

WATER PERMIT NO. 6217-3

Name of Applicant: Nystrom Brothers

Address: 123 S Polk Ave, Pierre SD 57501

Phone: 605 224-2364

Amount of Water Claimed: 70 acre-feet (2 dams)

Total Acres: 260 acres

Source of Water Supply: runoff and Missouri River

Water to be used for: irrigation County: Hughes

Type of Waste Disposal System: NA

Location: 12 miles northwest of Pierre

PRIORITY Date Received: 6-20-2000

Fee: 150

Corrected Application Received:

Period of Annual Use: January 1 – October 31

Remarks: Water Permit No. 3295-2 authorizes the irrigation of the 260 acres. This application is for the 2 storage dams utilized by the system.

Diversion Point: Dam #1 – NE ¼ NW ¼ Sec 16;

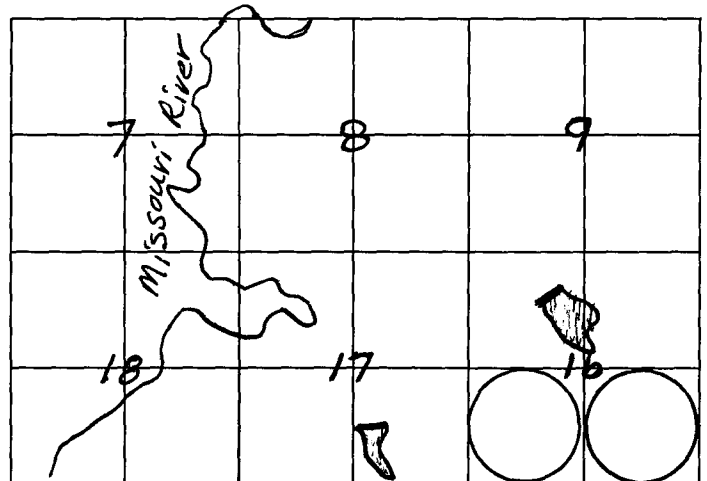
Dam #2 – NW ¼ SE ¼ Sec 17; all in T112N-

R80W

Water Impounded: Dam # 1 – E ½ NW ¼, W ½

NE ¼ Sec 16; Dam #2 – W ½ SE ¼ Sec 17;

all in T112N-R80W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: topo

Prepared by: Lynn Beck

Reviewed and the Number Assigned on: 6-21-2000

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

**SOUTH DAKOTA
WATER PERMIT NO. 6217-3**

Date of first receipt of application June 20, 2000.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 6217-3 to Nystrom Brothers, c/o Robert Nystrom, 123 S Polk Ave, Pierre SD 57501 authorizing the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 6217-3 authorizes impoundment of 70 acre-feet of water in two existing dams. Dam #1 impounds 44 acre-feet of water located in the NE ¼ NW ¼ Section 16 with water impounded in portions of the E ½ NW ¼, W ½ NE ¼ Section 16 and Dam #2 impounds 26 acre-feet of water located in the NW ¼ SE ¼ Section 17 with water impounded in portions of the W ½ SE ¼ Section 17; all in T112N-R80W. An investigation of Permit No. 3295-3 found the Missouri River supplying 5.56 cubic feet of water per second to each of these storage dams to irrigate 260 developed acres located in the S ½ Section 16-T112N-R80W. Water is pumped from the Missouri River to the storage dams then applied to the lands authorized by Permit No. 3295-3. No increase in the developed diversion rate or number of acres being irrigated is authorized by this permit.
2. The amount of the appropriation may not exceed 2 acre feet annually 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: April 1 – October 31.
3. The date from which applicant may claim right is June 20, 2000.
4. The date of approval of Permit No. 6217-3 is August 7, 2000.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Water Permit No. 6217-3 authorizes two dams with a combined storage capacity of 70 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: Garland Erbele

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

MAY 09 2001

date



Application For Permit To Appropriate Water For Irrigation

Type of Application: **X** New **Vested Right** **Amendment/Correction to Permit No.**

(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. Name of Applicant **Nystrom Brothers % Robert Nystrom** Phone **(605) 224-2364**

(check one)

Owner

Tenant/lessee

Mailing Address **123 S. Polk Ave., Pierre** State **SD 57501**

(Street, RR, or Box and City)

(Zip Code)

2. Amount of water claimed _____ *CFS or _____ **GPM **70** ***AF Total Acreage _____
 (*Cubic Feet per Second) (**Gallons per Minute) (***Acre Feet - storage capacity of dam/dugout or annual use if applicable)

(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable)

3. Source of water supply **Missouri River** Dam #1 NE 1/4 NW 1/4 Sec 16; Dam #2 NW 1/4 SE 1/4 Sec 17; all in T112N-R80W

4. Location of point of diversion (example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W) For dam in Section 17: at the Missouri River 1550' S. and 1810' E. of the NW corner Section 17. For dam in Section 16: at the Missouri River 580' S. and 970' E of the NW corner Sec. 17. County Hughes

5. County or counties where water will be used **Hughes** Jan 1 - Dec 31 (storage)

6. Annual period during which water is to be used April 1 through October 31 (Irrigation)

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each. Irrigated lands covered under Water Permit No. 3295-3. All in Section 16-T112N-R80W.

