

1. Considered: DEC 9, 1982 Water Right No. 4935-3
2. Name of Applicant LARRY NIELSON
3. Post Office Address RR 1, Box 26, Tulare, S.D. 57476
4. Amount of Water Claimed .23 maximum acre feet
5. Source of Water Supply ground water 124' well
6. Water to be used for IRR acres to be irrigated 40.00
7. County SPINK about 2 S 1 1/2 miles WEST of TULARE
8. PROOF OF PUBLICATION: Received 1st 11-29-82 Not Received
- APPLICATION: Approved 12-9-82 Subject to WI - F &
- Not Approved Action Deferred

PRIORITY 11-2-82 Dated Received 11/2/82 Application complete-yes ☒ no FEE 150.00

Remarks Add additional acreage and cfs on Vested Right 108-3

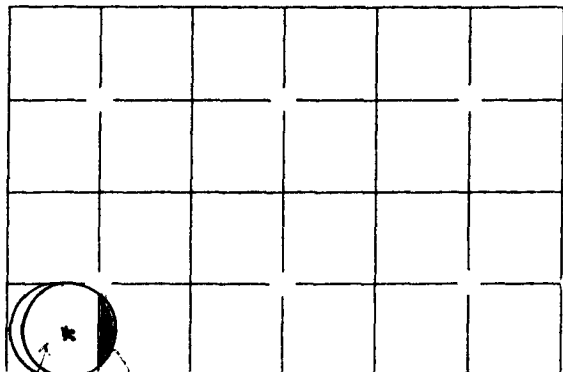
Corroborate extension on existing center pivot

Corrected Application received Period of Annual Use 04/01 to 11/01

WATER QUALITY Received yes 11/5/82 no APPROVED CONDITIONAL (Circle one)

WI-1 Description same as application-yes no Remarks

Disapproved Returned



Diversion Point SE 1/4 SW 1/4 4-114-64

Land to be irrigated W 1/4 SE 1/4 4-114-64

WELL LOG Driller Empire Drilling Licensed - yes xx no

Depth 124' deep

Question: Remarks This well was drilled in 1976? is this a replacement well?

T-WS

TULARE- WESTERN SPINK

Water Right No. _____

MAP Map No. 4135-3 Map located in Water Right ✓ Map file _____
 Type of Map aerial Prepared by ASCS

+++++

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

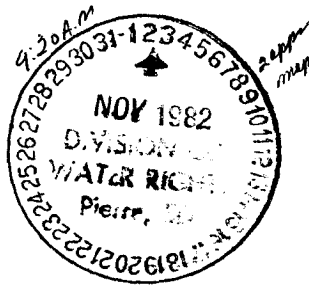
11/5/82

Betty Westlund
 (Signed)

+++++

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

REMARKS Date
 F.F. & C. Final Decision, including F.F. & C. of Law were adopted _____
 OF LAW, Date
 FINAL Final Decision mailed to parties and/or parties notified that Final Decision was
 DECISIONS adopted _____
 ETC. Remarks _____



No. 4935-3
Map No. 4/35-3 Water Division No. 3 JAMES RIVER District
Above for Office Use 10160006

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

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐

Change in Diversion ☐ Additional Diversion ☐

Change in Acreage ☐ Additional Acreage ☒ on V/R 108-3

1. Name of Applicant Larry Nielson Phone No. 596-4264
Post Office Address RR 1 Box 26 Tulare, SD State 57476
(Street, RR, or Box) (Town) (Zip Code)
If a corporation show date and place of incorporation N/A

2. Method of accomplishing work (contract, employment of others, or by direct labor) contract/direct labor

3. Name of diversion work Nielson project

4. Amount of water claimed (cubic feet per second) .23

5. Source of water supply Ground water

6. Location of point of diversion NW $\frac{1}{4}$, SE $\frac{1}{4}$, SW $\frac{1}{4}$ Section 4-114-64

County SPINK

7. Annual period or periods during which water is to be used April 15 through Nov. 1

8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation

9. For irrigation use, Total number of acres to be irrigated 40

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>W$\frac{1}{4}$, SE$\frac{1}{4}$ Sec 4-114-64</u>	<u>40</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five (5) years. Additional time required to complete application of water to the proposed beneficial use four (4) years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water Redfield Press

12. Principal Features of the Proposed Water Supply System.

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

B. Works proposed to transport water to place of use.
Corner extension to presently existing center pivot system located in the SW $\frac{1}{4}$ Section 4-114-64

C. Works proposed to apply water to beneficial use.
Center Pivot

Estimated Total Cost \$15,000

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 Brookings)ss.

I, LARRY NIELSON 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 Larry Nielson
Subscribed and sworn to before me this 28 day of October 1982
MICHAEL L. SANDERS
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4935-3

LARRY NIELSON RR 1, Box 26, TULARE
(Applicant) (Post Office Address)
South Dakota 57476
(State) With the following qualifications

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

Approval of this Permit is subject to the irrigation water use questionnaire being submitted each year.

Date of first receipt of application November 2, 1982
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved December 9, 1982, Recorded in Book Page

WATER RIGHT PERMIT NO. 4935-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4935-3 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 November 2, 1982
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before June 9, 1985
3. The whole of said work is to be completed on or before December 9, 1987
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is December 9, 1991
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 0.23 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 December 9, 1991; said water to be used during the following described annual period: April 1st to November 1st

Witness my hand this 13th day of December, 1982

THE WATER MANAGEMENT BOARD

By:

John Hatch
Chief Engineer, Water Rights

JOHN HATCH

Certificate of Construction Issued , 19

Water License Issued , 19

D Well Information

- (1) Drill Hole, Diameter 30 in., Depth 124
- (2) Casing, Type fiberglass, Diameter 16 in., Thickness 3/8 in.
(wood, concrete, steel, etc)
- (3) Screen, Type fiberglass, Diameter 16 in., Length 60 ft.
- (4) Gravel Pack, Thickness 14 in., Length of gravel pack 75 ft.

