from the storage dam. You mentioned that you sometimes divert from the river into the storage dam. What diversion rate (gallons per minute) do you pump into the dam? The purpose for my question is to ensure any license that is issued accurately reflects your use of water.

Please review the enclosed information and get in with me touch so we can discuss what needs to be done to update your water right. Thank you in advance for your help.

Sincerely,

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

Water Rights Program - DENR

Conversation or File Documentation

Name of Person: Gary Nelson **File No.** 4577-3
Address: 27963 373rd Ave, Geddes SD **County:** Charles Mix
Date: 9-12-06 **Telephone:** 605-337-3259 cell 605-680-0468
RE: Cancellation of No. 4577-3

Comments:

On September 12, 2006 I contacted Gary Nelson by telephone concerning cancellation of No. 4577-3. I explained that I saw that he had reported for several years he has not irrigated under this water right. He said that they had pulled the irrigation equipment off of this property several years ago and quit irrigating, but the dam is still in place and the use it periodically for livestock watering. I told him we would schedule the irrigation portion of this water right for cancellation, but retain the domestic use portion for the dam.



Mark D Rath
Natural Resources Engineering Specialist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 12, 2006

NOTICE OF CANCELLATION

TO: Gary and Arlo Nelson, 27963 373rd Ave, Geddes SD 57342

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

SUBJECT: Cancellation of the irrigation portion of Water Right No. 4577-3

Water Right No. 4577-3 authorizes diversion of water from the Missouri River for irrigation purposes. The water right also allows storage of water in a 100 acre-feet storage dam. On September 12th, Mark Rath with our program visited with you about Water Right No. 4577-3. You confirmed that you no longer irrigate and have removed the irrigation equipment from the property. With the storage dam still in place and used periodically for livestock watering, the Chief Engineer of the Water Rights Program is recommending cancellation of the irrigation portion of Water Right No. 4577-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of the irrigation portion of Water Right No. 4577-3 at 8:30 a.m., October 11, 2006 in the Visitor Center (west side of Capitol Lake) 650 E Capitol Ave., Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later than 10:00 am*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on the irrigation portion of Water Right No. 4577-3 based upon facts presented at the public hearing. Our records show you to be the owners of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by September 29, 2006. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.

This hearing may be an adversarial proceeding. Any party 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 State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by September 29, 2006.

Prior to September 29, 2006, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

Please note:

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by September 29, 2006.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

RECOMMENDATION OF CHIEF ENGINEER

FOR THE IRRIGATION PORTION OF WATER RIGHT NO. 4577-3

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 4577-3.

The Chief Engineer is recommending cancellation of the irrigation portion of Water Right No. 4577-3 due to abandonment and/or forfeiture. The water right holder has confirmed that they no longer irrigate and have removed all of the irrigation equipment from the site. They periodically use the storage dam for livestock watering.

RON DUVALL, Natural Resources Engineer
for Garland Erbele, Chief Engineer
September 12, 2006

Note:

Upon cancellation of the irrigation portions of the water right, the water license will be reissued allowing the holders to continue to use the storage dam for livestock watering purposes.

CERTIFICATION

I hereby certify that on September 12, 2006 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated September 12, 2006, regarding Notice of Cancellation of irrigation portion of Water Right No. 4577-3, Water Right No. 3040-3, & 1409-2 addressed as stated below:

1409-2
Alvin Werner
Box 22
Oacoma SD 57365

1409-2
Hal Werner
1027 Parkway Blvd
Brookings SD 57006

3040-3
Chris Strehlow
37524 296th St
Lake Andes SD 57356

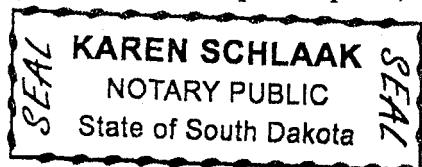
4577-3
Gary & Arlo Nelson
27963 373rd Ave
Geddes SD 57342


Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 13th day of September, 2006.


Karen Schlaak
Notary Public
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 13, 2006

4577-3

NOTICE

Gary & Arlo Nelson
27963 373rd Ave
Geddes SD 57342

Dear Sirs:

This will notify you that the Water Management Board cancelled the irrigation portion of Water Right No. 4577-3 on October 11, 2006. The water right also included use of water from a 100 acre-feet storage dam. The water license will be reissued to remove the irrigation portion based on the Board action and retain use of water for domestic purposes from the storage dam. The license will be sent to you under separate cover once it is issued.

This action to cancel the irrigation portion of the water right was taken under the conditions outlined in our notice to you dated September 12, 2006. If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program

CERTIFICATION

I hereby certify that on October 13, 2006, I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 13, 2006 regarding Notice of cancellation of Water Permit No. 5922-3, 2436-2, 6172-3, Water Right No. 962A-1, 1344-1, 1409-2, 2331-3, 2627-3, 3040-3, 2713-3, 3595-3, 4577-3 addressed as stated below:

5922-3
John Waldner
Red Willow Colony
40361 200th St
Huron SD 57350

962A-1
Susan Porter
28271 370th Ave
Geddes SD 57342

1344-1
Ben Williamson Chairman
Old Apostolic Lutheran Church
PO Box 675
Spearfish SD 57783-0675

