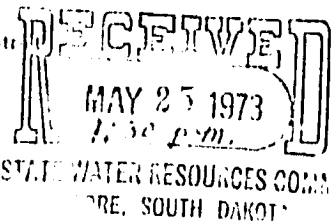


Water Right Number 1090-3

1. Considered November 14, 19 73
2. Name of Applicant Leo Brockel
3. Post Office Address Java, S.D.
4. Amount of Water claimed 1.93
5. Source of Water supply ground water well
6. Water to be used for irrigation
Acres to be irrigated 135
7. Water to be diverted and used in Campbell County
about 6S 3E miles North of Salt MOUND CITY
8. Proof of Publication Received x 10/30/73 ✓
Not Received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 1411-3 Water Division No. 3 MISSOURI RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE: Draw a line through items not applicable)

1. Name of Applicant ~~Leo Brockel~~ Kenneth Brockel
 Postoffice address Java RR #1, Box 18 State South Dakota
 If a corporation show date and place of incorporation No
2. Method of accomplishing work (contract, employment of others, or by direct labor) all will be constructed by licensed driller
Farm work will be done by Leo and Son Irrigation well
3. Name of diversion work 1.93 MAXIMUM ALLOWABLE
4. Amount of water claimed (cubic feet per second) 120 feet per second
5. Source of water supply Irrigation well
6. Location of point of diversion Center of SE of 15, 125, 25

- County Campbell
7. Annual period or periods during which water is to be used May 1st to November 1st.
8. Use to be made of water (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, Total number of acres to be irrigated 135 acres

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>1/4 section of 15 SE-SE</u>	<u>34</u>		
<u>1/4 section of 15 SW-SE</u>	<u>34</u>		
<u>1/4 section of 15 SW-NE</u>	<u>34</u>		
<u>1/4 section of 15 NW-SE</u>	<u>34</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system two (2) years. Additional time required to complete application of water to the proposed beneficial use two (2) years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Follock Pioneer and The Prairie Picayune
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source.
Irrigation well
- B. Work proposed to transport water to place of use.
Center pivot system
- C. Works proposed to apply water to beneficial use.
Center pivot system

Estimated Total Cost \$ 28,000

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach map (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA

County of Campbell

I, Leo Brockel the applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, as I am able to complete the necessary construction.