(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
NE¼ SW¼	32.5	NE¼ SE¼	32.5
NW¼ SW¼	32.5	NW¼ SE¼	32.5
SW¼ SW¼	32.5	SW¼ SE¼	32.5
SE¼ SW¼	32.5	SE¼ SE¼	32.5

8. Give a description of the project. (Attach sheet if more space is needed)

Storage for two existing dam for irrigation by two center pivots in the S½ of Section 16-T112N-R80W. Irrigated lands are covered under Water Permit No. 3295-3.

STATE OF SOUTH DAKOTA)

County of Hughes)

Attachments: Attach Form 2A if diversion is from a well or dugout, or if storage of water is proposed. Attach map and any other technical information. (see instructions)

I, Robert C. Nystrom, Secretary, the applicant, certify that I have read this application, have examined the attached map and that the matters stated are true and that I intend, and am able to complete the necessary construction.

Applicant's signature

Subscribed and sworn to before me this 20th day of June 2000

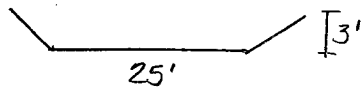
Notary Public signature

Commission Expires - 3-10-04

Dam #1 and dam #2 are both category 3 small size dams constructed prior to 1986. Therefore they do not have to meet the Safety of Dams Rules in Chapter 74:02:08.

Dam #1

$$\begin{aligned}
 \text{max. ht.} &= 14' \\
 \text{effective ht.} &= 11' \\
 \text{Storage} &= 44 \text{ acre-feet} \quad \text{max. storage} = 60 \\
 \text{Watershed} &= 231 \text{ acres} = 0.3609 \text{ mi}^2 \\
 \text{Avg. Slope} &= .0393\% = 207.6' / \text{mile} \\
 S_i &= 3.33 \\
 60 \text{ acre-feet} \times 11' &< 3,000 \\
 660 &< 3,000
 \end{aligned}$$



$$Q = CLH^{3/2} = 2.6(25)(11)^{1.5} = 337.75 \text{ cfs}$$

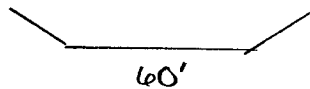
$$Q_{25} = 83.4(0.3609)^{0.60}(207.6' / \text{mi.})^{0.44}(3.33)^{-0.72} = 199.1 \text{ cfs}$$

$$Q_{50} = 106(0.3609)^{0.63}(207.6' / \text{mi.})^{0.45}(3.33)^{-0.69} = 268.4 \text{ cfs}$$

$$Q_{100} = 132(0.3609)^{0.65}(207.6' / \text{mi.})^{0.46}(3.33)^{-0.67} = 353.8 \text{ cfs}$$

Dam #2

$$\begin{aligned}
 \text{max. ht.} &= 25' \\
 \text{effective ht.} &= 22' \\
 \text{Storage} &= 26 \text{ acre-feet} \quad \text{max. storage} = 30 \\
 \text{Watershed} &= 1201 \text{ acres} = 1.8766 \text{ mi}^2 \\
 \text{Avg. Slope} &= .0218\% = 115.3' / \text{mile} \\
 S_i &= 3.33 \\
 30 \text{ acre-feet} \times 22' &= 660 < 3,000
 \end{aligned}$$



$$Q = 2.6(60)(22)^{1.5} = 810.6 \text{ cfs}$$

$$Q_{25} = 413.2 \text{ cfs}$$

$$Q_{50} = 581.9 \text{ cfs}$$

$$Q_{100} = 788.2 \text{ cfs}$$

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

N2 416550

Pierre, June 20, 3000

RECEIVED OF Nystrom Brothers, Inc., 123 S. Polk, Pierre, SD 57501
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>6217-3</u> to Appropriate Water, to construct and to put water to beneficial use _____	150	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. <u>6217-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	200 00

By Harold Ebel
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

June 15, 2000

Robert Nystrom
123 S. Polk Ave.
Pierre, SD 57501

Dear Mr. Nystrom:

Enclosed is a partially completed application form and instruction sheet. You will not have to provide a map as stated in item 2.) on the instruction sheet. I have already prepared one. The enclosed copy is yours to keep.

