

Considered: _____

WATER PERMIT NO. 5234-3

HAP No. same

Name of Applicant Larry Nielson

Post Office Address RRI, Box 26, Tulare SD 57476

Amount of Water Claimed 2.28 Total Acres 160

Source of Water Supply ground water well

Water to be used for irrigation County Spink

About 11 miles S of Redfield

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received Sept 23, 1988 Fee \$250⁰⁰ Remarks _____

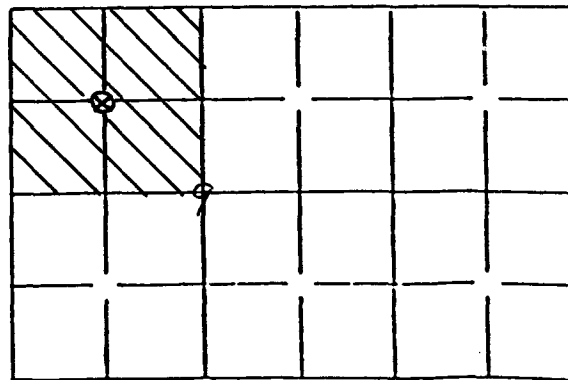
Corrected Application Received _____ Period of Annual Use May - Nov 30

WATER QUALITY APPROVAL RECEIVED ☒ APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES ☒ NO _____ REMARKS _____

Diversion Point well; near center of the
NW¹/₄ section 9-T114N-R64W

Land to be Irrigated NW¹/₄ section 9-
T114N-R64W



Well Log: Driller Empire "1977" Licensed YES ☒ NO _____

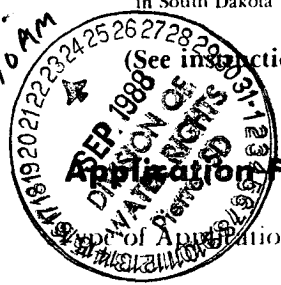
Depth of Well 110 feet REMARKS _____

Type of Map soils PREPARED BY Elmer Ward Reviewed and the Number
assigned on October 14, 1988 By Ron Duvall

FORM 2: Application for irrigation (type or print)
in South Dakota

Mail to: Water Rights Div.
DWNR, Foss Bldg.
Pierre, SD 57501
(605) 773-3352

No. 5234-3 Hydrologic Unit 10160006
Basin James River
Newspaper Redfield Press, Box 440 (Wed)
57469



Application for Soil/Water Compatibility Permit and Permit To Appropriate Water

- Applicant: ☒ New ☐ Vested Right ☐ Amend Permit No. _____
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☐ Add Acreage ☐ Increase diversion rate ☐ Other _____
1. Name of Applicant Larry Nielson Phone No. 596 4339
Post Office Address RR 1 Box 26 Tulare State SD 57476 9759
(Street, RR or Box) (City) Zip Code
2. Amount of water claimed (c.f.s.) 2.2 2.28 Total acres irrigated 160
3. Source of Water supply well
4. Location of point of diversion NW 1/4 9-114-64, near center of the
quarter _____ County Spink
5. Counties where water will be used Spink
6. Annual period during which water is to be used May 1 to November 30
7. 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.
<u>NW 1/4 of 9 114 64</u>	<u>160</u>

Land Description	No. Acres Irr.

Attach sheet if more space is needed

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: ☒ Gun: _____ Other: _____
(Specify) _____
9. Crops to be Irrigated: Corn Soybeans Alfalfa Small grain
10. Give a description of proposed project. (Attach sheet if more space is needed)

Drill a well to supply a center pivot irrigation system
to irrigate land on NW 1/4 9-114-64

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Spink ss

I, Larry Nielson, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed Larry Nielson

Subscribed and sworn to before me this 20th day of September 1988

Kathleen Jensen
Notary Public

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application September 23, 1988

Date Soil/Water Compatibility Permit received December 21, 1976

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

Date of receipt of corrected application _____

The Water Management Board approved Water Permit Application No. 5234-3

on December 8, 1988 for Larry Nielson
(Applicant)

RR1 Box 26 Tulare SD 57476
(Street, RR or Box) (City) (State) (Zip Code)

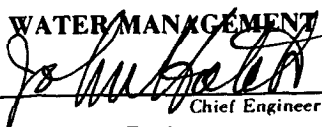
authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5234-3 appropriates 2.28 cubic feet of water per second (cfs) from one well, 110 feet deep to irrigate 160 acres. The well will be located near the center of the NW 1/4 Section 9 and the acreage to be irrigated is in the NW 1/4 Section 9; both in T114N-R64W.
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - November 30
3. The date from which applicant may claim the right is September 23, 1988
4. One-fifth of the construction is to be completed on or before June 8, 1991
5. All construction is to be completed on or before December 8, 1993
6. Water is to be put to beneficial use on or before December 8, 1997
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

SEE ATTACHED SHEET

WATER MANAGEMENT BOARD

By: 
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

MAR 10 1989

QUALIFICATIONS FOR WATER PERMIT NO. 5234-3

1. That the well authorized by Permit No. 5234-3 be located near the center of the NW 1/4 Section 9, T114N, R64W.
2. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
3. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
4. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

Supplemental Information

(type or print in ink)

1. Well Information - Proposed construction

- a) Drill Hole Diameter 28 Depth 110
- b) Casing Type plastic Diameter 16 Thickness Sched 40
- c) Screen Type plastic Diameter 16 Thickness Sched 40
- d) Gravel Pack Thickness 6" Length of Gravel Pack 90'
- e) Depth to Top of Water Bearing Material 37'
- f) Depth to Water (ground surface to water level) 20'
- g) Distance to nearest existing domestic well:
On applicants property 200 rods On property owned by others 100 rods

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
If Pipe, diameter _____

f) Secondary Spillway Capacity _____
Spillway width _____

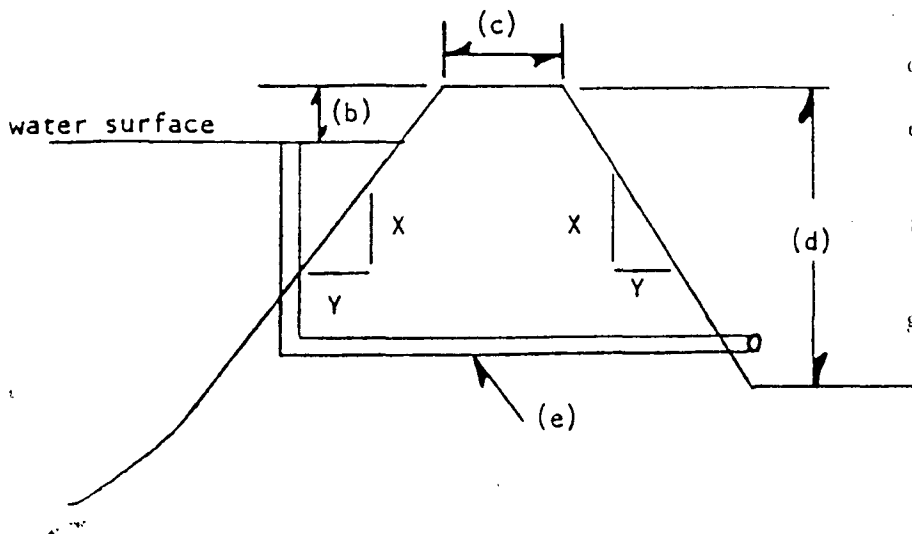
g) X & Y Slope
Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



Signature of Applicant _____

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411427

Pierre, September 23, 19 88

RECEIVED OF Larry Nielson, RR 1, Box 26, Tulamee, SD 57476-9759

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

Fee for Application for Permit No. <u>5234-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	250	00
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	250 00

By John Hatch
Chief Engineer

JOHN HATCH 

Conversation or File Documentation

NAME OF PERSON OR FILE: Larry NielsonADDRESS: RR 1, Box 26, Tulare SD COUNTY SpinkDATE: 10/13/88 TELEPHONE _____RE: Soil/Water Compatibility

COMMENTS:

Jim Stukel, Division of Conservation, indicated that
Larry Nielson did not need to obtain soil/water
compatibility. The soil/water approval for Max Neitzel
is still in effect.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: Ron Swall

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



NAME Mr. Weitzel
ADDRESS Tulsa, Okla. - 57476
COUNTY Spink

LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 of 9-114-64
2. LOCATION OF AREA TO BE IRRIGATED NW 1/4 of 9-114-64

TYPE OF IRRIGATION

3. GRAVITY _____ TOW LINE _____ CENTER PIVOT ☒ GUN _____
4. CROPS TO BE IRRIGATED Small Grain, Corn & Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-1925
6. SALINITY (EC X 10⁶) 832 (moderately high)
7. SODIUM (SAR) 1.24 (low)
8. RESIDUAL SODIUM CARBONATE (meq/l.) 0

I do hereby certify that a chemical analysis of the ground water representative of that used to irrigate shall be acquired from South Dakota State University and: the soils information has been acquired from _____ Conservation District, County Extension office or Soil Conservation Service, and: that the legal description for the location of the well and land to be irrigated is true and correct.