Signed Leo BrockelSubscribed and sworn to before me this 23rd day of May, 1973

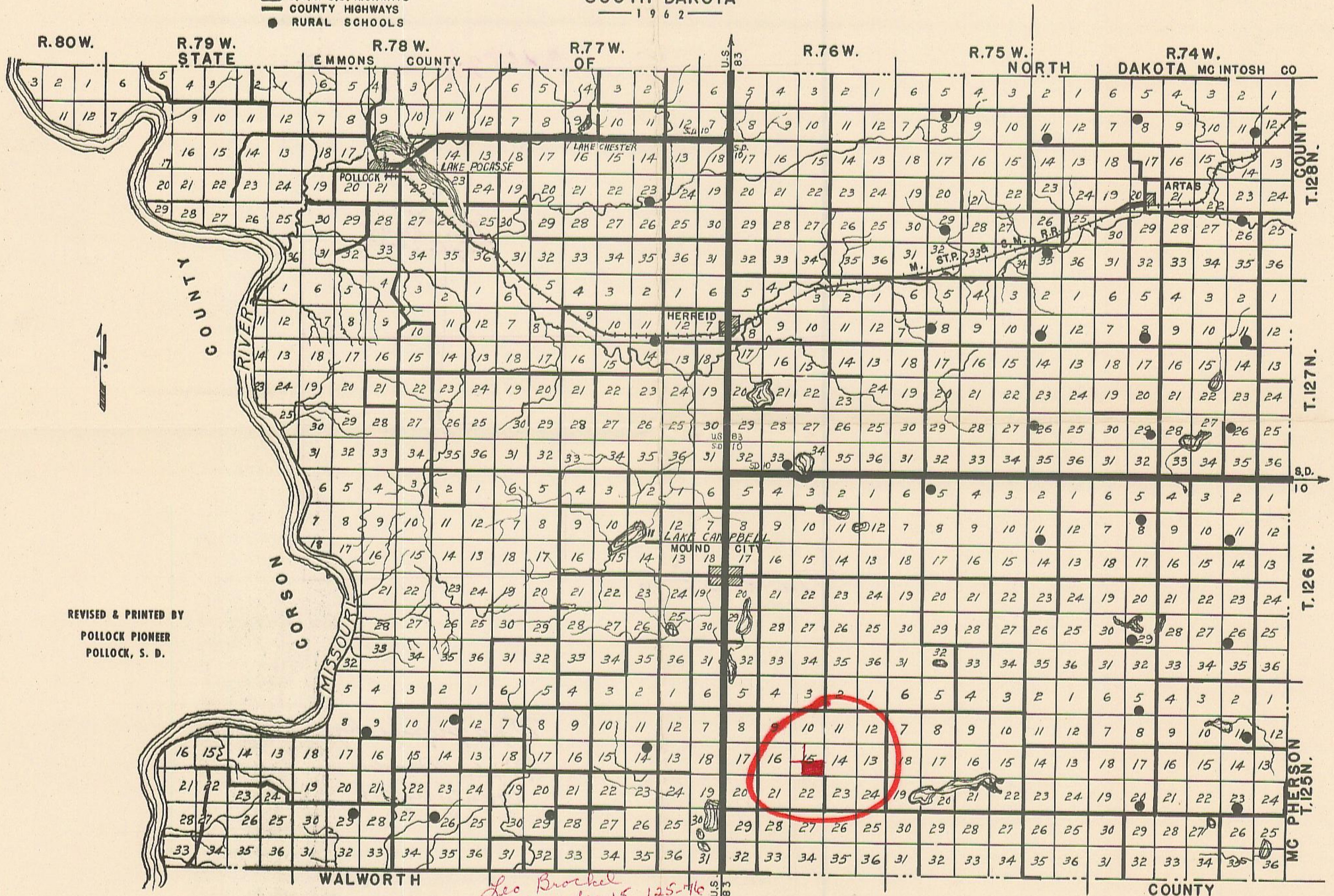
James H. Hall, Registered Nurse
 Notary Public for other qualified officers

CAMPBELL COUNTY HIGHWAY MAP

SOUTH DAKOTA

1962

- U.S. & S.D. HIGHWAYS
- COUNTY HIGHWAYS
- RURAL SCHOOLS



REVISED & PRINTED BY
POLLOCK PIONEER
POLLOCK, S. D.

*Leo Brockel
Dec 15 125-116
Dec 14 7*

See back of map

11/23/23
Appl. #
1990-3

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1990-3

LEO BROCKEL, Kenneth
(Applicant)

JAVA RR #1, Box 18
(Post Office Address)

SOUTH DAKOTA 57452 With the following modification:
(State)

The irrigation well approved under this Permit is located near domestic wells which may obtain water from the same aquifer. The irrigation well owner, under this Permit, shall control his irrigation withdrawals so there is not a reduction of needed water supplies in existing domestic wells.

Date of first receipt of application MAY 25 19 73
Date of return to applicant for correction, amendments or changes required MAY 25 19 73
Date of receipt of corrected application AUGUST 22 19 73
Approved NOVEMBER 14 19 73 Recorded in Book 12 Page 269

WATER RIGHT PERMIT No. 1990-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1990-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is AUGUST 22 19 73
2. The equivalent of at least one fifth of the work above specified is to be completed on or before NOVEMBER 14 19 74
3. The whole of said work is to be completed on or before NOVEMBER 14 19 75 78
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 14 19 77 78
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 1.93 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventeth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before NOVEMBER 14 19 77 said water to be used during the following described annual period: MAY 1 TO NOVEMBER 1

Witness my hand this 15TH day of NOVEMBER 19 73

WATER RESOURCES COMMISSION

By

Donald E. Dineen
Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 2 19 78

Water License Issued FEBRUARY 2 19 78

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 32 inches, Depth 268 feet
- (2) Casing, Type steel or fiberglass (wood, concrete, steel, etc) Diameter 16 inches Thickness 5/8 inch
- (3) Perforated Screen.
Type steel or fiberglass Diameter 16 inches Length 20 feet
- (4) Gravel Pack. Thickness 8 inches, Length of gravel pack depth of well

E. Dugout Information or Estimates.

- (1) Surface dimensions _____, Depth _____

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials copy attached of
water bearing materials