An inspection of Permit No. 3295-3 found storage of water in a dam not on any of the Nystrom Brothers permits. The dam is located in the SE $\frac{1}{4}$ Section 17, T112N, R80W and stores approximately 44 acre-feet of water for irrigation of land in the SW $\frac{1}{4}$ of Section 16. There is a brief mention of the dam located in the N $\frac{1}{2}$ of Section 16 on the inspection report done for Water Right No. 3729-3 in 1979. This dam is used to irrigate land in the SE $\frac{1}{4}$ of Section 16. However this structure stores more than 25 acre-feet (stores 26 acre-feet) of water and it is important that it also be permitted. I spoke with Norman Nystrom about this matter and at that time thought the dam in Section 16 was already permitted. Since the fee is the same for up to 120 acre-feet it would be advantageous to include both dams on this application.

This application is for 70 acre-feet of storage in two dams located in the SW $\frac{1}{4}$ of Section 17 and in the N $\frac{1}{2}$ of Section 16 all in T112N, R80W. A \$150.00 fee is required for the application and an additional \$50.00 is needed for the inspection/licensing fee. This fee will cover the inspection/licensing fee for the new application and Permit No. 3295-3. Once the new application is approved the two permits will be licensed together.

If you have any questions, please feel free to contact me a (605) 773-3352.

Sincerely,

Lynn Beck
Natural Resources Engineer III

REPORT ON WATER PERMIT APPLICATION NO. 6217-3
Nystrom Brothers
June 29, 2000

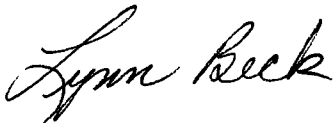
Application No. 6217-3 proposes to allow storage of 70 acre-feet of water from local runoff and the Missouri River in two existing dams. Dam #1 impounds 44 acre-feet of water located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 with water impounded in portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 16; all in T112N-R80W. Dam #2 impounds 26 acre-feet of water located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 with water impounded in portions of the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17; all in T112N-R80W. An investigation of Permit No. 3295-3 found the Missouri River supplying 5.56 cubic feet per second of water to each of the storage dams to irrigate 260 developed acres located in the S $\frac{1}{2}$ Section 16-T112N-R80W. Water is pumped from the Missouri River to the storage dams then applied to the lands authorized under Permit No. 3295-3. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Dam #1 impounds 44 acre-feet of water and its effective height is 11 feet. This dam is classified as a category 3, small size dam. Although the dam was constructed prior to 1986, and is exempt from the spillway requirements of the Safety of Dams Rules, Chapter 74:02:08, the spillway will pass more than a 50 year runoff event. Dam #2 impounds 26 acre-feet of water and its effective height is 22 feet. This dam is also a category 3, small size dam and was constructed prior to 1986. Dam #2 is exempt from the Safety of Dams Rules, however, the spillway will pass more than a 100 year runoff event.

Both dams are located on unnamed tributaries to the Missouri River, approximately 9 miles north and 5.5 miles west and 8.5 miles north and 6.5 miles west of Pierre, South Dakota. The diversion points at the Missouri River for filling the dams are authorized by Water Right No. 3729-3 held by the Nystrom Brothers. There are no other permits downstream that will be affected by the storage dams.

Conclusions:

1. Water is available from the drainage and the Missouri River for storage.
2. Existing water rights will not be impaired.
3. The spillways for dam #1 will pass more than the 50 year runoff event and the spillway for dam #2 will pass more than the 100 year runoff event.



Lynn Beck
Natural Resources Engineer III



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 6217-3, Nystrom Brothers**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 6217-3, Nystrom Brothers, c/o Robert Nystrom, 123 S. Polk Avenue, Pierre, SD 57501.

The Chief Engineer is recommending APPROVAL of Application No. 6217-3 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) it is in the public interest with the following qualifications:

1. Water Permit No. 6217-3 authorizes two dams with a combined storage capacity of 70 acre feet of water and sufficient water annually to maintain the water level to the outlet elevation.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Garland Erbele, Chief Engineer
July 5, 2000



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 7, 2000

Nystrom Brothers
%Robert Nystrom
123 S. Polk Ave.
Pierre, SD 57501

Dear Mr. Nystrom:

Water Permit Application No. 6217-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Capital Journal printed at Pierre, SD (Ph # (605) 224-7301). For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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 twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 7, 2000

Capital Journal
P.O. Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6217-3 to Appropriate Water to be published twice. Please publish the first notice on July 13, 2000, 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 Nystrom Brothers, %Robert Nystrom, 123 S. Polk Ave., Pierre, SD 57501 (Ph # (605) 224-2364).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,


Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

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

No. 6217-3

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

Date _____

We are in receipt of your letter of July 7, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6217-3 which was first published in our issue of _____. **ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.**

Name

Newspaper

Water Rights Program - File Documentation

NAME: Nystrom Brothers

ADDRESS: Pierre

DATE: 7-13-2000 **COUNTY:** HU **TELEPHONE:**

RE: Publication Notice

COMMENTS:

Tammy from the Capitol Journal called me and stated that Mr. Nystrom had not called to authorize publication of the notice for July 13th .

I told her to disregard the notice and we would be sending them another one.