Mr. Weitzel
APPLICANT'S SIGNATURE
Mr. Weitzel

SUBSCRIBED AND SWORN BEFORE ME THIS
23 DAY OF November 19 78.

Charles R. ...
(TITLE OR SEAL)

Albert J. ...
APPROVED/DISAPPROVED

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 NW 1/4 Section 9 Township 114 Range 64

Well owner Gary Nietzel Tulare
(Name) (Address)

Date well drilling completed 7-6-77 Purpose of well irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer
0-2	Topsoil
2-7	sand
7-18	clay
18-37	Coarse sand
37-41	clay
41-88	Coarse sand
88	clay

Depth to top of water producing aquifer 37 ft.

Depth to static water level 22 ft.

Name of producing aquifer (if known) _____

Total depth of drill hole 88 ft.

Depth to bottom of casing _____ ft.

Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.

16" fibreglass

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

15' stainless steel
40' fiberglass 10"

if a flowing well, flow of completed well _____ G.P.M.

Empire Irrigation Drilling Co. Inc.
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump _____ HP _____

Type of pump _____ Capacity of installed pump _____ G.P.M.

Depth of pump placement _____ ft., Date of pump installation _____

(3) WATER SURFACE MEASURING TUBE

On some wells on air-tight water surface measuring tube is required! See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____

tube material _____



Name of Pump Installation Contractor

Obscure Information
USDA - BCS

61

62

61

26

102

P

74

67

63

59

74

P

67

23

59

64

GARFIELD T114N R64W S9

Elmer M. Ward
District Conservationist

Appl No. 5234-3

SOUTH DAKOTA WATER WELL COMPLETION REPORT

10-85

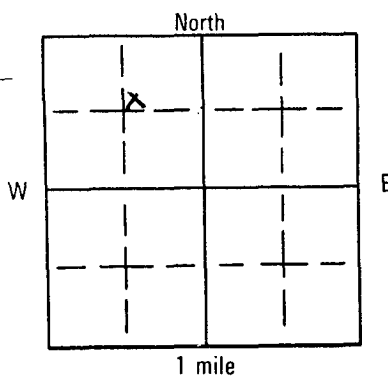
52343

Location NE 1/4 NW 1/4 Sec 9 Twp 114 Rg 44

County

Spink

Please mark well location with an "X"

Well Completion Date 5-30-89

PROPOSED USE:

- ☐ Domestic ☐ Municipal ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Stock

Method of Drilling:

Reverse

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
_____ LB/FT	<u>1 1/2</u> IN	<u>0</u> FT	<u>85</u> FT	<u>2 1/2</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUT:

Was the well grouted? ☒ YES ☐ NOTo what depth? 20 FEETWhat is grouting material? Cement & SandIf cement, number of sacks? 21Describe grouting procedure line

What was grout weight? _____ LB/GAL

SCREEN: ☐ Perforated pipe ☒ ManufacturedDiameter 1 1/2 IN Length 20 FEETMaterial PVCSlot Size 0.52 Set From 85 Feet To 105 Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Slot Size _____ Set From _____ Feet To _____ Feet

Other information _____

Was a packer or seal used? ☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

Was well disinfected upon completion? ☐ YES ☒ NO

Explain _____

Bacteriological analysis ☐ YES ☒ NO

Laboratory sent to _____

Well Owner:

Name

Larry Nelson

Address

Tulsa 50

Well Log:

Depth

Formation

From

To

clay015clay & fine sand15352 1/2 1/2 1/23550Sand medium little clay5085med. to coarse sand85105CoarsSTATIC WATER LEVEL 32 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other

If other; specify _____

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped800 5.8m☐ Bailed

Describe:

turbine☐ Other

Pumping Level Below Land Surface

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

_____ ft. After _____ Hrs. pumped _____ GPM

REMARKS:

This well was drilled under license # 440

And this report is true and accurate.

Drilling firm

Packman well drilling

Signature of License Representative:

Bo E. Knell

Signature of Well Owner:

Date

9-21-89

REPORT ON APPLICATION NO. 5234-3
LARRY NIELSON
October 20, 1988

This application proposes to appropriate 2.28 cfs from one well approximately 110 feet deep to irrigate 160 acres. The well and the acreage to be irrigated are to be located in the NW 1/4 of Section 9, T114N, R64W in Spink County.

Aquifer - Tulare-Western Spink (T-WS)

The Tulare-Western Spink is a Pliestocene outwash, sand and gravel, which is generally under artesian conditions but in the area of this application is under water table conditions. The test log submitted with the application indicates sand from 18 feet to 88 feet below land surface with a clay layer at 37 feet to 41 feet. The static water level was reported at 22 feet below land surface. The T-WS underlies 72,300 acres and contains 270,930 acre-feet of recoverable water in Spink County (Hedges, 1982). The T-WS is hydraulically connected the Tulare-Hitchcock Aquifer to the east and the Tulare-Hand Aquifer to the west. Estimated recharge to the Tulare Aquifer west of the James River is 23,000 acre feet per year (Kuiper, 1984) and estimated water use in 1987 was 11,157 acre-feet. This estimate includes the entire Tulare aquifer west of the James River of which the T-WS is a part.

The Division of Water Rights monitors 20 observation wells in the T-WS Aquifer in Spink County (Water Rights Division, 1988). Hydrographs for two observation wells SP-80A and SP-80C are included with this report. Water levels in this area do fluctuate due to pumping but generally the trend has been upward due to significant recharge to the aquifer in 1985 and 1986.

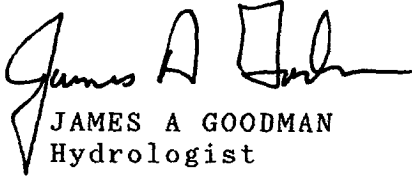
Review of Existing Water Permits

There are two existing Water Permit Nos. 139-3 and (4935-3 and 108-3) which are within 1 mile of this application. Interference is not expected to be a problem. Drawdowns due to pumping will occur and should not adversely affect existing wells. The well drilled for this application should be located as near to the center of the NW 1/4 of Section 9 as possible to minimize these affects.

Conclusions

1. There is water available from the T-WS Aquifer.
2. Interference is not expected to adversely affect existing diversions. The observation wells indicated fluctuations are occurring but are not significant considering the thickness of the aquifer in this area.

3. This is a new application which covers the same lands that Permit No. 3379-3 had covered. That permit has been cancelled because of non-construction.
4. If this application is approved, the well must be completed in accordance with SD Well Construction Standards.


JAMES A GOODMAN
Hydrologist

Bibliography

Hedges, L.S., Etal., 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River SD and Iowa, for US Army Corps of Engineers, DWNR, SDGS, Vermillion SD.

Irrigation Questionnaire, 1987, 1987 Irrigation Questionnaire by Aquifer, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

Kuiper, L. K., 1984, Appraisal of the Water Resources of the Eastern Park of the Tulare Aquifer, Beadle, Hand, Spink Counties, South Dakota, Water Resources Investigations Report 84-4078, USGS, Huron SD.

Water Rights Division, 1988, Observation Well Records for Spink County - T-WS Aquifer, DWNR, Division of Water Rights, Joe Foss Building, Pierre SD 57501.

OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
SP-80A	115N-64W-33CCCC	07/30/80	-29.4
SP-80A	115N-64W-33CCCC	08/12/80	-31.3
SP-80A	115N-64W-33CCCC	08/27/80	-29.9
SP-80A	115N-64W-33CCCC	09/11/80	-26.1
SP-80A	115N-64W-33CCCC	10/08/80	-24.6
SP-80A	115N-64W-33CCCC	11/20/80	-22.1
SP-80A	115N-64W-33CCCC	02/26/81	-20.3
SP-80A	115N-64W-33CCCC	03/26/81	-20.0
SP-80A	115N-64W-33CCCC	05/07/81	-19.8
SP-80A	115N-64W-33CCCC	05/27/81	-22.4
SP-80A	115N-64W-33CCCC	06/10/81	-22.6
SP-80A	115N-64W-33CCCC	06/25/81	-25.9
SP-80A	115N-64W-33CCCC	07/15/81	-33.0
SP-80A	115N-64W-33CCCC	07/30/81	-34.2
SP-80A	115N-64W-33CCCC	08/26/81	-32.5
SP-80A	115N-64W-33CCCC	09/18/81	-30.6
SP-80A	115N-64W-33CCCC	10/30/81	-27.4
SP-80A	115N-64W-33CCCC	12/15/81	-25.4
SP-80A	115N-64W-33CCCC	03/04/82	-23.5
SP-80A	115N-64W-33CCCC	04/29/82	-22.4
SP-80A	115N-64W-33CCCC	05/26/82	-21.9
SP-80A	115N-64W-33CCCC	06/16/82	-22.1
SP-80A	115N-64W-33CCCC	07/06/82	-27.9
SP-80A	115N-64W-33CCCC	07/22/82	-27.1
SP-80A	115N-64W-33CCCC	08/19/82	-30.6
SP-80A	115N-64W-33CCCC	09/02/82	-29.5
SP-80A	115N-64W-33CCCC	09/21/82	-27.1
SP-80A	115N-64W-33CCCC	10/19/82	-25.4
SP-80A	115N-64W-33CCCC	04/04/83	-20.9
SP-80A	115N-64W-33CCCC	05/10/83	-20.1
SP-80A	115N-64W-33CCCC	05/26/83	-20.0
SP-80A	115N-64W-33CCCC	06/08/83	-21.7
SP-80A	115N-64W-33CCCC	06/22/83	-20.7
SP-80A	115N-64W-33CCCC	07/08/83	-20.0
SP-80A	115N-64W-33CCCC	07/21/83	-20.6
SP-80A	115N-64W-33CCCC	08/12/83	-22.7
SP-80A	115N-64W-33CCCC	08/24/83	-24.0
SP-80A	115N-64W-33CCCC	09/14/83	-22.7
SP-80A	115N-64W-33CCCC	11/16/83	-19.7
SP-80A	115N-64W-33CCCC	04/18/84	-17.4
SP-80A	115N-64W-33CCCC	05/16/84	-16.7
SP-80A	115N-64W-33CCCC	05/30/84	-17.6
SP-80A	115N-64W-33CCCC	06/13/84	-17.0
SP-80A	115N-64W-33CCCC	06/27/84	-16.1
SP-80A	115N-64W-33CCCC	07/11/84	-16.4
SP-80A	115N-64W-33CCCC	07/23/84	-23.6
SP-80A	115N-64W-33CCCC	08/07/84	-23.2
SP-80A	115N-64W-33CCCC	08/22/84	-25.8
SP-80A	115N-64W-33CCCC	09/13/84	-23.6
SP-80A	115N-64W-33CCCC	10/25/84	-19.5
SP-80A	115N-64W-33CCCC	05/29/85	-17.3
SP-80A	115N-64W-33CCCC	06/12/85	-17.5
SP-80A	115N-64W-33CCCC	06/26/85	-22.3
SP-80A	115N-64W-33CCCC	07/11/85	-28.0
SP-80A	115N-64W-33CCCC	07/24/85	-28.6

13:35 THURSDAY, OCTOBER 20, 1988

1

OBSERVATION WELL WATER LEVELS

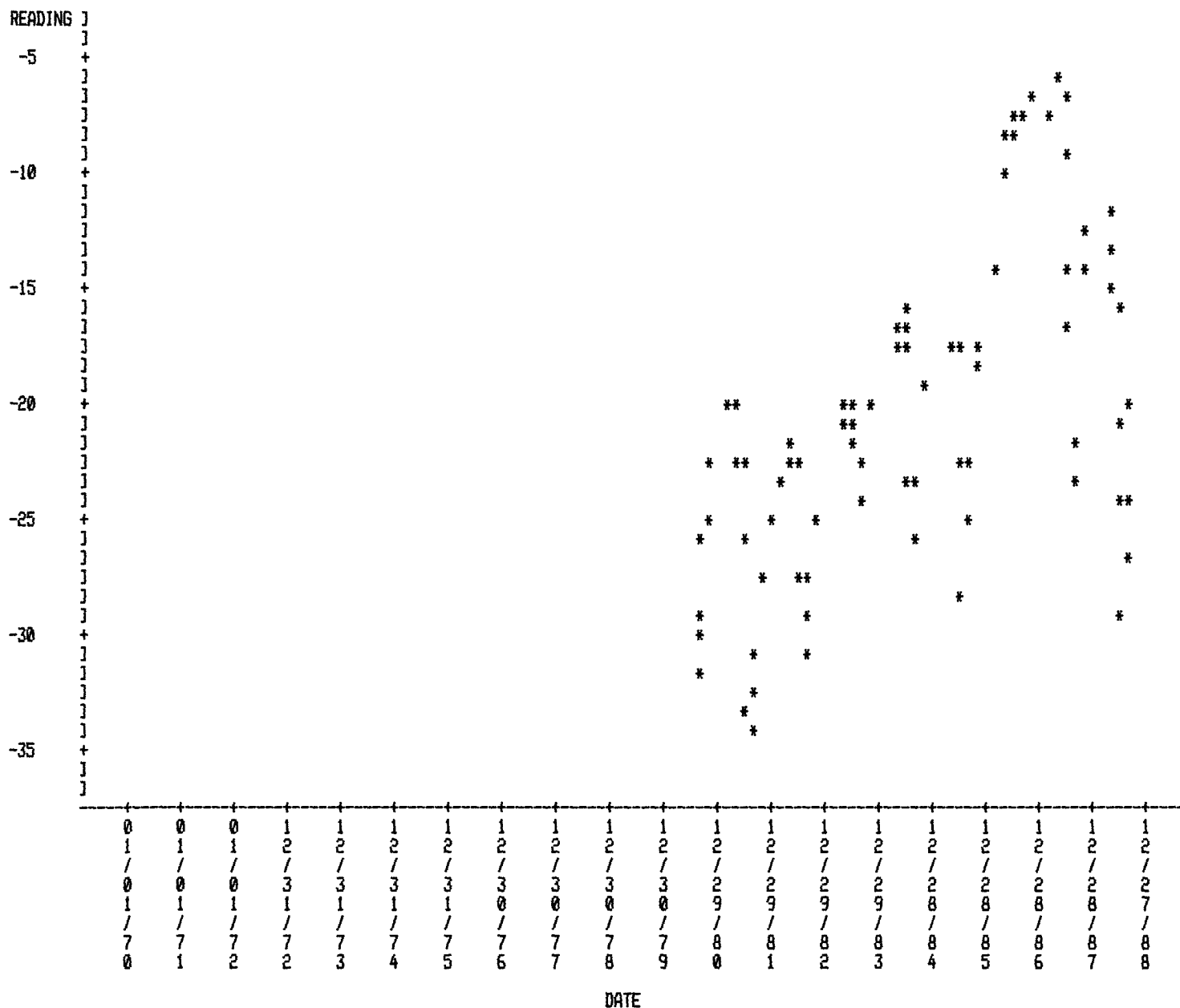
OBS_WELL	LOCATION	DATE	READING
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13:35 THURSDAY, OCTOBER 20, 1988 2