Depth to top of water bearing material 225 feet

Depth to bottom of water bearing material 268 ft

Thickness of water bearing material 33 ft

Depth to water (ground surface to water level) 65 ft

- (2) Distance to nearest existing household or livestock watering wells. 3/4 of a mile (adjacent farm)
- On same owner's property 2 miles On property owned by others 3/4 mile (adjacent farm)

G. Water Storage Dams. None

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

Leo Brockel
Signature of Applicant

Conservation
Commission
Form WI #1

STATE CONSERVATION COMMISSION
SUPPORTING INFORMATION
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE
WITH SDCL 46-6-3 AS AMENDED
(This Form Required for Proposed Well Irrigation Only)

FOR COMMISSION USE ONLY

Irrigation System: OK

Water Quality: Good

Soils Capability: OK

Approved: 8/15/1977

Disapproved: 2/15/1978

NAME: Leo E. Brackel

ADDRESS: John A. Dalk

COUNTY: Sanpete County

LEGAL DESCRIPTION

1. WELL LOCATION: SE⁴ Sec. 15 128-76
2. AREA TO BE IRRIGATED: same

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): pivot
4. CROPS TO BE IRRIGATED: alfalfa - corn

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 2-4%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: Sand. - loam
Class II 55% Class III 50%

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO.: 73-276
8. SALINITY: Med-high (EC = 764)
9. SODIUM: low (SAR = 0.47)

I do hereby certify that a chemical analysis of the ground water to be
acquired for irrigation from South Dakota State University and:

the land capability for irrigation information has been acquired from

Soil Conservation Service of Campbell County
Herrick, S. Dak.

and:
that the legal description for the location of the well and land to be
irrigated is true and correct.

Eric C. Backlund

Subscribed and sworn before me this

8 day of May 19 73.

Ruth Madden

Notary

(Title)

May 11, 1973

Mr. Leo E. Brockel
Java, South Dakota 57452

Dear Mr. Brockel;

Your water sample (73-276) has been analyzed. The quality is indicated by the red cross on the back cover of extension circular 654, which is enclosed for your use.

You should have no trouble with this water on your soil if you are careful not to over-irrigate and raise the water table. The soils indicated with your WI-1 form are normally of fair to good internal drainage.

It may be necessary to leach by irrigating once in 3-5 years in the late fall, then letting fall and winter precipitation help on the leaching job. If the soil profile is filled before fall freeze-up, winter snow and spring and fall rains can help a lot in leaching salts out of the root zone.

Please read carefully the enclosed circular 654.

Sincerely yours,

Lawrence O. Pine

Lawrence O. Pine, In Charge
Water Quality Lab

LOF:lb

encl

cc: State Conservation Commission, Darrell Pahl, Michael Madden-County Agent

REPORT OF ANALY
Water Quality Laboratory
Water Resources Research Institute
South Dakota State University
Brookings, South Dakota 57006

Submitted by: Leo H. Buehler
 Address: 701, South Dakota
57452

Date Rec'd: May 2, 1973
 Sample No: 73-276
 Identification: Well
S12, S30, 15, T 125N, R 76W

WATER ANALYSIS

Calcium (Ca)	133	ppm*	6.64	me/l**
Magnesium (Mg)	8	ppm	0.63	me/l
Sodium (Na)	20	ppm	0.89	me/l
Potassium (K)	12	ppm	0.31	me/l
Sulfate (SO ₄)	73	ppm	1.13	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	400	ppm	6.55	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)	364	ppm		g.p.g.***
Alkalinity (Methyl Orange)	328	ppm (as CaCO ₃)		
Alkalinity (Penolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	764	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.47			
Sodium	10.51	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.72			
Others:				

*ppm=parts per million

***g.p.g.=grains per gallon

**me/l=milliequivalents per liter

COMMENTS: Total cations 8.47 me/l
 Total anions 8.15 me/l

By: Charles E. Johnson

Service Performed

Amount Due

Irrigation Analysis

\$6.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 73-276

Amount Enclosed \$

Signed

August 22, 1973

Mr. Michael Madden
County Agent
Mound City, South Dakota 57647

Dear Mike:

In reply to your note about Mr. Leo E. Brockel's supporting information for an irrigation well permit. With the detailed soil information I have received, Mr. Brockel can irrigate the site if he follows the recommendations.