Karen Schlaak
Environmental Scientist



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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

July 14, 2000

Nystrom Brothers
%Robert Nystrom
123 S. Polk Ave.
Pierre, SD 57501

Dear Mr. Nystrom:

Water Permit Application No. 6217-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Capital Journal printed at Pierre, SD (Ph # (605) 224-7301). Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing 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 twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

July 14, 2000

Capital Journal
P.O. Box 878
Pierre, SD 57501-0878

ATTENTION: Legal Public Notice

Enclosed is a Notice of Hearing on Application No. 6217-3 to Appropriate Water to be published twice. Please publish the first notice on July 21, 2000, 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 Nystrom Brothers, %Robert Nystrom, 123 S. Polk Ave., Pierre, SD 57501 (Ph # (605) 224-2364).

Please send the Water Rights Program the first publication immediately. The publication is checked for accuracy so any corrections can be made in the second publication. You may use the form below or fax a copy of the first publication. Any fax should be sent to the attention of Karen Schlaak at (605) 773-4068. Publication errors can invalidate the public notice.

After the second publication, **please send us an affidavit or use the enclosed Proof of Publication form.** The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CU T HERE-----

No. 6217-3

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

Date _____

We are in receipt of your letter of July 14, 2000, enclosing Notice of Hearing to Appropriate Water by Application No. 6217-3 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 July 21, 2000, with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF APPLICATION NO. 6217-3 to Appropriate Water

Notice is given that Nystrom Brothers, c/o Robert Nystrom, 123 S Polk Ave, Pierre SD 57501 has filed an application for a water permit to impound 70 acre-feet of water in two existing dams. Dam #1 impounds 44 acre-feet of water located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 16 with water impounded in portions of the E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ Section 16 and Dam #2 impounds 26 acre-feet of water located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17 with water impounded in portions of the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 17; all in T112N-R80W. An investigation of Permit No. 3295-3 found the Missouri River supplying 5.56 cubic feet of water per second to each of these storage dams to irrigate 260 developed acres located in the S $\frac{1}{2}$ Section 16-T112N-R80W. Water is pumped from the Missouri River to the storage dams then applied to the lands authorized by Permit No. 3295-2. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6217-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 7, 2000.

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



Capital Journal



AFFIDAVIT OF PUBLICATION

State of South Dakota, County of Hughes

Lami L. Martell of said county, being, first duly sworn, on oath, says: That he/~~she~~ is the publisher or an employee of the publisher of the **Capital Journal**, a daily newspaper published in the City of Pierre in said County of Hughes and State of South Dakota; that he/~~she~~ has full and personal knowledge of the facts herein stated, that said newspaper is a legal newspaper as defined in SDCL 17-2-2.1 through 17-2-2.4 inclusive, that said newspaper has been published within the said County of Hughes and State of South Dakota, for at least one year next prior to the first publication of the attached public notice, and that the legal display advertisement headed Notice of Application- No. 6217-3

a printed copy of which, taken from the paper in which the same was published, and which is hereto attached and made a part of this affidavit, was published in said newspaper for 2 successive week(s) to wit:

<u>July 21,</u>	<u>19²⁰⁰⁰</u>	<u>19</u>
<u>July 28</u>	<u>19²⁰⁰⁰</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>
<u>19</u>	<u>19</u>	<u>19</u>

That the full amount of the fee charged for the publication of the attached public notice inures to the sole benefit of the publisher or publishers; that no agreement or understanding for the division thereof has been made with any other person, and that no part thereof has been agreed to be paid to any person whomsoever; that the fees charged for the publication thereof are: \$ 47.17.

Signed: Lami L. Martell

subscribed and sworn to before me this 31 day of July, 2000
Mary Baker

Notary Public in and for the County of Hughes, South Dakota.
 My Commission expires 2-19, 2003.

No. 3304 2tdly 7/21, 7/28
NOTICE OF APPLICATION
NO. 6217-3 to
Appropriate Water

Notice is given that Nystrom Brothers, c/o Robert Nystrom, 123 S. Polk Ave., Pierre SD 57501, has filed an application for a water permit to impound 70 acre-feet of water in two existing dams. Dam No. 1 impounds 44 acre-feet of water located in the NE 1/4 NW 1/4 Section 16 with water impounded in portions of the E 1/2 NW 1/4, W 1/2 NE 1/4 Section 16 and Dam No. 2 impounds 26 acre-feet of water located in the NW 1/4 SE 1/4 Section 17 with water impounded in portions of the W 1/2 SE 1/4 Section 17; all in T112N-R80W. An investigation of Permit No. 3295-3 found the Missouri River supplying 5.56 cubic feet of water per second to each of these storage dams to irrigate 260 developed acres located in the S 1/2 Section 16-T112N-R80W. Water is pumped from the Missouri River to the storage dams then applied to the lands authorized by Permit No. 3295-2. No increase in the developed diversion rate or number of acres being irrigated is authorized by this application.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 6217-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on the application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider the application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and the Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's

recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E. Capitol, Pierre SD 57501, (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 7, 2000.