SP-80A	115N-64W-33CCCC	08/08/85	-25.0
SP-80A	115N-64W-33CCCC	09/05/85	-22.4
SP-80A	115N-64W-33CCCC	10/16/85	-18.6
SP-80A	115N-64W-33CCCC	11/06/85	-17.5
SP-80A	115N-64W-33CCCC	03/27/86	-13.8
SP-80A	115N-64W-33CCCC	04/30/86	-10.4
SP-80A	115N-64W-33CCCC	05/23/86	-8.3
SP-80A	115N-64W-33CCCC	06/04/86	-7.9
SP-80A	115N-64W-33CCCC	06/20/86	-7.3
SP-80A	115N-64W-33CCCC	07/01/86	-7.6
SP-80A	115N-64W-33CCCC	07/16/86	-8.1
SP-80A	115N-64W-33CCCC	07/29/86	-7.3
SP-80A	115N-64W-33CCCC	08/13/86	-7.4
SP-80A	115N-64W-33CCCC	08/26/86	-7.9
SP-80A	115N-64W-33CCCC	11/20/86	-6.4
SP-80A	115N-64W-33CCCC	03/10/87	-7.2
SP-80A	115N-64W-33CCCC	04/22/87	-5.6
SP-80A	115N-64W-33CCCC	06/11/87	-6.5
SP-80A	115N-64W-33CCCC	06/26/87	-9.5
SP-80A	115N-64W-33CCCC	07/09/87	-13.8
SP-80A	115N-64W-33CCCC	07/21/87	-16.6
SP-80A	115N-64W-33CCCC	08/06/87	-21.8
SP-80A	115N-64W-33CCCC	08/18/87	-23.2
SP-80A	115N-64W-33CCCC	10/08/87	-13.8
SP-80A	115N-64W-33CCCC	11/19/87	-12.7
SP-80A	115N-64W-33CCCC	04/07/88	-12.0
SP-80A	115N-64W-33CCCC	05/12/88	-14.6
SP-80A	115N-64W-33CCCC	05/26/88	-13.5
SP-80A	115N-64W-33CCCC	06/09/88	-15.7
SP-80A	115N-64W-33CCCC	06/24/88	-20.8
SP-80A	115N-64W-33CCCC	07/07/88	-24.0
SP-80A	115N-64W-33CCCC	07/21/88	-29.4
SP-80A	115N-64W-33CCCC	08/04/88	-24.3
SP-80A	115N-64W-33CCCC	08/18/88	-26.7
SP-80A	115N-64W-33CCCC	09/22/88	-20.0

N= 90

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 12 OBS HIDDEN

UQS0009 - END OF DATA SET

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IS AN INVALID PROGRAM NAME *UM.RESET.TID=279((wait))UMS0022 - REQUESTED OPERATION COMPLETE

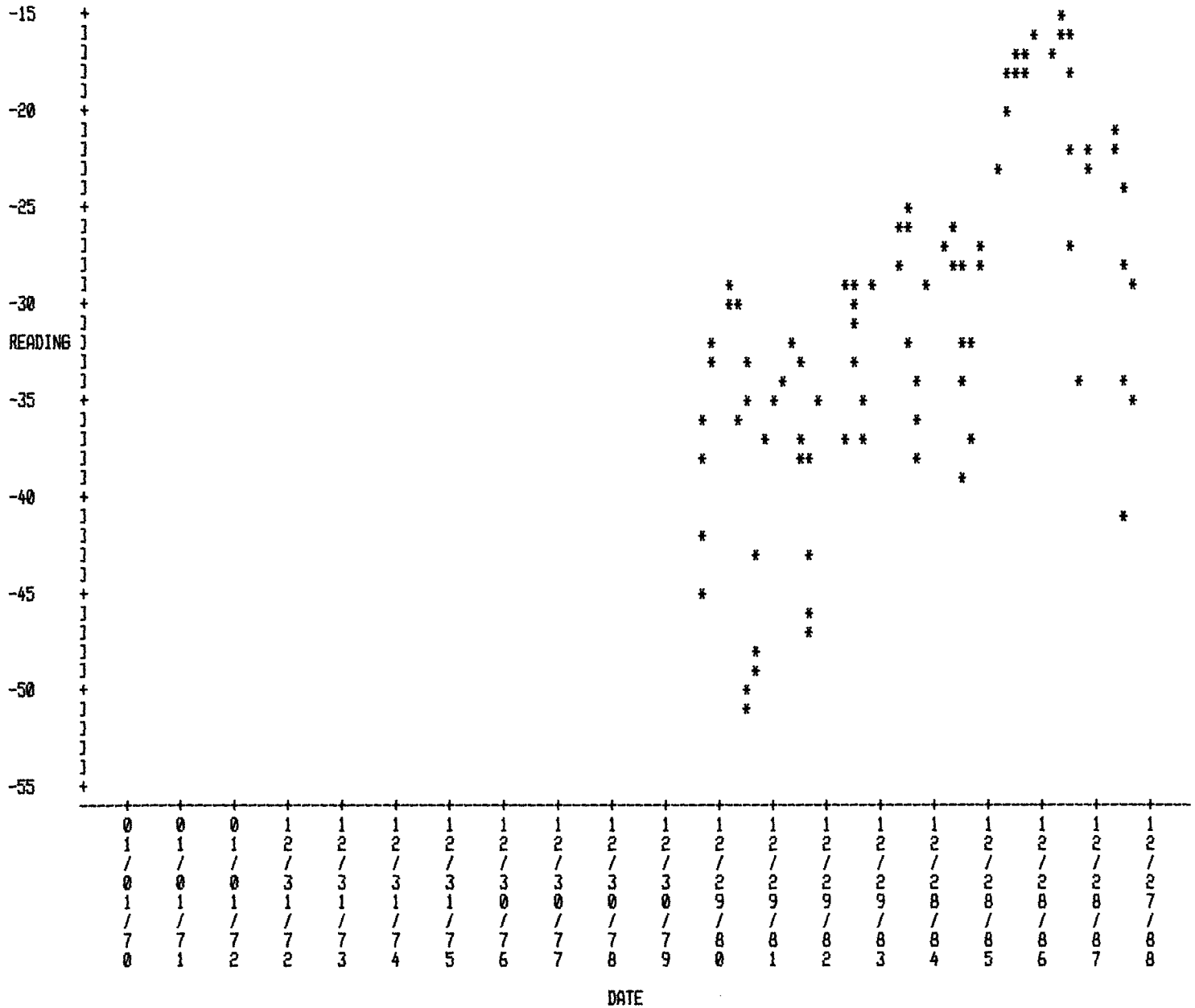
OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
SP-80C	114N-64W-168888	07/30/80	-42.2
SP-80C	114N-64W-168888	08/12/80	-44.7
SP-80C	114N-64W-168888	08/28/80	-38.4
SP-80C	114N-64W-168888	09/11/80	-35.9
SP-80C	114N-64W-168888	10/08/80	-33.3
SP-80C	114N-64W-168888	11/19/80	-31.7
SP-80C	114N-64W-168888	02/25/81	-29.6
SP-80C	114N-64W-168888	03/25/81	-29.3
SP-80C	114N-64W-168888	05/06/81	-30.0
SP-80C	114N-64W-168888	05/27/81	-35.7
SP-80C	114N-64W-168888	06/09/81	-35.4
SP-80C	114N-64W-168888	06/23/81	-33.4
SP-80C	114N-64W-168888	07/14/81	-50.3
SP-80C	114N-64W-168888	07/28/81	-51.0
SP-80C	114N-64W-168888	08/11/81	-47.8
SP-80C	114N-64W-168888	08/25/81	-49.4
SP-80C	114N-64W-168888	09/17/81	-42.9
SP-80C	114N-64W-168888	10/28/81	-37.2
SP-80C	114N-64W-168888	12/10/81	-35.4
SP-80C	114N-64W-168888	03/02/82	-33.6
SP-80C	114N-64W-168888	04/27/82	-32.5
SP-80C	114N-64W-168888	05/25/82	-31.6
SP-80C	114N-64W-168888	06/16/82	-33.3
SP-80C	114N-64W-168888	07/07/82	-37.6
SP-80C	114N-64W-168888	07/21/82	-37.5
SP-80C	114N-64W-168888	08/03/82	-43.3
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SP-80C	114N-64W-168888	08/30/82	-45.7
SP-80C	114N-64W-168888	09/20/82	-37.8
SP-80C	114N-64W-168888	10/19/82	-34.6
SP-80C	114N-64W-168888	04/04/83	-36.6
SP-80C	114N-64W-168888	05/10/83	-28.8
SP-80C	114N-64W-168888	05/24/83	-28.8
SP-80C	114N-64W-168888	06/07/83	-32.7
SP-80C	114N-64W-168888	06/21/83	-30.5
SP-80C	114N-64W-168888	07/07/83	-28.8
SP-80C	114N-64W-168888	07/20/83	-30.6
SP-80C	114N-64W-168888	08/12/83	-34.9
SP-80C	114N-64W-168888	08/24/83	-36.7
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SP-80C	114N-64W-168888	06/12/84	-26.5
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SP-80C	114N-64W-168888	07/09/84	-25.7
SP-80C	114N-64W-168888	07/23/84	-32.3
SP-80C	114N-64W-168888	08/06/84	-34.5
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SP-80C	114N-64W-168888	02/28/85	-26.9
SP-80C	114N-64W-168888	04/10/85	-25.9
SP-80C	114N-64W-168888	05/29/85	-27.9