After receiving further information on soils and Dr. Fine's recommended actions, I have sent his supporting information to the Water Resources Office.

There is a variation in the water quality of Campbell and Walworth counties that will require special information on soil and management.

Sincerely yours,

Hazard Geers
Chief, Soil & Water Program
State Conservation Commission

HG/pa

cc: Water Resources ✓

Len Brockel

Soils

SE⁴ Sec. 15 125, 76

52 - 4% 50 Ac 1Vs-2
Sandy-loam

52 6% 15 Ac 1Vs-2
Sandy-loam

51 2% 15 Ac 11c
Parshall loam (silt loam)

26 2-1 60 Ac IIIs-2
Flaxton Sandy loam Sandy

53 6% 15

1 2% 50 Ac. 51⁹ 51⁰ 2-3 Ac IIIs-1

Arnegard Silt loam overflow site.

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1190-3

(1) WHEREAS, On the 25th day of May A. D. 19 73
Leo Brockel

made Water Right Application No. 1990-3 for a permit to use 1.93 cubic feet per second of the waters
of groundwater

County of Campbell, State of South Dakota, for irrigation
purposes; and

(2) WHEREAS, On the 15th day of November A. D. 19 73

Permit No. 1990-3, with a date of priority of August 22, 1973
was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water
supply system therein described on or before the 14th day of November A. D. 19 78 and for the
application to beneficial use of said water on or before the 14th day of November A. D. 19 78

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to completion of the construction of the water supply system and is entitled to divert 1.93 cubic feet
per second of water for beneficial use and,

(4) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota
relating to the application of water to beneficial use of the following extent,

for irrigating a 132 acre circle in the SE1, Section 15, T125N, R76W

(5) NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota, We hereby grant and confirm to Leo Brockel

_____ of Java

the holder _____ and owner _____ of said permit No. 1990-3 a water right, dating from August 22, 1973

_____ to use of 1.03 cubic feet per second of the waters of groundwater

in the County of Campbell and State of South Dakota, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point 1450'N and 1450'W of the SE corner, Section 15, T125N, R76W

and conduct to and upon a 132 acre circle in the SW 1/4, Section 15, T25N, R76W

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 1990-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 2nd day of February A. D.
Nineteen Hundred and Seventy-eight

WATER RIGHTS COMMISSION

By:

John H. H. H.
Chief Engineer, Executive Officer

Form 15.

Permit No. 1990-3

Water Diversion No. 3 Missouri River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Leo Brockel

_____ the holder _____ of
Permit No. 1990-3, issued upon Application No. 1990-3, bearing date of priority of August 22,
1973 authorizing the diversion of 1.93 cu. ft. per second of the waters of _____
groundwater _____ County of Campbell, State of South Dakota at _____
a point 1450'W and 1450'W of the SE corner, Section 15, T126N, R76W
_____, for irrigation

purposes, has S complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 2.0 cu. ft. per second of water.

Date February 2, 1975

By:

WATER RIGHTS COMMISSION

John Hatch
(JOHN HATCH, Chief Engineer)

Form 6 - Notice of Intent to Appropriate Water

1990-3

Publish first publication, on or before October 25, 1973

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

September 18, 1973

Notice is hereby given that Leo Brockel

whose post office address is Java, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use

1.93 cubic feet of water per second of time from the ground water through the

Brockel Well #1, the point of diversion of which is to be located in the

NE 1/4 SE 1/4

of Section 15, Twp. 125N, Range 76W. Said water to be used for the purpose

of providing irrigation on the following described land:

SE 1/4, Section 15, T125N, R76W

This application No. 1990-3 will be considered by the Water Rights Commission at their office at

Pierre upon the 14th day of November, 1973, at 2:30 P. M. All interested persons may appear and be heard.