The petition may be informal, but must include a statement describing the petitioner's interest in

the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application.

Steven M. Pirner
Secretary

Department of Environment
and Natural Resources



Permit No. 3295-3 & 6217-3
Missouri 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, May 12, 2000 made a thorough examination of the water use system constructed by Nystrom Brothers of 123 S. Polk, Pierre, SD 57501 holder of Permit No. 3295-3, bearing the priority of November 23, 1976 authorizing the diversion of 13.7 cu. ft. per second and Permit No. 6217-3, bearing the priority date of June 20, 2000 authorizing the storage of 70 acre-feet of the waters of Missouri River for irrigation purposes, in Hughes County.

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

A. Works used to divert the water:

Pump site #1 - Submersible pump with a 2500 gpm capacity and a submersible motor rated at 50 hp in the river. Cornell centrifugal pump model 6 NWB 62B4 with a 2500 gpm capacity and a U.S. Electric motor rated at 125 hp on shore.

Pump site #2 - 2 Cornell pumps model 6 H 100-4 with a 2000 gpm capacity each and 2 GE motors model 5K404YP212 rated at 100 hp each.

Pump site #3 - Submersible pump with a 2500 gpm capacity and a submersible motor rated at 50 hp in the river. Cornell centrifugal pump model 6 NWB 62B4 with a 2500 gpm capacity and a U.S. Electric motor rated at 100 hp on shore.

Pump site #4 - Cornell pump model 5WB with a 1000 gpm capacity and a GE motor rated at 75 hp.

Pump site #5 - Cornell model 5WB with a 1000 gpm capacity and a GE motor rated a 75 hp.

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

5070' of 8" pvc pipe, 1900' of 10" pvc pipe, 9820' of 12" pvc pipe, 8025' of 16" pvc pipe, and 8450' of 10" aluminum above ground pipe; dam #1 is 14' to top of crest with a earthen spillway and dam #2 is 25' to top of crest with a earthen spillway.

C. Works used to apply water to beneficial use:

Two Electogater center pivots each 1320' long with 10 towers and end guns, high pressure systems with a capacity of 900 gpm each.

The system is in the following condition good. The point of diversion is located div. pt.#1 - 1810' E and 1550' S and div. pt. #2 - 970' E and 580' S of the NW corner of Section 17; div. pt. #3 - 430' W and 790' N of the SE corner of Section 5; FROM DAM #1: div. pt. #4 - 2270' W and 1195' S of the NE corner Section 16; FROM DAM #2; div. pt. #5 - 1825' W and 1375' N of the SE corner Section 17, all in T112N-R80W. The works are capable of diverting and conveying to the place of use 4.0 cu. ft. per second of water through the center pivots and/or storage of 70 acre feet of water in two dams which is to be used for irrigation. Water is pumped to the dams from the Missouri River at a rate of 5.56 cfs each. Water has been put to beneficial use to the maximum extent as follows:

All in Section 16 T112N-R80W:

<u>NE¹/₄ SW¹/₄ 32.5 acres</u>	<u>NE¹/₄ SE¹/₄ 32.5 acres</u>
<u>NW¹/₄ SW¹/₄ 32.5 acres</u>	<u>NW¹/₄ SE¹/₄ 32.5 acres</u>
<u>SW¹/₄ SW¹/₄ 32.5 acres</u>	<u>SW¹/₄ SE¹/₄ 32.5 acres</u>
<u>SE¹/₄ SW¹/₄ 32.5 acres</u>	<u>SE¹/₄ SE¹/₄ 32.5 acres</u>

comprising a total of 260 acres of land and the license should be issued for 3.71 cfs and/or 70 acre-feet of storage.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck

Lynn Beck

Natural Resources Engineer

DENR, Water Rights Program

Aug. 9, 2000

Date

REPORT ON INSPECTION OF PERMIT NO. 3295-3 & 6217-3

DATE OF INSPECTION: 5-12-2000

Other permit(s) associated with the project: Lic. No. 3729-3 covers the pump sites at the Missouri River and pump site at dam #1 in Section 16.

NAME & ADDRESS OF INSPECTION CONTACT: Tom Tveit, 2022 E Coyote, Pierre, SD 57501 (605) 224-7408 mobile # 254-0595.

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: renter

NAME & ADDRESS OF PERMIT HOLDER: Nystrom Bothers, 123 S. Polk, Pierre, SD 57501 (605) 224-2364.

DIVERSION POINT LEGAL LOCATION: FROM MISSOURI RIVER: div. pt.#1 - 1810' E and 1550' S and div. pt. #2 - 970' E and 580' S of the NW corner of Section 17; div. pt. #3 - 430' W and 790' N of the SE corner of Section 5; FROM DAM #1: div. pt. #4 - 2270' W and 1195' S of the NE corner Section 16; FROM DAM #2; div. pt. #5 - 1825' W and 1375' N of the SE corner Section 17, all in T112N-R80W.