13:32 THURSDAY, OCTOBER 20, 1988 1

OBS_WELL	OBSERVATION WELL LOCATION	WATER LEVELS DATE	READING
SP-80C	114N-64W-168888	06/12/85	-28.5
SP-80C	114N-64W-168888	06/26/85	-31.8
SP-80C	114N-64W-168888	07/11/85	-34.0
SP-80C	114N-64W-168888	07/24/85	-39.1
SP-80C	114N-64W-168888	08/08/85	-37.2
SP-80C	114N-64W-168888	09/05/85	-31.6
SP-80C	114N-64W-168888	10/18/85	-27.6
SP-80C	114N-64W-168888	11/04/85	-26.8
SP-80C	114N-64W-168888	03/25/86	-22.9
SP-80C	114N-64W-168888	04/28/86	-19.9
SP-80C	114N-64W-168888	05/23/86	-17.9
SP-80C	114N-64W-168888	06/03/86	-17.6
SP-80C	114N-64W-168888	06/05/86	-17.5
SP-80C	114N-64W-168888	06/20/86	-17.2
SP-80C	114N-64W-168888	07/01/86	-17.5
SP-80C	114N-64W-168888	07/16/86	-18.5
SP-80C	114N-64W-168888	07/29/86	-17.7
SP-80C	114N-64W-168888	08/13/86	-17.5
SP-80C	114N-64W-168888	08/26/86	-17.7
SP-80C	114N-64W-168888	09/30/86	-15.8
SP-80C	114N-64W-168888	11/18/86	-16.0
SP-80C	114N-64W-168888	03/11/87	-16.8
SP-80C	114N-64W-168888	04/21/87	-15.1
SP-80C	114N-64W-168888	05/28/87	-15.8
SP-80C	114N-64W-168888	06/11/87	-16.1
SP-80C	114N-64W-168888	06/25/87	-18.4
SP-80C	114N-64W-168888	07/08/87	-22.1
SP-80C	114N-64W-168888	07/21/87	-26.9
SP-80C	114N-64W-168888	08/05/87	-33.7
SP-80C	114N-64W-168888	08/18/87	-34.5
SP-80C	114N-64W-168888	10/06/87	-22.8
SP-80C	114N-64W-168888	11/18/87	-21.8
SP-80C	114N-64W-168888	04/08/88	-21.3
SP-80C	114N-64W-168888	05/11/88	-21.7
SP-80C	114N-64W-168888	05/26/88	-22.2
SP-80C	114N-64W-168888	06/08/88	-23.7
SP-80C	114N-64W-168888	06/24/88	-28.1
SP-80C	114N-64W-168888	07/06/88	-34.0
SP-80C	114N-64W-168888	07/21/88	-40.6
SP-80C	114N-64W-168888	08/04/88	-35.3
SP-80C	114N-64W-168888	08/18/88	-35.0
SP-80C	114N-64W-168888	09/21/88	-29.1

N= 97

PLOT OF READING*DATE SYMBOL USED IS *



NOTE: 13 OBS HIDDEN

UQS0009 - END OF DATA SET

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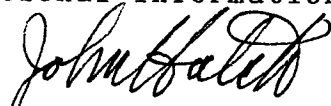
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5234-3, Larry Nielson

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5234-3, Larry Nielson, RR 1, Box 26, Tulare SD.

The Chief Engineer is recommending APPROVAL of Application No. 5234-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be 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. That the well authorized by Permit No. 5234-3 be located near the center of the NW 1/4 Section 9, T114N, R64W.
2. The well authorized pursuant to this permit shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See the attached report for additional information.


JOHN HATCH, Chief Engineer
October 26, 1988

SOUTH Dakota Department of
Water & Natural Resources

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

Water Rights Division
(605) 773-3352

October 28, 1988

NOTE:

TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT THE
NEWSPAPER RIGHT AWAY.

Larry Nielson
RR 1, Box 26
Tulare, South Dakota 57476-9759

Dear Mr. Nielson:

Your Application No. 5234-3 for a permit to appropriate water for
irrigation use, has been examined and found to
comply with the South Dakota Water Laws and applicable rules. A notice of
your intent to appropriate water has been sent to the Publisher of the

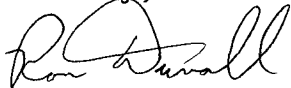
Redfield Press

printed at Redfield

South Dakota. For your information, a copy of this notice, the recommendation
of the Chief Engineer and a report on the application are enclosed. Please
review this notice prior to publication and notify this office, if you have
any corrections or questions.

BE SURE TO CONTACT THE ABOVE NEWSPAPER IMMEDIATELY TO AUTHORIZE PUBLICATION
OF YOUR NOTICE OF INTENT TO APPROPRIATE WATER AND TO ARRANGE FOR PAYMENT.
Early contact with the paper can eliminate delays. The publisher has been
instructed to publish your notice once each week for two consecutive weeks
with the last publication to occur at least twenty days before the board
meeting. We must receive Proof of Publication before the application can be
considered by the Water Management Board.

Sincerely,



RON DUVALL
Natural Resources Engineer

enclosures

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

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

October 28, 1988

Redfield Press
Box 440
Redfield, South Dakota 57469

Dear Sir:

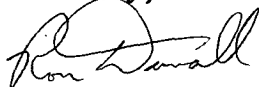
Enclosed is a Notice of Hearing on Application No. 5234-3 to be published twice. Please publish the first notice on or before November 2, 1988 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is Larry Nielson, RR 1, Box 26, Tulare, SD 57476.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. 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,



Ron Duvall
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

No. _____

TO: Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

Date _____

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

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before November 2, 1988
with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5234-3 to Appropriate Water
~~and/or to Amend Water Permit or Water Right No. _____~~

Notice is given that Larry Nielson, RR 1, Box 26, Tulare, South Dakota 57476,
_____ has filed an application for a water permit

to appropriate 2.28 cubic feet of water per second from one well 110 feet deep to
irrigate 160 acres. The well will be located near the center of NW $\frac{1}{4}$ Section 9 and
the acreage to be irrigated is the NW $\frac{1}{4}$ Section 9, both in T114N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5234-3 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. This application will be considered by the Water
Management Board in Room Dakota A, Howard Johnson, 3300 W. Russell, Sioux Falls, SD on
December 7, 1988 at 10:00 am. The Chief Engineer's recommendation is not final
or binding upon the Board. The Board is authorized to 1) approve, 2) approve with
qualifications, 3) defer or 4) deny this application based on the facts presented at the
public hearing.

Any interested person that intends to participate in the hearing before the Board by
presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a
written petition with BOTH the applicant and Chief Engineer by November 25, 1988.
The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol,
Pierre SD (605 773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a
petition. Contact the Water Rights Division to request information on this application or
to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the
applicant have the right to be represented by a lawyer. These and other due process
rights will be forfeited if 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
also be automatically delayed for at least twenty days upon written request to the Chief
Engineer from the applicant or a petitioner. The request for a delay must be received by
November 25, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2,
46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14;
~~(future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-33 thru 46-5-35; (10,000 AF)~~
~~46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use)~~
~~74:02:01:24 thru 74:02:01:25; (10,000 AF) 74:02:01:15:02 thru 74:02:01:15:05.~~

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Spink) ss.