~~WATER RESOURCES COMMISSION~~
WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

cc: Leo Brockel, Java, S.D. 57452

No. _____

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) ss.
County Cambell)

I, William R. Bommersbach hereby
certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Prairie Picayune

A newspaper which during the whole time of publication of said notice herein after stated, has been and is printed and published in the _____

City of Herreid

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

Sept. 27, 1973 and Oct. 4, 1973

William L. Combs
(Signature)

Public _____
(Title)

Dec. 29, 1973
(Date Signed)

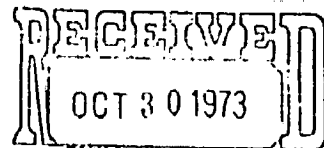
**NOTICE INTENT TO
APPROPRIATE WATER**

Notice is hereby given that Leo Brockel whose post office address is Java, South Dakota, has made an application in accordance with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use 1.93 cubic feet of water per second of time from ground water through the Brockel Well No. 1, the point of diversion of which is to be located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Twp. 125N, Range 76W. Said water to be used for the purpose of providing irrigation on the following described land:

SE4, Section 15, T125N, R76W.
This application No. 1990-3 will be considered by the Water Rights Commission at their office at Pierre upon the 14th day of November, 1973, at 2.30 P.M. All interested persons may appear and be heard.

By: WATER RIGHTS
COMMISSION

BURTON F. JONES,
Water Rights Specialist



STATE WATER RIGHTS COMM.
PIERRE, SOUTH DAKOTA

APPLICATION FOR EXTENSION OF TIME

TO: **WATER RIGHTS COMMISSION**
State Office Building No. 2
Pierre, South Dakota 57501

11/13/75

Date _____

Dear Sirs:

In Water Right Permit No. 1990-3 it is specified that the water diversion system is to be completed by November 14, 1975 and that the water is to be put to the limit of beneficial use by November 14, 1977.

I hereby request that the date for completing the diversion system be extended to November 14, 1978 and that the date for putting the water to the limit of beneficial use be extended to November 14, 1978.

The extension of time for the completion of these works is requested for the following reasons: _____
Not enough time to complete the project

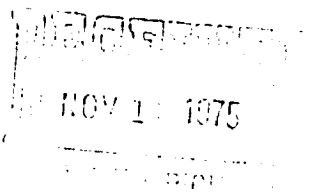
Enclosed herewith is a fee of \$1.00 to pay the cost of filing this request for extension of time.

Joe B. Bockel
(Signed)
Holder of Permit No. 1990-3

APPROVED:

WATER RIGHTS COMMISSION

By:



1990-3

Leo Brockel

7-27-76

Well 219 ft deep

Model 516553 278311A

Loc # 85573571

Model 70RH

Loc # 85573571

Model 70RH

Loc # 85573571

Model 70RH

Loc # 85573571

Model 70RH

Well 205 N of S.F. - 3' deep

Well 205 - 1' deep

Loc # 85573571

Model 70RH

Loc # 85573571

1990-3

Leo Brockel

3-23-76

Plane to Drill well within 15 days of contract
to be well used.

Loc # 85573571

Permit No. 1990-3Water Division 3 Missouri River Water District

**REPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USE**

TO: Water Resources Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Leo Brockel
 of Java, South Dakota 57454 holder
 of Permit No. 1990-3, hearing date of priority of August 20, 1973
 authorizing the diversion of 1.93 cu. ft. per second of the waters of Ground
 for Irrigation purposes, in Campbell County.

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

The Water Use System consists of,

A. Works used to divert the water:

Motor: General Electric Model 5K6255X M5016;
 Ser # KMT1006300; 45 HPPump: Aurora Ser # 55072537 Model 10RH
Pumping 900 gpm.

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

200 ft 5" Dia. PVC Pipe

C. Works used to apply water to beneficial use.

Center Pivot Electrode, Model 2-CE5, Ser # 11206353The system is in the following condition: ExcellentThe point of diversion is located 1450 ft North and 1450 ft West of the SE corner
of Section 15, T125N R76WThe works are capable of diverting and conveying to the place of use 2.0cu. ft. per second of water which is to be used for IrrigationWater has been put to beneficial use to the maximum extent as follows: All in Section 15 T125N R76WNW 1/4 SE 1/4 - 33 Ac NW 1/4 SE 1/4 - 33 Ac SW 1/4 SE 1/4 - 33 Ac
SE 1/4 SE 1/4 - 33 Ac.comprising a total of 132 acres of land.Well Data: Depth - 270 ft.Static head - 65 ft. normallycasing - 16" dia steel,screen - 16" dia.Tested at 1150 gpm. with draw downPumping 900 gpmDate October - 12, 1977Leroy J. McLaughlin
 (Signature)