Pump: div. pt. #1 pump and motor in river.

- 1) Make Submersible
- 2) Model
- 3) Size
- 4) Capacity 2500 GPM

Motor:

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

Pump: div. pt. #1 pump and motor on shore

- 1) Make Cornell centrifugal
- 2) Model 6 NWB 62B4
- 3) Size #
- 4) Capacity 2500 GPM

Motor:

- 1) Make U.S. Electric
- 2) Model No.
- 3) Horsepower rating 125 hp

Pump: div. pt. #2

- 1) Make 2-Cornells
- 2) Model 6 H 100-4
- 3) Size 14¼
- 4) Capacity 2000 GPM each

Motor:

- 1) Make 2-General Electric
- 2) Model No. 5K404YP212
- 3) Horsepower rating 100 hp each

Pump: div. pt. #3 in the river.

- 1) Make submersible
- 2) Model
- 3) Size
- 4) Capacity 2500 GPM

Motor:

- 1) Make submersible
- 2) Model No.
- 4) Horsepower rating 50 hp

Pump: div. pt. #3 pump and motor on shore

- 1) Make Cornell centrifugal
- 2) Model 6 NWB 62B4
- 3) Size #
- 4) Capacity 2500 GPM

Motor:

- 1) Make U.S. Electric
- 2) Model No.
- 3) Horsepower rating 100 hp

Pump: div. pt. #4

- 1) Make Cornell
- 2) Model 5WB
- 3) Size #
- 4) Capacity 1000 GPM

Motor:

- 1) Make General Electric
- 2) Model No. #
- 3) Horsepower rating 75 hp

Pump: div. pt. #5

- 1) Make Cornell
- 2) Model 5WB
- 3) Size #
- 4) Capacity 1000 GPM

Motor:

- 1) Make General Electric
- 2) Model No. #
- 3) Horsepower rating 75 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type pvc 2) Size 8" 3) Length 5070 feet
- 1) Type pvc 2) Size 10" 3) Length 1900 feet
- 1) Type pvc 2) Size 12" 3) Length 9820 feet
- 1) Type pvc 2) Size 16" 3) Length 8025 feet
- 1) Type aluminum 2) Size 10" 3) Length 8450 feet

SYSTEM TYPE:

Center Pivot: In SW of Section 16

- 1) Make Electrogater
- 2) Overall length 1320'
- 3) Number of towers 10
- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 900 GPM

Center Pivot:

- 1) Make Electrogater
- 2) Overall length 1320'
- 3) Number of towers 10

- 4) End gun yes
- 5) High or low pressure high
- 6) Capacity 900 GPM

DAM INFORMATION: Dam #1 in Section 16.

- 1) Height to crest 14 feet
- 2) Height to primary spillway 11 feet (earthen spillway)
- 3) Height to secondary spillway na feet
- 4) Crest width 15 feet
- 5) Crest length 200 feet
- 6) Spillway length 65 feet
- 7) Spillway width 25 feet
- 8) Approx. storage 44 ac-ft (4 ac. x 11' x .4)
- 9) Approx. Storage to crest 56 ac-ft (6.8 ac. x 14' x .4)
- 10) Date constructed: #
- 11) Category of Dam small size 3
- 12) Inspection Sheet Completed no

DAM INFORMATION: Dam #2 in Section 17.

- 1) Height to crest 25 feet
- 2) Height to primary spillway 22 feet
- 3) Height to secondary spillway na feet
- 4) Crest width 24 feet
- 5) Crest length 300 feet
- 6) Spillway length 50 feet
- 7) Spillway width 60 feet
- 8) Approx. storage 26 ac-ft (5 ac. x 22' x .4)
- 9) Approx. Storage to crest 30 ac-ft (7.8 ac. x 25' x .4)
- 10) Date constructed: #
- 11) Category of Dam small size 3
- 12) Inspection Sheet Completed #

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

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

6217-3



Lynn Beck
Natural Resources Engineer
DENR, Water Rights
May 16, 2000



Protecting South Dakota's Tomorrow ... Today

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 6217-3

(1) Nystrom Brothers, 123 S Polk Ave, Pierre SD 57501 made Application No. 6217-3, June 20, 2000 for a water permit authorizing storage of 70 acre-feet of water annually from the Missouri River, Hughes County, South Dakota for irrigation purposes. Permit No. 6217-3, with a priority date of June 20, 2000 was approved August 7, 2000. Two storage dams had been constructed as part of the water use system authorized under Water Permit No. 3295-3. Water Permit No. 6217-3 did not allow for an increase in the developed diversion rate or number of acres being irrigated under No. 3295-3.

Water Permit No. 3295-3, with a priority date of November 23, 1976, authorized 13.7 cubic feet of water per second (cfs) from the Missouri River to irrigate 960 acres. The applicable portions of No. 3295-3 are incorporated into Water License No. 6217-3.