I, Walter Mundstock hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the 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 Redfield of _____

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

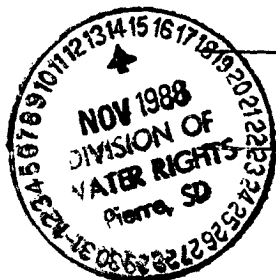
November 2, 1988

November 9, 1988

Walter Mundstock
(Signature)

Publisher
(Title)

11-09-88
(Date Signed)



Cost of Printing: 37.85

Larry Nielson

No. 29

NOTICE OF HEARING ON APPLICATION
NO. 5234-3 TO APPROPRIATE WATER

Notice is given that Larry Nielson, RR 1, Box 26, Tulare, South Dakota 57476 has filed an application for a water permit to appropriate 2.28 cubic feet of water per second from one well 110 feet deep to irrigate 160 acres. The well will be located near the center of NW 1/4 Section 9 and the acreage to be irrigated is the NW 1/4 Section 9; both in T114N-R64W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5234-3 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. This application will be considered by the Water Management Board in Room Dakota A, Howard Johnson, 3300 W. Russell, Sioux Falls, SD, on December 7, 1988, at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by November 25, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, SD, (605-773-3352)". 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 legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if 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 also be automatically delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by November 25, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 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.

(Nov. 2, 9)



Department of Water & Natural Resources

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

MAR 10 1989

Larry Nielson
RR 1 Box 26
Tulare, SD 57476

Dear Mr. Nielson:

Enclosed is Water Permit No. 5234-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in Water Permit No. 5234-3.

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 Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

JH:mra

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.

Permit No. 5234-3
James River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, 7-24-96 made a thorough examination of the water use system constructed by Larry Nielson of RR 1 Box 26, Tulare SD 57476 holder of Permit No. 5234-3, bearing the priority of September 23, 1988 authorizing the diversion of 2.28 cu. ft. per second of the waters of Tulare-Western Spink Aquifer 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:

One well 105 feet deep with 85 feet of 16 inch pvc casing and 20 of pvc screen. The well has a Landroller pump with a capacity of 800 gpm and a General Electric motor with a 50 hp.

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

20 feet of 8 inch aluminum pipe.

C. Works used to apply water to beneficial use:

T-L center pivot 1250 feet long with 9 towers and an end gun. The system is high pressure and has a capacity of 800 gpm.

The system is in the following condition **good**. The point of diversion is located 20 feet north of the center of the NW¹/₄ Section 9, T114N, R64W. The works are capable of diverting and conveying to the place of use 1.78 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

All in Section 9, T114N, R64W:

NE¹/₄ NW¹/₄ 32 acres

NW¹/₄ NW¹/₄ 32 acres

SW¹/₄ NW¹/₄ 32 acres

SE¹/₄ NW¹/₄ 32 acres

comprising a total of 128 acres of land and the license should be issued for 1.78 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck

Lynn Beck

Natural Resources Engineer

DENR, Water Rights Program

9-5-96

Date

REPORT ON INSPECTION OF PERMIT NO. 5234-3

DATE OF INSPECTION: 7-24-96

Other permit(s) associated with the project: none

NAME & ADDRESS OF INSPECTION CONTACT: Larry Nielson, RR 1 Box 26, Tulare SD 57476

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: owner

NAME & ADDRESS OF PERMIT HOLDER: same

DIVERSION POINT LEGAL LOCATION: 20 feet north of the center of the NW $\frac{1}{4}$ Section 9, T114N, R64W.

WELL INFORMATION:

- 1) Well Drilling Firm: Pullman Drilling
- 2) No. of Wells 1
- 3) Depth(s) 105 feet
- 4) Well log is available yes

Casing:

- 1) Diameter 16 inches
- 2) Length 85 feet
- 3) Type pvc

Screen:

- 1) Type pvc
- 2) Length 20 feet
- 3) Static water level 32 feet

Pump:

- 1) Make Landroller
- 2) Model #
- 3) Size #
- 4) Capacity 800 GPM

Motor:

- 1) Make GE
- 2) Model No. #
- 3) Horsepower rating 50 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum
- 2) Size 8 inches
- 3) Length 20 feet

SYSTEM TYPE:

Center pivot:

- 1) Make T-L
- 2) Overall length 1250 feet
- 3) Number of towers 9
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 800 GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate has equipment but does not chemigate anymore.
- 2) Main line check valve yes
- 3) Inspection port/air relief yes
- 4) Low pressure drain yes
- 5) Discharge is 20' from source yes
- 6) Interlock type electrical and mechanical
- 7) Injection pump type piston
- 8) Injection check valve yes
- 9) Injection line check valve or positive displacement pump yes
- 10) All chemigation equipment appears to be installed in the proper position and complies with chemigation laws and rules yes

11) Comments: Does not intend to chemigate but required equipment is in place.

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

Uhs - ...
LDE - ...

61

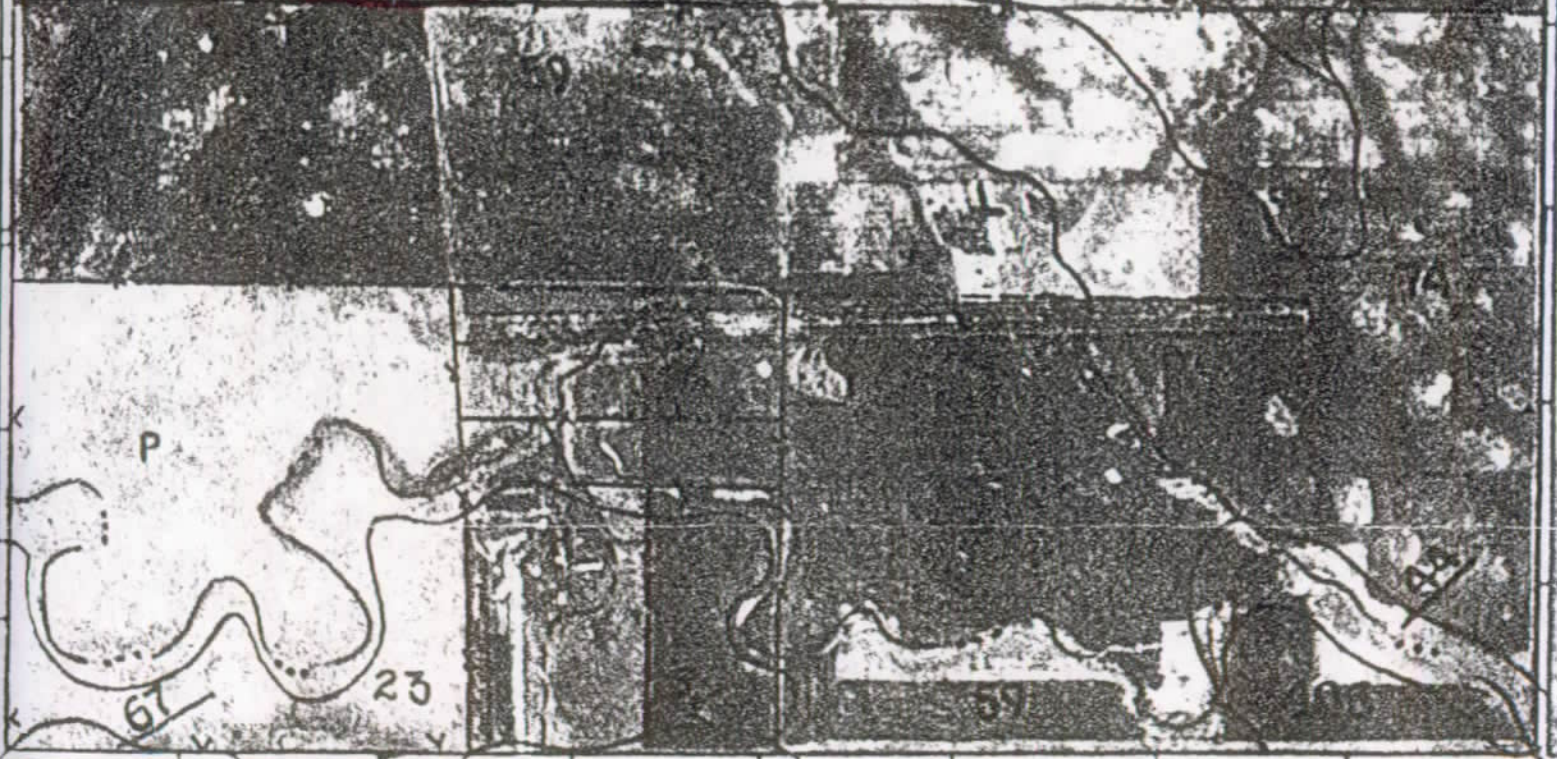
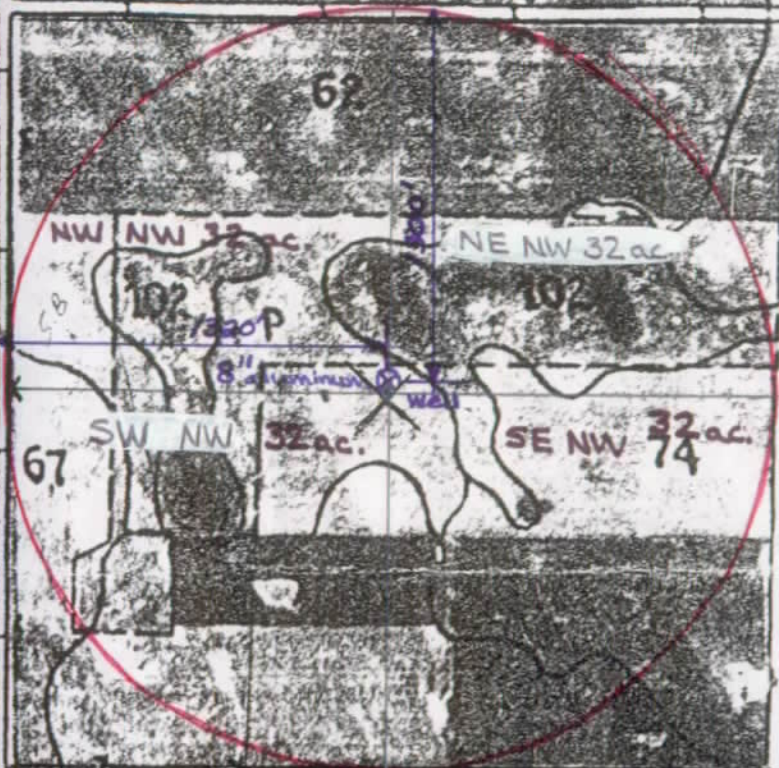
Total Acres = 128