RECEIPT

WATER RIGHTS COMMISSION
State of South Dakota

No 4 8132

PIERRE, April 6, 1971

RECEIVED OF Kenneth Brockel, RR#1, Box 18, Java, SD 57452

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

Fee for Application for Permit to Appropriate Water No. _____ (examination, processing, recording and filing) _____		
Fee for inspecting Construction, and issuing Cert. of Construction No. _____		
Fee for inspecting Beneficial Use, and issuing Water License No. _____		
Fee for issuing Location Certificate-Dry Draw, No. _____		
Fee for filing transfer of WR#1990-3	2.	50
Fee for certified copy of _____		
Fee for Print copy of map _____		
Fee for Certifying _____		
Fee for _____ (any other work as provided by law)		
TOTAL	2.	50

WATER RIGHTS COMMISSION

By *(Signature)*
Chief Engineer, Executive Officer
JOHN HATCH / *(Signature)*

NO. 1990-3

NOTICE OF TRANSFER OF WATER



TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 1, 1991

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

132 acres in SE $\frac{1}{4}$ Section 15, T125N, R76W

formerly owned by Leo Brockel

has been transferred to Kenneth Brockel, RR #1, Box 18, Java, SD 57452

together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 1990-3 as provided for in SDCL 46-5-32 and 46-5-33.

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

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

STATE OF SOUTH DAKOTA)

County of Harrell) ss.

I, Kenneth B. Brockel being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Kenneth B. Brockel
(Signed)

Subscribed and sworn to before me this 1st Day of April, 1991.

HAROLD OPSAIL
Notary Public, South Dakota
My Commission Expires 7-30-92

[Signature]
(Notary Public)



Department of Water & Natural Resources

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

1990-3
4602-3

February 17, 1989

Kenneth Brockel
RR 1, Box 18
Java, SD 57452

Dear Mr. Brockel:

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

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

The new standards include:

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



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

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

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

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division



1990-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

December 14, 1993

1990-3
4602-3

Kenneth Brockel
RR #1 Box 18
Java, SD 57452

Dear Mr. Brockel:

I am contacting you in regard to our December 13th telephone conversation concerning your Water Right No. 1990-3 and Water Permit No. 4602-3. You inquired as to whether or not you would need to amend your water permits if you modified your irrigation system.

From our conversation, it was my understanding that you currently tow a pivot between the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 15, T125N, R76W. The same diversion point (well in the approximate center of the SE $\frac{1}{4}$) is used to irrigate both quarters of land. You indicated you would like to put in another center pivot to alleviate having to tow the pivot back and forth between quarters.

An amendment to your current water right and permit will not be necessary if you do not exceed your authorized diversion rate or increase or change the number of acres being irrigated.

You also inquired as to whether or not there would be a problem placing your chemical tank within 10 feet of your irrigation well. Our rules do not specifically address distance between the tank and the well. I spoke with Dean Radabaugh with the Department of Agriculture concerning any regulations they may have. He indicated that a fertilizer tank is exempt (for irrigators - not commercial dealers). If it is a pesticide tank over 300 gallons, they require secondary storage around the tank, but do not address specific distance from the well.

I hope I have addressed all of your concerns. If you have any further questions, please contact me at (605) 773-3352.

Sincerely,

Genny McMath
Natural Resources Analyst
Water Rights Division



CONSERVATION PLAN MAP

Prepared by SOIL CONSERVATION SERVICE ★ UNITED STATES DEPARTMENT of AGRICULTURE
cooperating with

Cambell County
S. C. DISTRICT

OWNER Leo Brockel

FARM NO. _____

DATE 10-1-73

OPERATOR same

SCALE 8"