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

F. Fill out for Either a Well or a Dugout.

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material _____

Depth to bottom of water bearing material _____

Depth to water (ground surface to water level) _____

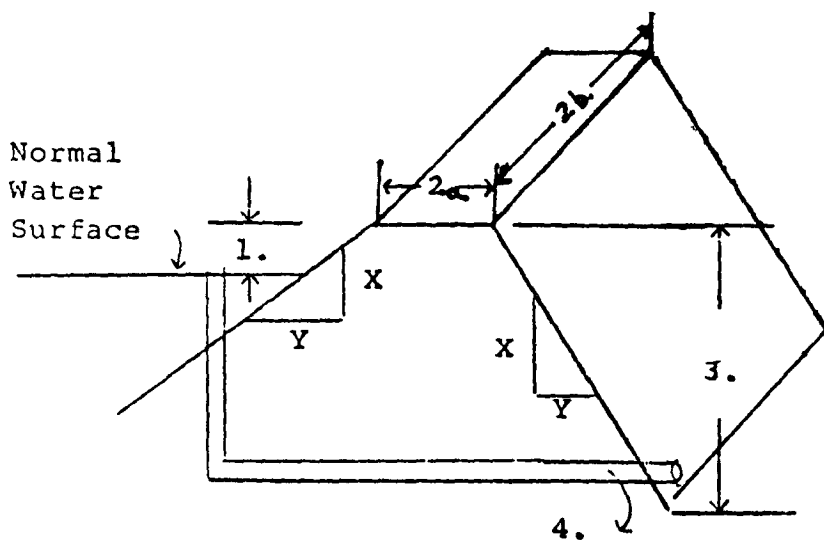
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property _____ rds.

On property owned by others _____ rds.

G Water Storage Dams

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



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
- Surface area of impoundment _____
- Drainage area above dam _____

Larry Nielson
Signature of Applicant

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 8996

PIERRE, October 25, 1982

RECEIVED OF Larry Nielson, RRI, 26, Tulare SD 57476

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

Fee for Application for Permit to Appropriate Water No. <u>4935-3</u> (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 (ks)

EMPIRE

IRRIGATION DRILLING CO., INC.

Highway 14 East

P. O. Box 1252

Huron, South Dakota 57350

Ph. 352-4587

DRILLING REPORT

Location of Well: _____ 1/4, S. W. _____ 1/4, Section 4 _____, Township 114. _____, Range 64 _____

Well to be drilled for: _____ Orlyn Nielson _____ St. Louis S. D. _____
 _____ (Name) _____ (Address)
 _____ Spink _____ S. D. _____
 _____ (County) _____ (State)

Date well drilling started 5-31-77 _____ finished 6-6-77 _____

Purpose of well _____ Irrigation well _____
 _____ (domestic, irrigation, industrial, other)

Depth 124 ft. Casing Diameter 16" inches NORTH
 Slot Size _____ Screen Size 16"
 Screen Depth: From 64 ft. to 124 ft.
 Remarks: Fiberglass

1 Mile

REPORT OF FINAL PUMPING TEST

Write Additional Times and Readings on Back of Page

Elapsed Time From Start of Pumping		Water Level		Discharge
0 hr.	0 min.	ft.	in.	(Static)
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	GPM
hr.	min.	ft.	in.	RECOVERY

Formation: Clay, Silt, Sand, Gravel, Color, Hard or Soft, etc.	Depth (ft.)		Formation (Continued)	Depth (ft.)	
	From	To		From	To
<u>top soil</u>	<u>0</u>	<u>2</u>			
<u>Dry sand</u>	<u>2</u>	<u>10</u>			
<u>yellow clay</u>	<u>10</u>	<u>14</u>			
<u>Blue clay</u>	<u>16</u>	<u>22</u>			
<u>Fine sand</u>	<u>22</u>	<u>30</u>			
<u>sand</u>	<u>30</u>	<u>43</u>			
<u>clay coal</u>	<u>43</u>	<u>45</u>			
<u>Fine sand clay</u>	<u>45</u>	<u>65</u>			
<u>Fine sand</u>	<u>65</u>	<u>85</u>			
<u>good sand</u>	<u>85</u>	<u>124</u>			
<u>Richard A. Vig</u>	<u>Rex</u>	<u>Bill</u>			
	<u>0-45</u>	<u>45-124</u>			

EMPIRE

IRRIGATION DRILLING CO., INC.

R.R. 1

Frankfort, South Dakota 57440

FER-465
Phone 472-0384

SOLD • Orlyn Nielson • Job Location:
TO • Farm • S. 4 - 114-64 - Spink
• Tulare, South Dakota 57476 •
• •

Job Date June 6, 1977		Foreman Richard Vig	
Terms Net 10 Days		Invoice Date June 8, 1977	
Quantity	Description	Unit Price	Net Amount
124'	Drilling Bore For Casing, 16"	\$ 26.00	\$ 3,224.00
64'	Casing, Fiberglass, 16"	26.00	1,664.00
60'	Screen, Fiberglass, 16"	26.00	1,560.00
	Gravel Pack		366.49
	Slush Pit		60.00
	Install Blind Casing		60.00
3 Hrs.	Loader Time	45.00	135.00
	Plastic To Line Pit		60.45
			\$ 7,129.94
			73.01
	2% Tax - Materials		
	Total Invoice		\$ 7,202.95
Thank you for your continued interest in our company. If we can be of service to you in the future, please feel free to call on us. Ron Wipf - President Allen Wipf - Sec. Treas. 1% Service Charge after 10 days - per 30 day period.			