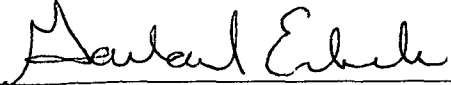
(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply. The permit holder diverts from the Missouri River directly to two storage dams (44 and 26 acre-feet annually) at a rate of 5.56 cfs to each dam. The systems are capable of diverting 4.0 cfs from the dams for irrigation purposes. The statutory limit authorized for irrigation of 260 acres (listed below) is 3.71 cfs. The location of the diversion points are: **All in T112N-R80W**

Missouri River #1 - 1,810 feet east and 1,550 feet south from NW corner Section 17 (SE $\frac{1}{4}$ NW $\frac{1}{4}$)
#2 - 970 feet east and 580 feet south from the NW corner Section 17 (NW $\frac{1}{4}$ NW $\frac{1}{4}$)
#3 - 430 feet west and 790 feet north of SE corner Section 5 (SE $\frac{1}{4}$ SE $\frac{1}{4}$)
Storage Dam #1 - 2,270 feet west and 1,195 feet south of the NE corner Section 16 (NE $\frac{1}{4}$ NW $\frac{1}{4}$)
#2 - 1,825 feet west and 1,375 feet north of the SE corner Section 17 (NW $\frac{1}{4}$ SE $\frac{1}{4}$)

(3) The permit holder 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 16-T112N-R80W			
NE $\frac{1}{4}$ SW $\frac{1}{4}$	32.5 acres	NE $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 acres
NW $\frac{1}{4}$ SW $\frac{1}{4}$	32.5 acres	NW $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 acres
SW $\frac{1}{4}$ SW $\frac{1}{4}$	32.5 acres	SW $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 acres
SE $\frac{1}{4}$ SW $\frac{1}{4}$	32.5 acres	SE $\frac{1}{4}$ SE $\frac{1}{4}$	32.5 acres
Total 260 acres			

(4) Pursuant to South Dakota Water Law 46-5-30.1 Nystrom Brothers, 123 S Polk, Pierre, SD 57501 the holders and/or owners of Incorporated Water Right No. 6217-3 are issued a license to appropriate water, the right to divert 5.56 cfs from the Missouri River to each of the two storage dams, with storage of 70 acre feet annually (June 20, 2000 priority date) from the locations specified in (2) of this license. The water right holders are authorized diversion of 3.71 cfs to the acres described in (3) of this license for irrigation purposes. This license, bearing a priority date of November 26, 1976, is subject to any limitations or qualifications listed in Water Right No. 6217-3 and subject to South Dakota State Law.


GARLAND ERBELE, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

MAY 09 2001

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAY 09 2001

6217-3

Nystrom Brothers
123 S Polk Ave
Pierre SD 57501

Dear Mr. Nystrom:

Enclosed is Water Permit and License No. 6217-3. These are the final water right documents completing your process of obtaining a Water Right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Sincerely,

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

NOTE: The applicable portions of No. 3295-3 are incorporated into Water License No. 6217-3.

enclosures

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Bob Nystrom, 123 S Polk Ave, Pierre SD 57501

DATE: July 5, 2011

TELEPHONE: 605 224-2364

RE: Use of water under Water Right No. 6217-3

COMMENTS:

On the 2010 irrigation questionnaire submitted by Mr. Nystrom, he indicated the use of water for No. 6217-3 had been abandoned (he did not "write" this on the form, he checked the box). Irrigation questionnaires in the past few years reflect no irrigation was done however he had written in comments stating they either had too much water or the reservoir level was too low and they had insufficient water.

On today's date, I spoke with Mr. Nystrom by phone concerning the water right and his intent towards irrigation. He indicated he did not actually abandon the use. The storage dams are still there and he could pump if conditions warrant. He felt that he himself may not irrigate again but his son might or he may sell the land.

I told him to keep us informed through the annual irrigation questionnaire as to their intent.



Genny McMath
Water Rights Program



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

October 23, 2013

6217-3

Norman Nystrom
PO Box 1104
Pierre SD 57501

Dear Mr. Nystrom:

I am contacting you in regard to Water Right No. 6217-3 listed in the name of Nystrom Brothers % Robert Nystrom (copy enclosed). Robert has notified us that you now own the land.

Enclosed is a partially completed Notice of Transfer of Ownership form for filing an ownership change. Please review the form and make any necessary corrections. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

Also enclosed is the 2013 irrigation questionnaire pertaining to the water right. Please complete and return the form prior to December 2nd.

Thank you in advance for your help in updating the water right. If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Genny McMath".

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

enclosures

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 6217-3

Date: _____

RECEIVED

NOV - 7 2013

WATER RIGHTS
PROGRAM

I/We request that Water Right No. 6217-3

formerly owned by: Nystrom Brothers – Robert Nystrom

be transferred to: (name & address) Norman Nystrom Family Farm,
PO Box 1104, Pierre SD 57501

Telephone No. 605 224-5714

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

260 acres – S ½ Section 16, T112N, R80W

I/We understand that the validity of Water Right No. 6217-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We _____, the new owner, certify that the above information is true and correct.