61

Prepared by:
Lynn Beck

Lynn Beck
Natural Resources Engineer
DENR, Water Rights Program
9-5-96

26



GARFIELD T114N R64W S9

Obsolete Information
USDA - SDS

Charles M. Ward
District Conservationist

5234-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 17, 1996

5234-3

Larry Nielson
RR 1, Box 26
Tulare, SD 57476

Dear Mr. Nielson:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5234-3, 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 issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Program
523 E. Capitol
Pierre, SD 57501-3181

Sincerely,

Cheryl F. Frost
Secretary
Water Rights Program
(605) 773-3352

NOTE: On check or money order, please specify your permit number. This will insure proper handling of the fee.

RECEIPT

415108

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ September 20 _____, 19 96

RECEIVED OF Larry Nielson, RR 1, Box 26, Tulare, SD 57476-9759

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>5234-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Hatch
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5234-3

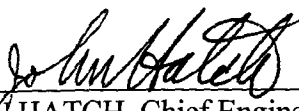
(1) Larry Nielson, RR 1 Box 26, Tulare SD 57476-9759 made Application No. 5234-3, September 23, 1988 for a water permit to divert 2.28 cubic feet of water per second from groundwater (one well), Spink County, South Dakota for irrigation purposes. Permit No. 5234-3, with a priority date of September 23, 1988 was approved December 8, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before December 8, 1993 and for the application to beneficial use of said water on or before December 8, 1997.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.78 cubic feet of water per second for beneficial use. The location of the diversion point is 20 feet north of the center of the northwest quarter Section 9-T114N-R64W (N 1/2 NW 1/4).

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

Section 9-T114N-R64W	NE 1/4 NW 1/4	32 acres
	NW 1/4 NW 1/4	32 acres
	SW 1/4 NW 1/4	32 acres
	SE 1/4 NW 1/4	32 acres
	Total	128 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Larry Nielson, RR 1 Box 26, Tulare SD 57476-9759 the holder and/or owner of Water Permit No. 5234-3 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (one well) with a priority date of September 23, 1988 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. 5234-3 and subject to South Dakota State Law.


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

OCT 1 1996

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

OCT 1 1996

5234-3

Larry Nielson
RR 1, Box 26
Tulare, SD 57476-9759

Dear Mr. Nielson:

Enclosed is Water License No. 5234-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 415108 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5234-3, 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 Program
(605) 773-3352

ks
enclosures



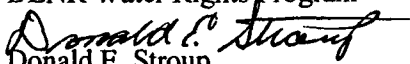
5234-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

PMB 2020
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

www.state.sd.us/denr

November 13, 2003

TO: Garland Erbele, Chief Engineer
DENR Water Rights Program

FROM: 
Donald E. Stroup
Natural Resources Project Engineer
DENR Water Rights Program

SUBJECT: Tulare Aquifer Irrigators

From April 28 through May 1, 2003 I made an on-site examination of the irrigation systems of several Tulare Aquifer Water Right holders. The Water Right holders, my observations, and subsequent actions are noted below:

Water Right No. 1424-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 3243-3, Rick Boomsma Operator, 19749 Ponderosa Lane, Hitchcock, SD (605)266-2822

No sign of irrigation equipment on-site. Irrigation questionnaires show no irrigation from 1991 to present. In mid October I spoke with Rick Boomsma about the non use of the Water Right. Rick Boomsma stated that he had irrigated this summer. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2853-3, Larry Gordon, 38899 SD Hwy 28, Hitchcock, SD (605)266-2718

Trees growing under center pivot, one right in front of wheels. Irrigation questionnaires show no irrigation in 1986, 1991, 1992, 1993 (flooded), 1994 to present (excess moisture 99, too wet 01, & system needs work 02). Spoke with Mr. Gordon and he stated he hadn't needed to irrigate as there was adequate moisture the previous years, but he planned to have the unit ready to use this summer. I re-visited the site in August 2003 and there was a corn crop in the field that had not been irrigated. The pivot was still in the same position and the trees were still standing. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No. 2568-3, Leland Kleinsasser, 20166 401st Ave, Huron, SD (605)352-8125

No irrigation equipment on-site or sign of well head. Irrigation questionnaires show no irrigation from 1994 to present. Re-visited site in August 2003 and still no sign of equipment or irrigation. I spoke with Mr. Kleinsasser in mid October about the non use of the Water Right. Mr. Kleinsasser

stated that he no longer used the Water Right and had moved the equipment to another location. He agreed to the cancellation of the Water Right.

Water Right No. 4545-3, Victor Kleinsasser, 40008 198th St., Huron, SD (605)352-8103

Center pivot on-site that appears not used for some time. Irrigation questionnaires show no irrigation from 1992 to present. Spoke with Mr. Kleinsasser about this water right and other appropriations from the James River. Mr. Kleinsasser stated that all the irrigation equipment is from the 70s and needs rebuilt or repaired which he plans on doing this winter. Mr. Kleinsasser also has a James River Water Right No. 2387-3 showing use from 1999 to the present and three other ones showing non use from 1986 to the present. On 10/28/03 I spoke with Mr. Kleinsasser explaining the non use statute and that we would schedule the rights showing non use for cancellation. I further explained that he could appear before the Water Management Board to appeal the cancellations or write a letter explaining his position on the issue. Mr. Kleinsasser agreed.