EMPIRE

IRRIGATION DRILLING CO., INC.

R.R. 1

Frankfort, South Dakota 57440

#ER-484
Phone 472-0384

SOLD • Orlyn Nielson • Job Location:
TO • Farm • SW 4-114-64
• Tulare, South Dakota 57476 •
• •

Job Date June 1977		Foreman Teri Zwieg	
Terms Net 10 Days		Invoice Date June 15, 1977	
Quantity	Description	Unit Price	Net Amount
	Pump Testing, 1 Minimum New Construction-No Tax Thank you for your business Ron Wipf - President Allen Wipf - Sec. Treas. Static 25 ft. 1350 Gal. at 54 ft.		\$ 200 00
1% Service Charge after 10 days - per 30 day period.			



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

October 25, 1982

108-3

Larry Nielson
RR 1, Box 26
Tulare SD 57476

Dear Mr. Nielson:

We received your application for the additional acreage on existing vested Water Right No. 108-3. Water Right No. 108-3 is in the name of Orlyn Nielson. *done*
If you wish to have this transferred to your name we are enclosing our transfer form. Also we are returning the application and map for the following reasons:

1. Your signature must be notarized, additional forms are enclosed. Please complete an original and one copy and return both to this office.
2. Complete our Form 2A. For your information we do have the original well specification, if this is the well under the old permit.
3. Under #7 the original water right specifies April 15 thru November 1. You may want to change this (we have filled in pencil other information which should be on the application).
4. The map is signed but we do not know by whom. *Mike Saunders have land Co agent etc. Nielson called 10/25/82*
5. The exact location of the well should be placed on the map, showing in feet or rods from the nearest corner section. Also outline in red the lands to be irrigated.

We will need the correct map of the well location and lands to be irrigated verified because the original map with the vested Water Right No. 108-3 shows the well and lands as being in the SE $\frac{1}{4}$, Section 4, R114N, R64W.

6. The soil/water compatibility approval for the 40 acres in the W $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, T114N, R64W must be received from the State Conservation Commission. For procedures and required forms, contact the Conservation Commission, Anderson Bldg. Pierre SD 57501, Phone 773-3259.

To maintain your priority date on your application for Permit to Appropriate Water, in accordance with SDCL 46-5-1.6, you will now have sixty days from the date of this letter to have the above information submitted to this office.

Your receipt No. 4 8996 in the amount of \$150 is on file.

If you have any questions, please contact this office.

Sincerely,

BETTY WESTLUND
Water Rights Specialist

BW:ks

cc: Colleen Fry, State Conservation Comm.

Department of Agriculture

DIVISION OF CONSERVATION

Anderson Building, Room 322 ○ Pierre, South Dakota 57501
Phone 605/773-3258

November 1, 1982

Larry Nielson
Tulare, SD 57476

Dear Mr. Nielson:

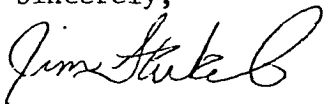
In reviewing your soil and water compatibility application for the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec 4-114-64 (40 acres) and water sample No. 82-1913, the irrigation staff has found your soil and water compatible for irrigation.

The irrigation staff is recommending a conditional approval of your application of to the State Conservation Commission at their November 4, 1982 meeting. The conditional approval recommendation is based on your water quality and the management recommendations are as follows:

The soils you intend to irrigate are subject to wind erosion, we suggest the use of strip cropping. The application of additional water will aid in leaching of salts from the soil.

If you have any questions concerning your application please feel free to contact this office.

Sincerely,



Jim Stukel
Irrigation Program Director

cf

cc: ✓ Water Rights Division
Water Quality Lab
Red Pahl, SDSU
County Extension Service

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

STATE CONSERVATION COMMISSION

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Office Use Only

3092

OWNERS NAME: LARRY NIELSON OWNERS ADDRESS: RR 1 Box 28

Tulare, SD 57426

COUNTY LAND LOCATED IN: SPINK PHONE: 506-4264

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, SE 1/4, SW 1/4 Section 4-114-64
2. SURFACE WATER SOURCE: N/A
3. LOCATION OF AREA TO BE IRRIGATED. NOTE: SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)

Legal Description	Acres	Legal Description	Acres
<u>W 1/2 SE 1/4 Section 4-114-64</u>	<u>40</u>		

4. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ OTHER: _____ (Specify)
5. CROPS TO BE IRRIGATED: Corn, Alfalfa, Sm. grains
6. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1953
- LEGAL DESCRIPTION: SW 1/4 Section 4-114-64
- IN WHAT NAME: Orlynd Nielson

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

7. WATER SAMPLE NUMBER: 82-1913
8. SALINITY (EC X 10⁶): 1450
9. SODIUM (SAR): 0.69
10. ADJUSTED (SAR): 1.92 (1.3)

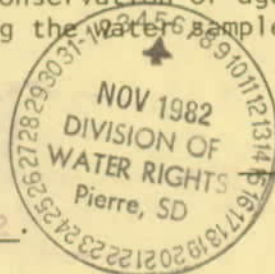
I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see instruction sheet) were followed, and that the sample was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

DAY OF October, 19 82.