Norman Nystrom
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 11/8, 20 13

RECEIVED OF Norman Nystrom PO Box 1104 Pierre SD 57501

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	50	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 <u>6217-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____	50	00
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06477**

By J. Anne Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

November 13, 2013

6217-3

Norman Nystrom
Norman Nystrom Family Farm
PO Box 1104
Pierre SD 57501

Dear Mr. Nystrom:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 6217-3.

The ownership change has been completed. Water Right No. 6217-3 formerly held by Robert Nystrom – Nystrom Brothers, is now listed under Norman Nystrom Family Farm.

Enclosed for your records is Receipt No. 06477 in the amount of \$50 which you paid for filing the ownership change. If you have any questions, please contact me.

Sincerely,

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

enclosure



6217-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 16, 2015

NOTICE

TO: NORMAN NYSTROM, PO BOX 1104, PIERRE, SD 57501 1104

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

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3729-3 & 6217-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3729-3 & 6217-3 qualification:

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

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3729-3 & 6217-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 21, 2015

3729-3
6217-3

Norman Nystrom
PO Box 1104
Pierre SD 57501 1104

Dear Mr. Nystrom:

I am writing to acknowledge receipt of your 2014 irrigation questionnaires.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Right Nos. 3729-3 & 6217-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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



6217-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 20, 2017

NOTICE

TO: NORMAN NYSTROM, PO BOX 1104, PIERRE, SD 57501 1104

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2016 Irrigation Questionnaire(s)

Our records indicate your 2016 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3729-3 & 6217-3. The request for the Questionnaire was dated October 21, 2016. The Water Management Board has directed that owners of water permits who have not submitted the 2016 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3729-3 & 6217-3 qualification:

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

The hearing will be held at **Wednesday, March 1, 2017 at 11:00 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3729-3 & 6217-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 1, 2017** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



6217-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 31, 2017

3729-3
6217-3

Keith Nystrom
Norman Nystrom Family Farm
PO Box 1104
Pierre SD 57501

Dear Mr. Nystrom:

I am writing to acknowledge receipt of your 2016 irrigation questionnaires.

You may disregard the January 20, 2017, "Notice" concerning reporting requirements for Water Right Nos. 3729-3 and 6217-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

6217-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 17, 2018

3729-3
6217-3

Keith Nystrom
19795 Mallard Pl
Pierre SD 57501

Dear Mr. Nystrom:

I am writing in follow-up to our email communication concerning ownership changes for Water Right Nos. 3729-3 and 6217-3.

Enclosed are partially completed Notice of Transfer of Ownership forms for filing the ownership changes. Upon completion, please sign the forms and return them to our office with a required filing fee of \$50.00 each (total of \$100). The check or money order for the fee can be made payable to the Water Rights Program.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in cursive script that reads 'Genny McMath'.

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

enclosures

6217-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

December 17, 2018

3729-3
6217-3

John Nystrom
Nystrom Family Land Limited Partnership
19795 Mallard Pl
Pierre SD 57501

Dear Mr. Nystrom:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for changing ownership on Water Right No. 3729-3.

The ownership change has been completed. Water Right No. 3729-3, formerly held by Norman Nystrom, is now listed in the name of **"Nystrom Family Land Limited Partnership."**

Enclosed for your records is Receipt No. 08919 in the amount of \$50 which you paid for filing the ownership change. As requested, ownership of Water Right No. 6217-3 was not changed and will continue to be listed under **Norman Nystrom Family Farm.**

If you have any questions, please give me a call.

Sincerely,

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

enclosure

6217-3



DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES
JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2022

NOTICE

TO: NYSTROM FAMILY LAND LTD PARTNERSHIP, JOHN NYSTROM, 19795 MALLARD PL,
PIERRE, SD 57501 1104

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2021 Irrigation Questionnaire(s)

Our records indicate your 2021 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 3729-3 & 6217-3. The request for the Questionnaire was dated October 22, 2021. The Water Management Board has directed that owners of water permits who have not submitted the 2021 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 3729-3 & 6217-3 qualification:

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

The hearing will be held at **Wednesday, March 2, 2022 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 3729-3 & 6217-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 2, 2022** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. **If you prefer, you can complete the questionnaire online at the following link: <https://danr.sd.gov/iq> using this password: COBYM**

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

6217-3



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 25, 2022

3729-3
6217-3

John Nystrom
Nystrom Family Land Ltd Partnership
19795 Mallard Pl
Pierre SD 57501-1104

Dear Mr. Nystrom:

I am writing to acknowledge receipt of your 2021 irrigation questionnaires.

You may disregard the January 20, 2022, "Notice" concerning reporting requirements for Water Right Nos. 3729-3 & 6217-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us