Water Right No. 4550-3, Raymond Oil Co., PO Box 142, Huron, SD

Center Pivot on-site that appears well maintained and ready to be used. Irrigation questionnaires show no irrigation 1993, 95, 97 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4194-3, Verlin Tollefson, 19578 388th Ave., Hitchcock, SD (605)266-2834

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4146-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1994 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4147-3, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1996 to present. I contacted Mr. Ray Hofer, the renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 4546, Adele Walters, 440 Jersey Ave. NE#5, Huron, SD (605)352-7505 (Ray Hofer Operator)

No irrigation equipment on-site, pump station & well head present. Irrigation questionnaires show no irrigation 1997 to present. Nos. 4146-3 and 4546-3 use same well. I contacted Mr. Ray Hofer, the

renter of the property, and he confirmed that irrigation had not taken place for several years and that the equipment was old and needed to be repaired. He further stated that he did not intend to repair the equipment as he only had a three year lease. I contacted Mrs. Walters, but she is in her 90s and doesn't hear well or understand cancellation of the Water Right. I then contacted Mrs. Walters' lawyer, Reed Hutchinson, and explained the situation of non use of the Water Right and the difficulty of explaining this to Mrs. Walters. Reed Hutchinson stated that if Water Rights sends the cancellation information to him, he will ensure that it gets to Mrs. Walters and he will explain the situation to her.

Water Right No. 3321-3, Peggy Brooker, 18512 387th Ave., Tulare, SD (605)596-4391
Center pivot on site, appears ready to be used. Irrigation questionnaires show no irrigation 1986, 1993, 1995, and 1996 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4260-3, Roger Chaplin, 1820 Fulton, Sturgis, SD (605)720-2125 Farm (605)266-2108

No irrigation equipment on-site, no sign of well head or pumping equipment, & no sign of irrigation. Irrigation questionnaires show no irrigation 1987 to present. I spoke with Mr. Chaplin about this Water Right and his other appropriations from the James River. Mr. Chaplin stated that he had pumped some from the river this summer (I re-visited site in August and saw no sign of irrigation). His son is now living on the farm. Mr. Chaplin is having test holes drilled on land better suited for irrigation and was wondering about transferring diversion point, etc. I explained the problem with the fully appropriated aquifer. In mid October I spoke with Mr. Chaplin and told him that the Chief Engineer recommended scheduling this Water Right for cancellation and that the ground water personnel list this well as abandoned. Mr. Chaplin again stated he desired to retain the Water Rights on the James River but did not object to the cancellation of this Water Right. I explained that he could appear before the Water Management Board and state his position on retaining the Water Rights from the James River and that he would get a notification of time and place for the Board meeting. If he didn't want to appear before the Board he could send a letter.

Water Right No. 3164-3, Darrel Jensen, Box 350, Redfield, SD (605)472-2782
Center pivot on-site, appears ready to be used. Irrigation questionnaires show no irrigation 1993 and 1995 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3054A-3, Charles Gilbert, 38957 186th St., Hitchcock, SD (605)266-2886
Center pivot on-site with chokecherry bushes and one evergreen tree grown around center as high as the pivot. Mr. Gilbert stated system had not been used for awhile as moisture has been adequate and he plans on refurbishing the system this year. Irrigation questionnaires show no irrigation 1993 to present. Re-visited site in August 2003 and pivot was running and irrigating crop. This Water Right will not be scheduled for cancellation.

Water Right No. 2729-3, Leroy Gross, 39848 185th St., Hitchcock, SD (605)266-2548
No sign of irrigation equipment or irrigation. This Water Right was transferred to Harvey Wollman at the May 2003 Water Management Board meeting.

Water Right No. 5568-3, Richard Jessen, 18250 377th Ave., Tulare, SD (605)472-2408 (Brett Binger Operator)
Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 4375-3, Dave Swanson, 39840 168th St., Frankfort, SD (605)472-2573

No irrigation equipment on-site or evidence of irrigation in June 2003. Swanson purchased land about 4 months ago (January 2003) and is in the process of setting up a system on the land. Irrigation questionnaires show no irrigation 1990 to present. I re-visited the site in August and saw no sign of irrigation equipment, but a bean crop appears to have been irrigated as it is a lot greener than the same crops in adjacent fields. Cancellation of this water right will not be scheduled this year, but this site should be re-examined in the summer of 2004.

Water Right No 1504-3, Donald Mendel, 17909 406th Ave., Doland, SD (605)635-6587

No sign of irrigation equipment on-site or evidence of irrigation. Mr. Mendel stated moisture has been adequate and he hasn't needed to irrigate for years. Mr. Mendel also stated that the well is only about 50-feet deep and is not a good producer under drought conditions. He has a stock dam adjacent to the well and if the dam dries up, so does the well. Mr. Mendel is transferring the land to his sons and plans on retiring. Irrigation questionnaires show no irrigation 1987 and 1991 to present. This is the Water Right that Harvey Wollman wants to acquire a portion of. This Water Right should be scheduled for cancellation.

Water Right No. 5234-3, Larry Nielson, 18476 385th Ave., Tulare, SD (605)596-4339

Center pivot on-site, appears ready for use. Irrigation questionnaires show no irrigation 1992, 93, 94, 97, 98, 99, 01, & 02. This Water Right will not be scheduled for cancellation.

Water Right No. 3045-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Ken Nowell Operator, (605)596-4271)

No irrigation equipment on-site or sign of irrigation. Irrigation questionnaires show irrigation. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited the sites in August 2003, and both are being irrigated. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. Ken Nowell also advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation.

Water Right No. 3046-3, Cal Nowell, 1265 3rd Street SW, Huron, SD (Joshua Nowell Operator, (605)596-4271)

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1986 to present. Appears Mr. Nowell has the locations for Nos. 3045-3 and 3046-3 switched. Re-visited sites in August 2003 and both are being irrigated. In mid October I spoke with Ken Nowell and he advised that his son, Joshua is the operator for # 3046-3. This Water Right will not be scheduled for cancellation. It still appears that Ken Nowell has the locations for these two Water Rights switched as he stated that his son had just put a new system on this location when in April I had noted that this site had irrigation equipment on it and the # 3045-3 site did not..

Water Right No. 5231-3, Ken Nowell, 38671 187th St., Hitchcock, SD (605)596-4271

Center pivot on-site, appears not used for some time. Irrigation questionnaires show no irrigation 1993 to present. In mid October I spoke with Ken Nowell and he affirmed that he is the operator for this Water Right and that he had irrigated this summer. This Water Right will not be scheduled for cancellation.

Water Right No. 5301-3, Barbara Jo Rogers, 419 S. 10th St., Aberdeen, SD (605)226-0344

Center Pivot on-site being and being used in an alfalfa field. Irrigation questionnaires show no irrigation 1993, 97, 99 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 2514, Willard Wipf, 18371 403rd Ave., Frankfort, SD (605)266-2595

Center pivot on-site. Mr. Wipf stated the system had not been used for several years due to adequate moisture. Wetter years in the 90s had brought up salt from the soil and he had to idle the area. The land should be suitable for irrigation this year if needed. Irrigation questionnaires show no irrigation 1993, 95 to present. This Water Right will not be scheduled for cancellation.

Water Right No. 3467-3, Spink Colony (Paul Wipf), 18206 Spink Lane, Frankfort, SD (605)472-1269

Mr. Wipf was under the impression that this right had been cancelled. The soil and water were incompatible and they had quit irrigating. The soil in the area has been reconditioned and they could possibly irrigate it again at a reduced rate. Also Mr. Wipf brought up transferring the irrigation right to a different quarter if the right is still good. This Water Right was cancelled by the Water Management Board at the October 2003 meeting.

In summary, one (1) Water Right has already been cancelled and seven (7) are being scheduled for cancellation before the Water Management Board. Three (3) sites should be re-visited the summer of 2004.

cc: individual files



December 27, 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

5234-3

Larry Nielson
18476 385th Ave
Tulare SD 57476

Dear Mr. Nielson:

I am writing to acknowledge receipt of your 2006 irrigation questionnaires and your note concerning the reduced number of acres on Water Right No. 5234-3.

Once a permit is issued, the permit holder has five years to construct the project. Once the five year period has lapsed, a staff engineer conducts a field investigation for licensing purposes. A water license is then issued for the project as it was developed.

With respect to your water permit, the investigation found you had put up a nine tower center pivot covering 128 acres and the license was issued accordingly. I have enclosed a copy of the staff investigation report, map and the water license for your review.

Hopefully I have addressed your concerns. If you still have questions concerning the water right, please give me a call.

Sincerely,

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

enclosures