(NOTARY PUBLIC)



Larry Nielson
APPLICANT'S SIGNATURE

Frank M. Field
Director, Division of Conservation

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.

APPROVED

DISAPPROVED

☒ CONDITIONALLY APPROVED

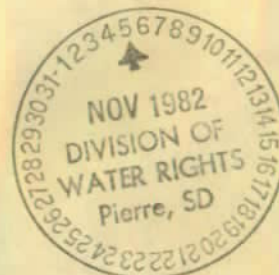
11-4-82

Conditional

#3092

SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

DIVISION OF CONSERVATION

NAME OF APPLICANT: Larry NielsonLEGAL DESCRIPTION: W $\frac{1}{2}$ SE $\frac{1}{4}$ 4-114-64 = 40 acresSOIL RESTRICTIONS:THE SOIL(S) LISTED BELOW CANNOT BE IRRIGATED:THE SOILS(S) LISTED BELOW CAN BE IRRIGATED
WITH THE FOLLOWING RESTRICTIONS:RECOMMENDED MANAGEMENT:

The soils you intend to irrigate are subject to wind erosion, we suggest the use of strip cropping. The application of additional water will aid in leaching of salts from the soil.

Larry M. Nielson
SIGNATURE11-4-82
DATE

4935-3

No. _____

Publish first publication, on or before November 17, 1982NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

November 5, 1982Notice is hereby given Larry Nielson whose post office

address is RR #1, Box 26, Tulare, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41 (~~ground~~) 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, (~~future use~~) 46-5-38; (~~transfer lands~~) 46-5-33 thru 46-5-35 and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, (~~future use~~) 74:02:01:23 thru 74:02:01:26 (10,000 AFA) ~~74:02:07:01 thru 74:02:07:03~~, for a permit to appropriate for beneficial use

0.23 cubic feet of water per second of time from groundwater (one well-existing) through the Nielson Project, the point ~~(a)~~ of diversion which is ~~(are) to be~~ located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 4, Twp. 114N, Range 64W. Said water to be used for purpose of providing irrigation on portions of the following described land:

W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 4, T114N, R64W, to add additional lands on an existing Water Right

This Application No. 4935-3 will be considered by the Water Management Board at

Sheraton Inn, Dakota Room, Aberdeen SD upon the 9th day of December, 1982

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 Circuit Court and the State Supreme Court as provided by law.

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

For the Water Management Board

cc: applicant

BETTY WESTLUND, Water Rights Specialist

WNR-806-2/82

No. 4935-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Roger Matz hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Redfield Press

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 Redfield

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

November 17, 1982

November 24, 1982

Roger Matz
(Signature)

Publisher
(Title)

11-24-82
(Date Signed)

Cost of Printing: \$ 22.82



No. 41

NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57501

Notice is hereby given Larry Nielson whose post office address is RR No. 1, Box 26, Tulare, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9; 46-1-12 thru 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, 46-5-25, 46-5-41, 46-6-3 thru 46-6-5, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, and Board Rules ARSD 74:02:01:01 thru 74:02:01:15, for a permit to appropriate for beneficial use 0.23 cubic feet of water per second of time from groundwater (one well-existing) through the Nielson Project, the point of diversion which is located in the SE 1/4 SW 1/4 of Section 4, Twp. 114N, Range 64W. Said water to be used for purpose of

providing irrigation on portions of the following described land: W 1/4 SE 1/4, Section 4, T114N, R64W, to add additional lands on an existing Water Right.

This Application No. 4935-3 will be considered by the Water Management Board at Sheraton Inn, Dakota Room, Aberdeen, S.D. upon the 9th day of December, 1982 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 Circuit Court and the State Supreme Court 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.

For the Water Management Board
Betty Westland
Water Rights Specialist
(Nov. 17, 24)



Department of Water & Natural Resources

Joe Foss Building
Pierre, South Dakota 57501

Water Rights Division

(605) 773-3352

December 22, 1982

Larry Nielson
RR#1, Box 26
Tulare, South Dakota 57476

Dear Mr. Nielson:

Enclosed herewith is your Water Right Permit No. 4935-3 as approved by the Water Management Board authorizing you to construct your water diversion system and apply the water to beneficial use, not exceeding the limits as specified in said Water Right Permit No. 4935-3.

Also enclosed is FORM 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Water Management Board when you have completed the system and/or have put the water to beneficial use. The Board can then schedule an inspection so that your Certificate of Construction and/or Water License may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division

JH: ms

enclosure

Permit No. 4935-3 & 108-3James River Water District
10160006**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

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

I have this day made a thorough examination of the water use system constructed by Larry Nielson
RR1 Box 26 of Tulare, SD 57476 holder of
 Permit No. 108-3 4935-3, bearing the priority of Oct. 1 Nov. 2 19 53 82 authorizing
 the diversion of 2.45 cu. ft. per second of the waters of groundwater (one well)
 for irrigation purposes, in Spink County.

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

A. Works used to divert the water:

Well: 124' Deep, 16" Fiberglass Casing, 60' Fiberglass ScreenPump: Western Land Roller, Ser. No. 8604253Motor: High Thrust U.S. Electrical, No. A405UP, 75 H.P.