1409-2
Alvin Werner
Box 22
Oacoma SD 57365

1409-2
Hal Werner
1027 Parkway Blvd
Brookings SD 57006

2436-2
Ted Crisman
3 Meadow View Ln
New Castle WY 82701-9801

2331-3
Larry J Haas
3103 Alumax Rd
Yankton SD 57078

2331-3
Max M Brown
2809 Francis St.
Yankton SD 57078

2627-3
Harry Walters
39198 County Rd 2
Wagner SD 57380

3040-3
Chris Strehlow
37524 296th St
Lake Andes SD 57356

2713-3
Gary Nachtigal
Nachtigal Farms Inc
PO Box 562
Platte SD 57369-0562

3595-3
Brad Bonhorst
30910 SD Hwy 34
Pierre SD 57501

4577-3
Gary & Arlo Nelson
27963 373rd Ave
Geddes SD 57342

6172-3
Gary Hoxeng
44898 304th St
Volin SD 57072



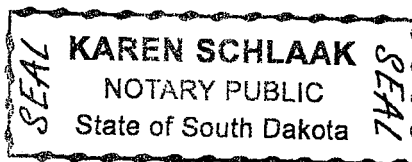
Eric Gronlund
Natural Resource Engineer
Water Rights

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF HUGHES)

Sworn to, before me, this 16th day of October, 2006



Karen Schlaak
Notary Public
My Commission expires April 1, 2007



Licensing of Irrigation Water Permit for Stock Watering

NAME: Gary Nelson

ADDRESS: 27963 373rd Ave, Geddes SD 57342

DATE: October 19, 2006 **COUNTY:** Charles Mix **TELEPHONE:** 605 337-3259

AUTHORITY

Pursuant to SDCL 46-5-31.1, if permitted irrigation use from a storage dam is abandoned or forfeited but the storage dam is used for stock watering, stock watering may be added to the license or permit upon the request of the permit or license holder.

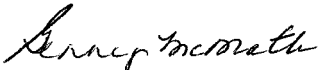
REQUEST

On September 12, 2006, Mark Rath spoke with Mr. Nelson concerning his use of water as authorized under Water Right No. 4577-3. Mr. Nelson indicated he had removed all of the irrigation equipment several years ago and no longer irrigated. The storage dam is still in place and periodically used for livestock watering.

On October 11, 2006, the Water Management Board cancelled the irrigation portion of Water Right No. 4577-3.

RECOMMENDED ACTION

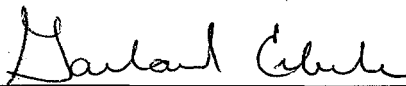
Based on the Mr. Nelson's use of water from the storage dam and the Board action which cancelled the irrigation portion of the water right, it is recommended that the water license be issued for stock watering.



Genny McMath
Water Rights Program

The Chief Engineer makes a finding pursuant to SDCL 46-5-31.1 that:

This addition of stock watering does not impair existing water rights and no diversion of water will be made from the stock dam. Licensing of the water permit for stock watering may occur without application or publication pursuant to SDCL 46-2A-4.



Garland Erbele, Chief Engineer
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

NOV 01 2008

4577-3

Gary and Arlo Nelson
27963 373rd Ave
Geddes SD 57342

Dear Sirs:

Enclosed is your Reissued Water License No. 4577-3

The original water license was reissued to delete the irrigation portion of the water right and to add domestic livestock watering. Pursuant to SDCL 46-5-31.1, stock watering may be added as a water use to a license provided no diversion is made from the dam.

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.

Sincerely,

Garland Erbele, Chief Engineer
Water Rights Program
(605) 773-3352

enclosure

STATE OF SOUTH DAKOTA

REISSUED WATER LICENSE NO. 4577-3

(1) Gary and Arlo Nelson, 27963 373rd Ave., Geddes SD 57342 were issued Water License No. 4577-3, December 18, 1995 for a water permit to divert 7.40 cubic feet of water per second from the Missouri River and a dry draw storage dam, Charles Mix County, South Dakota for irrigation purposes. Water License No. 4577-3, with priority dates of April 28, 1976 (7.07 cfs) and August 18, 1980 (0.33 cfs) was issued to the permit holders for diversion of water with construction of the described water supply system and the application to beneficial use water completed.

In 1995, Water Permit No. 4577-3 was re-advertised to include the 100 acre-feet storage dam that was mentioned in the original application but had been omitted from the original advertising and from the permit. The 100 acre-feet storage dam carries a priority date of August 18, 1980.

The water right holder has abandoned irrigation use as authorized under Water Right No. 4577-3. On October 11, 2006, the Water Management Board cancelled the irrigation portion of the water right leaving use of water from the storage dam for domestic use.

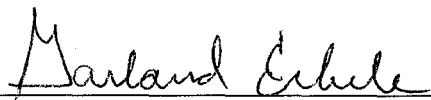
Pursuant to SDCL 46-5-31.1 stock watering may be added as a water use to the license provided no diversion is made from the dam. The Chief Engineer made a finding that the addition of stock watering does not impair existing water rights.

(2) It is certified that the water right holders have complied with the provisions of South Dakota State Law relating to the application of water to beneficial use and are entitled to impound 100 acre feet of water annually for beneficial use for domestic livestock watering purposes.

The location of the dry draw storage dam is: SW 14/NW ¼ and NW ¼ SW ¼ Section 22, T98N, R68W.

(3) Pursuant to South Dakota Water Law 46-5-30.1 Gary and Arlo Nelson, 27963 373rd Ave., Geddes SD 57342 the holders and/or owners of Water Right No. 4577-3 are issued a license to appropriate water, the right to impound 100 acre feet of water annually from a dry draw storage dam with a priority date of August 18, 1980 from the location specified in (2) of this license for domestic livestock watering purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4577-3.


Garland Erbele, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

NOV 01 2006
date