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

300' of buried 8" PVC Pipe

C. Works used to apply water to beneficial use:

T & L Center Pivot: 8 towers + corner (9 towers),
1100 gpm @ 50 psiThe system is in the following condition goodThe point of diversion is located NW 1/4 SW 1/4 Sec. 4, T114N, R64W;
1330' N & 1020' E of the SW corner of Sec. 4.The works are capable of diverting and conveying to the place of use 2.44cu. ft. per second of water which is to be used for irrigationWater has been put to beneficial use to the maximum extent as follows: Sec. 4, T114N, R64WNW 1/4 SW 1/4 - 40 acres NW 1/4 SE 1/4 - 12 acresNE 1/4 SW 1/4 - 40 " SW 1/4 SE 1/4 - 12 "SE 1/4 SW 1/4 - 40 "SW 1/4 SW 1/4 - 40 "comprising a total of 184 acres of land and the license should be issued for 2.44 cfsApplicable permit qualifications have been complied with ☒ Yes ☐ NoExceptions to compliance are: _____ Date Sept. 2, 1987James L. Wendt
(signature)

Nielson
8-25-87

LICENSE FOR PERMIT NUMBER 4935-3 + 108-3

1. Legal location of wells: SE 1/4 SW 1/4 4-114-64
300' W of Center of C.P.

dams & structures: _____

2. Well Information: Well Drilling Firm Empire

No. of wells 1 Depth 120'

Casing a) diameter 16" Screen a) type Fiberglass
b) length — b) length 60'
c) type Fiberglass Static Water Level —

Pump a) make Western Land Roller Motor a) make U.S. Electrical
b) ~~model~~ Serial No. 8604253 b) ~~model~~ Frame no. A405UP
c) size — c) horsepower rating 75
d) capacity 1100 GPM d) motor efficiency rating —
e) turbine pump. no. of stages 3

3. Distribution lines:
a) size of lines 8"
buried b) type PVC
c) length 300'

RR 1 Box 26
Tulare, SD
596-4339

4. Dam information:
a) height to crest _____
b) height to spillway _____
c) crest width _____
d) crest length _____
e) spillway length _____
f) spillway width _____
g) approx. storage _____
h) Distribution lines or canals:
1) size _____
2) type _____
3) length _____

i) Outlet tubes:
1) diameter _____
2) type _____
3) valued (Y/N) _____
4) valve type _____
5) location on structure _____

5. System Type: a) sideroll: b) towline:
1) length _____ feet 1) length _____ feet
2) diameter of pipe _____ 2) make, model & number of sprinklers _____
3) make, model & number of sprinklers _____ 3) spacing of sprinklers _____
4) spacing of sprinklers _____ 4) nozzle size _____
5) nozzle size _____

5. System Type: c) center pivot

Corner
System

- 1) make T & L
- 2) number of towers 8 + 1 = 9
- 3) distance between towers _____
- 4) overall length _____
- 5) End gun (Y/N) N
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) PSI reading while system is running 50
- 9) GPM 1100

g) Gun

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____
- 6) hose size _____
- 7) hose length _____

d) Gate Pipe

- 1) length _____
- 2) diameter _____
- 3) spacing of gates _____

e) Siphons

- 1) number _____
- 2) size _____

f) Portable boom

- 1) make _____
- 2) serial number _____
- 3) nozzle size _____
- 4) capacity (GPM) _____
- 5) PSI _____

h) Hydromatic

- 1) make _____
- 2) model _____
- 3) serial number _____
- 4) length _____
- 5) nozzle size _____
- 6) spacing _____
- 7) PSI _____
- 8) capacity (GPM) _____

YES

NO

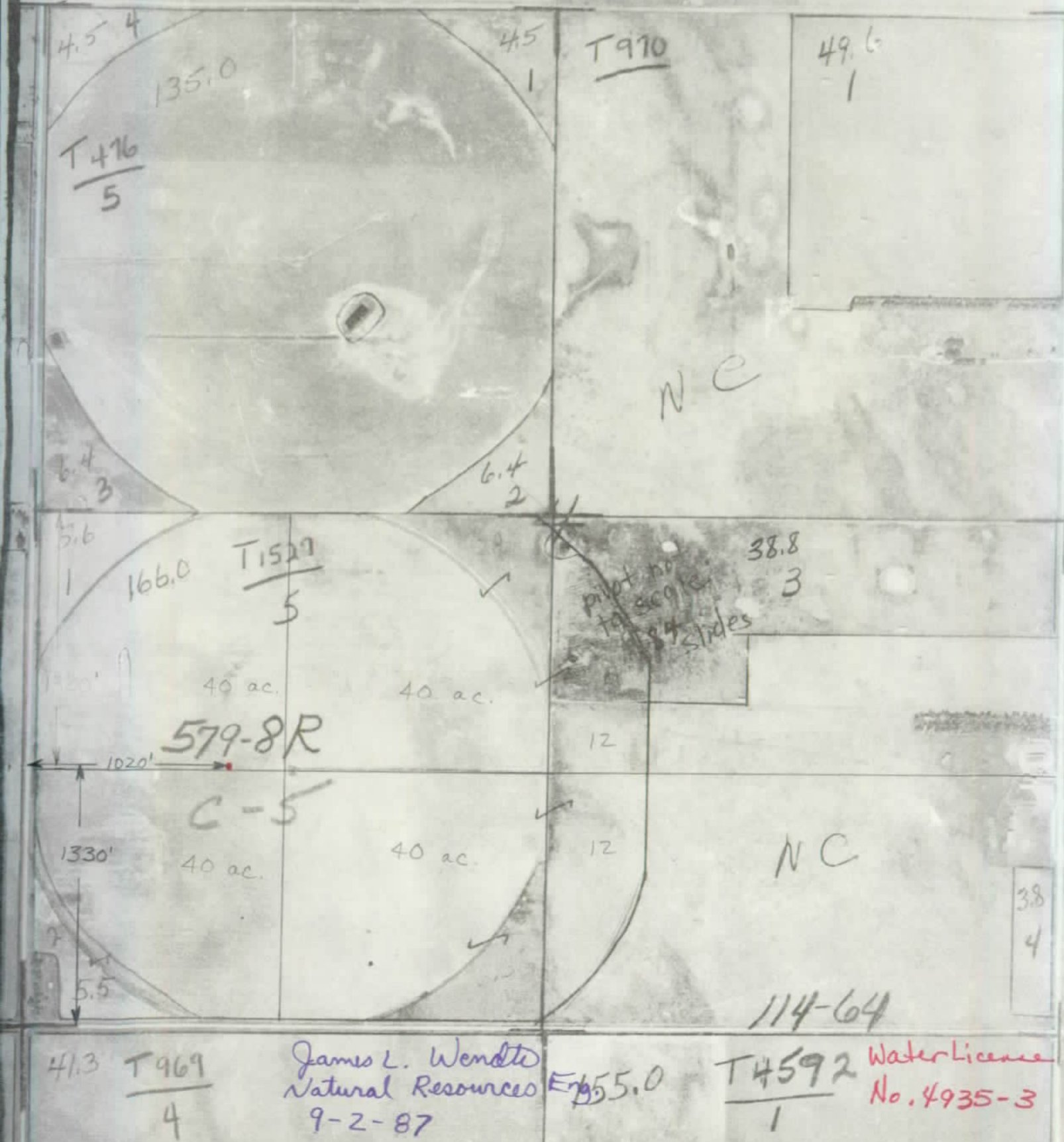
Check Items

/ _____
/ _____
/ _____

1. Soil and water permit lands agree with lands being irrigated and lands listed on permit.
2. Special Qualifications to permit being abided by.
3. All Structures, wells and lands on map.

REMARKS:

NOT TO SCALE





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Division of Water Rights
605 773-3352

No. 4935-3

September 16, 1987

Larry Nielson
RR 1, Box 26
Tulare, South Dakota 57476

Dear Mr. Nielson:

The inspection of your water use system and inspection of the extent of the application of water to beneficial use, as developed under your Water Right No. 4935-3 has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuing of the Water License. Upon receipt of the \$50.00 fee from you, your Water License will be sent to you.

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

Sincerely,

Maxine Stirling
Secretary

ms/

NOTE: On check or money order, please indicate the number of the water permit. This insures proper handling of the fee.

 **Department of
Water & Natural Resources**

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

#108-3

#1708-3

#2659-3

#4935-3

February 17, 1989

Larry Nielson
RR 1, Box 26
Tulare, SD 57476

Dear Mr. Nielson:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;

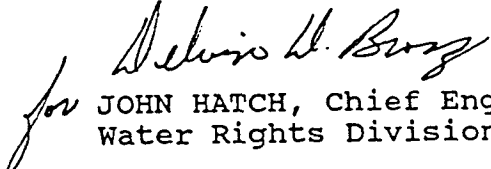


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division



NOV 14 1994

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

4935-3

Larry Nielson
RR 1, Box 26
Tulare, SD 57476

Dear Mr. Nielson:

Enclosed is Partial Vested Water License No. 4935-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 411003 in the amount of \$50.00 which you paid for the inspection and issuance of the Partial Vested Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4935-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm
enclosures

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

Pierre, _____, 19____

RECEIVED OF _____

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 _____		
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	

By _____

Chief Engineer

JOHN HART

STATE OF SOUTH DAKOTA

PARTIAL VESTED WATER LICENSE NO. 4935-3

(1) Larry Nielson, of RR #1 Box 26, Tulare, SD 57476 made Application No. 4935-3, November 2, 1982 for a water permit to appropriate 0.23 cubic feet of water per second (cfs) from groundwater (one existing well), Spink County, South Dakota for irrigation purposes. Permit No. 4935-3, with a priority date of November 2, 1982 was approved December 9, 1982 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 9, 1987 and for the application to beneficial use of said water on or before December 9, 1991.

Water Permit No. 4935-3 authorized irrigation of additional acreage from a well described in Vested Water Right No. 108-3. Vested Right No. 108-3 was validated March 3, 1993 for diversion of 2.22 cfs to irrigate 160 acres in the SW $\frac{1}{4}$ Section 4, T114N, R64W. No. 4935-3 authorized the addition of acreage in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 4 to the water use system. The applicable portions of Vested Right No. 108-3 have been incorporated into this water license.

(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 2.44 cubic feet of water per second for beneficial use. The location of the diversion points is 1130'N and 1020'E of the SW corner of Section 4, T114N, R64W (NW $\frac{1}{4}$ SW $\frac{1}{4}$).

(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: all in Section 4, T114N, R64W

NW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres	October 1, 1953 Priority date (108-3)
NE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres	"
SE $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres	"
SW $\frac{1}{4}$ SW $\frac{1}{4}$	40 acres	"
NW $\frac{1}{4}$ SE $\frac{1}{4}$	12 acres	November 2, 1982 Priority date (4935-3)
SW $\frac{1}{4}$ SE $\frac{1}{4}$	12 acres	"
TOTAL	184 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry Nielson of RR #1 Box 26, Tulare, SD 57476 the holder and/or owner of Incorporated Water Permit No. 4935-3 is issued a license to appropriate water, the right to use 2.44 cubic feet of water per second from groundwater (one well) with priority dates of October 1, 1953 (2.22 cfs) and November 2, 1982 (0.22 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 Vested Water Right No. 108-3 and Water Permit No. 4935-3 and subject to South Dakota State Law.

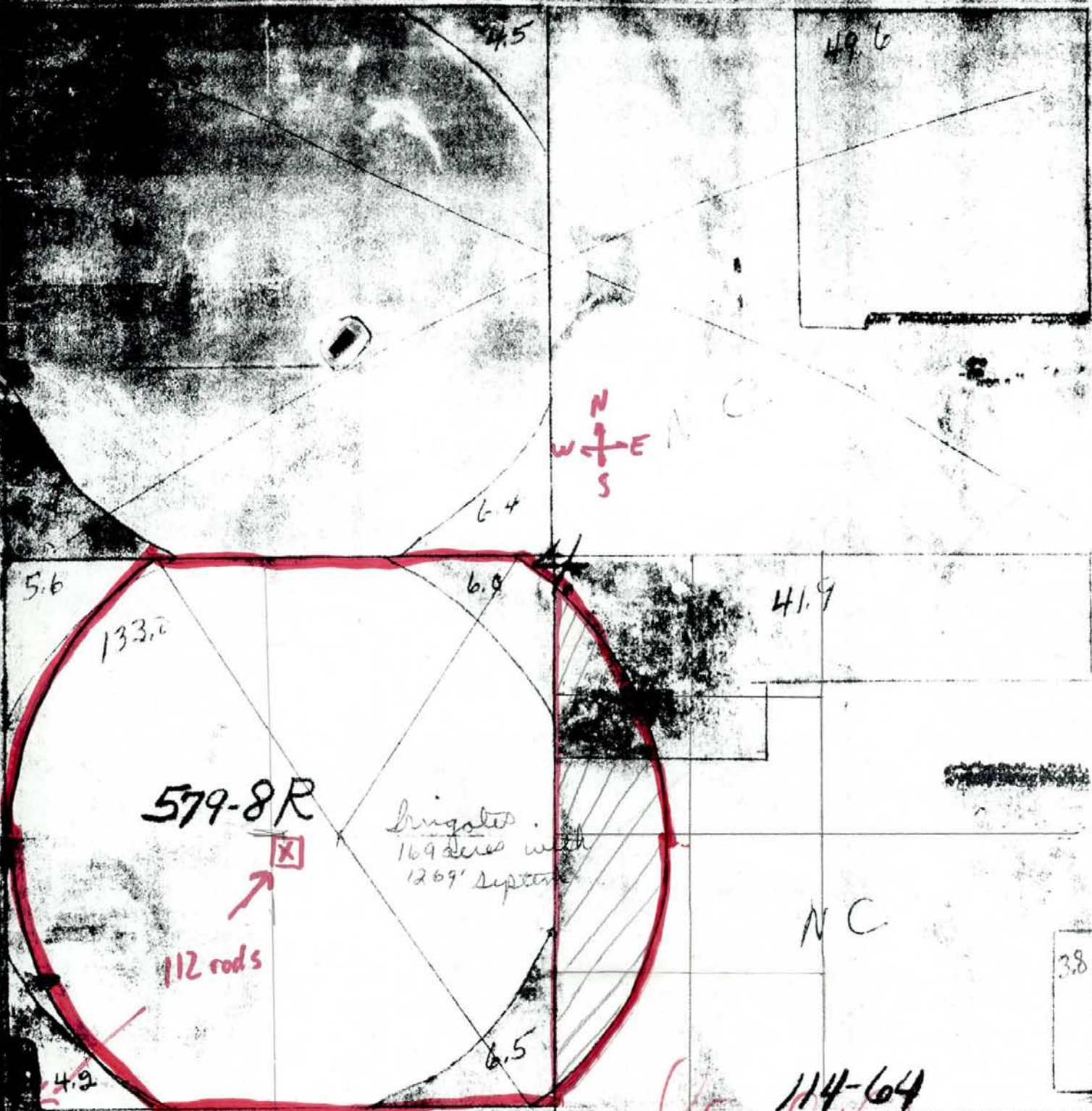


JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

NOV 14 1994

date

NOT TO SCALE



579-8R

brigsales
169 series with
1269' Septem

112 rods

NC

114-64

Mahd, Rosenberg
ASCS

29.7
map # 4935-3
Appl # 4135-3

Gronlund, Eric

From: Gronlund, Eric
Sent: Thursday, May 30, 2019 11:35 AM
To: 'Tim Bottum'
Subject: RE: [EXT] Nielson

Tim,

I concur - based on my review of Mr. Nielson's filing of past irrigation questionnaires and a review of 2004 & 2012 FSA aerial imagery that when digitized lead to my opinion that 166 acres have being historically irrigated. In saying that only the Water Management Board and courts can make a formal determination on the status of a water right.

A landowner is allowed to replace irrigation equipment without requiring permitting as long as:

- The land being irrigated remains within the legal description as set forth on the water license;
- The authorized diversion "pump" rate is not increased;
- The acreage is not increased above what has been historically irrigated. In this case, 166 acres appears to have been historically irrigated instead of the 184 acres listed on the water right.

Please have Mr. Nielson be mindful that since this is a fully appropriated aquifer in which DENR is not currently issuing new permits that the neighborhood is likely watching. When someone makes a change to a system is not uncommon for DENR to get a call regarding what is going on. SDCL 46-5-37.1 provides a mechanism for the Chief Engineer upon her own initiative or upon petition by any interested party to investigate whether or not a water permit/right is in any way subject to abandonment and/or forfeiture (46-5-36 & 46-5-37). The issue generally doesn't elevate to that point but certainly can and then would become a decision for the Chief Engineer and ultimately the Water Management Board. That is precisely the reason I have used caution in my discussions with Mr. Nielson and you regarding his intention to replace the irrigation system. Because while water license No. 4935-3 issued in 1994 states 184 acres authorized for irrigation, the records indicate that only 166 acres have been irrigated.

Sorry for being verbose but want to be sure to lay everything out there. Eric

From: Tim Bottum [mailto:tbottum@morgantheeler.com]
Sent: Thursday, May 30, 2019 10:45 AM
To: Gronlund, Eric
Subject: RE: [EXT] Nielson

Eric,

Thanks for speaking with me by phone today regarding Larry Nielson and his irrigation permit.

This email will confirm our phone conference.

You indicated that you reviewed Mr. Nielson's annual irrigation questionnaires along with FSA maps. You focused on the 2004 & 2012 FSA maps because they were the best maps (clearest to see) to determine the acres irrigated.

Your conclusion is that Mr. Nielson has historically irrigated approximately 166 acres. You indicated that as long as he is continuing to irrigate in the same legal descriptions as set forth in the water permit and is only re-configuring the irrigation system, he is in compliance with his water permit.

Please let me know my notes from our phone conference are accurate.

Thanks.

Timothy G. Bottum

MorganTheeler LLP

PO Box 1025

1718 N Sanborn Blvd.

Mitchell, SD 57301-7025

Phone: (605) 996-5588

Fax: (605) 996-6129

tbottum@morganteeler.com

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From: Gronlund, Eric <Eric.Gronlund@state.sd.us>

Sent: Monday, May 20, 2019 11:01 AM

To: Tim Bottum <tbottum@morganteeler.com>

Subject: RE: Nielson

Tim – I am back in the office. Review past irrigation questionnaires submitted and aerial photography from 2004 – 2018. So believe I am ready to discuss. I should be available anytime except Thursday.

Eric – direct line 605 773-4062

From: Tim Bottum [<mailto:tbottum@morganteeler.com>]

Sent: Thursday, May 16, 2019 4:57 PM

To: Gronlund, Eric

Subject: RE: [EXT] Nielson

Eric,

I called your office today but learned you are out until next week. Please let me know when you are available to discuss.

Thank you.

Timothy G. Bottum

MorganTheeler LLP

PO Box 1025
1718 N Sanborn Blvd.
Mitchell, SD 57301-7025
Phone: (605) 996-5588
Fax: (605) 996-6129
tbottum@morgantheeler.com

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From: Gronlund, Eric <Eric.Gronlund@state.sd.us>
Sent: Monday, May 13, 2019 3:53 PM
To: Tim Bottum <tbottum@morgantheeler.com>
Subject: Nielson

Tim – here is the email string we spoke about. Eric

From: Gronlund, Eric
Sent: Wednesday, January 02, 2019 4:01 PM
To: McMath, Genny; 'Larry Nielson'
Subject: RE: [EXT] irrigation questionnaires

Mr. Nielson:

I vaguely recall our discussion. Water Right No. 4935-3 authorized a pump rate of 2.44 cfs (1,095 gpm) for irrigation of 184 acres in the SW ¼ and W ½ SE ¼ of Section 4. If you 1) are not exceeding the 2.44 cfs pump rate, 2) have not increased the number of acres irrigated to greater than 184 acres and 3) the acres remain in the SW ¼ and W ½ SE ¼ then permitting may not be necessary. When I say this it presumes that the 184 acres has been continuously irrigated. Also, if the current configuration irrigates land outside of the prior defined legal locations, then an application to amend to correct acres will be necessary.

If 184 acres has not been historically irrigated and you now want to bring the amount back up to that number or if you seek to increase above the 184 acres, a new permit is required. However based on the fact that the Tulare:Western Spink Hitchcock aquifer is considered fully appropriated it is unlikely that an application would be approved for more acres. I bring this up because of water use reported over the past 10 years on the annual irrigation questionnaire has varied between 135 to 162 acres reported in those years when irrigation did take place.

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

From: McMath, Genny
Sent: Wednesday, January 02, 2019 3:08 PM
To: 'Larry Nielson'
Cc: Gronlund, Eric
Subject: RE: [EXT] irrigation questionnaires

Mr. Neilson,

The irrigation information for 2018 has now been received. I note from the questionnaire you submitted for 1708-3 that no irrigation occurred any of the systems last year.

I am forwarding your email concerning the acreage under 4935-3 to Eric Gronlund – he handles permitting and can answer your questions.

thank you,

Genny

From: Larry Nielson [<mailto:harleyfarmer69@gmail.com>]

Sent: Wednesday, January 02, 2019 2:57 PM

To: McMath, Genny

Subject: [EXT] irrigation questionnaires

Sorry this is late

question...permit 4935-3. I show permits for 184 acres...correct?

We visited a couple times over the last couple years about updating this...

I had to replace a worn out corner system with a conventional system plus a short system adjacent but on the same ground as before... now a 135 acre conventional system plus now a second system adjacent. This is supplied by the well that was reported by Stitches well drilling. I set it up to cover the same acres based on conversations last year...however the system could cover the additional acres permitted. I do not intend to use any more water than permitted.

Please advise if I need to formalize this by updating the permit, or simply begin reporting the adjusted acres.