ACRES

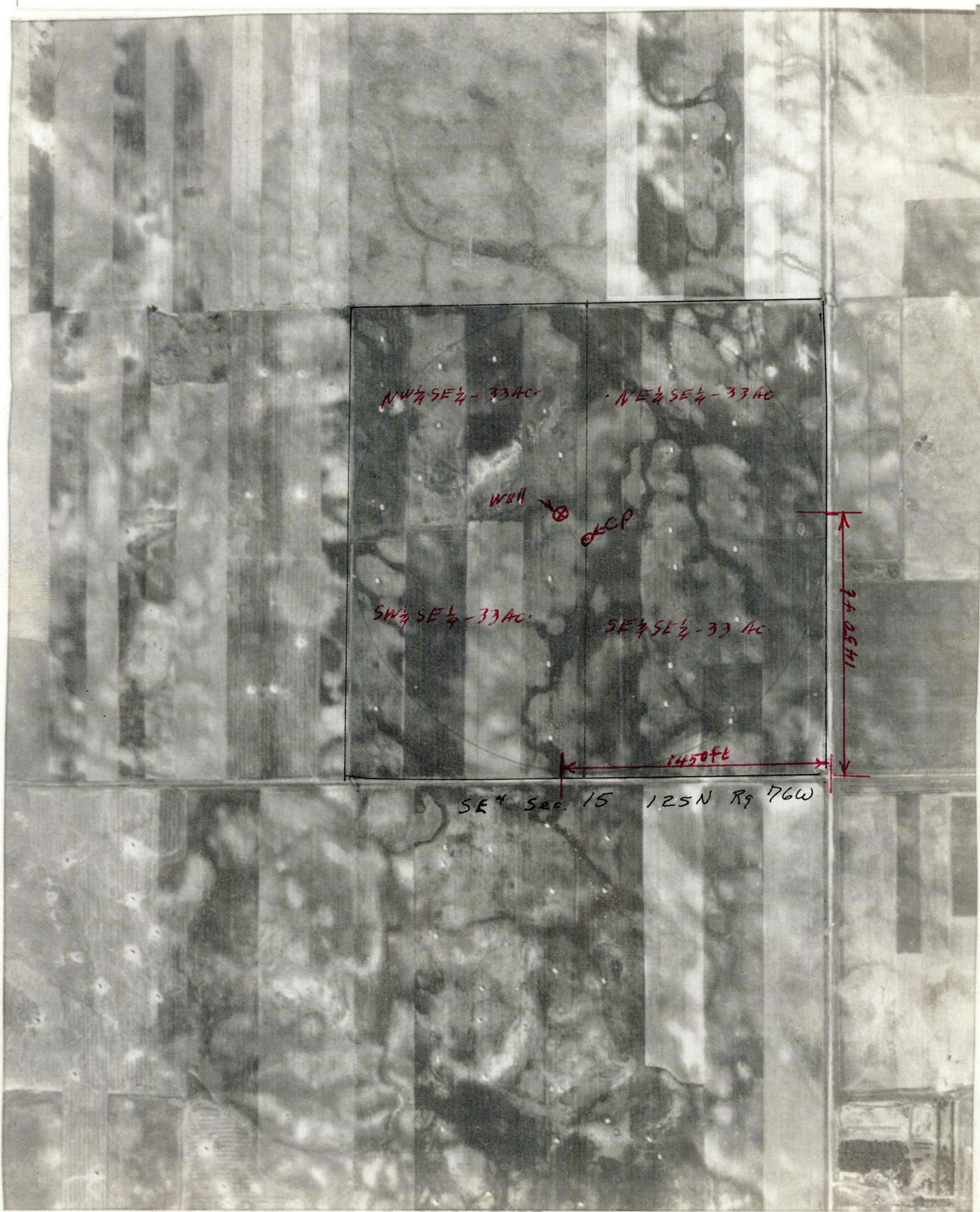
Cambell

S. D.

PHOTO NO. GBK-111-228

APPROXIMATE

APPROXIMATE



MAP NO 1411-3 (APP. NO 1990-3)



1990-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 18, 2008

NOTICE

TO: KENNETH BROCKEL, 31072 121ST ST, JAVA, SD 57452 6904

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaires

Our records indicate that the 2007 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaires be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine if Permit No(s) 1990-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit No(s) 4602-3 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 11, 2008** 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) 4602-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 1990-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaire(s) is(are) received in this office on/or before **March 3, 2008**, you will no longer be in violation of your permit and your name will be deleted 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. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V6-IQ.pdf>

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.

1990-3

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **2303 2160 0000 0802 4612**
Status: **Delivered**

Your item was delivered at 8:54 AM on January 19, 2008 in JAVA, SD 57452. The item was signed for by K BROCKEL (Authorized Agent).

Track & Confirm

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

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No FEAR Act EEO Data

FOIA

Web Tracking
Service by E-mailThe Postal Service
is a part of the U.S. Postal Service

SIGNATURE CONFIRMATION NUMBER: 2303 2160 0000 0802 4612	
KENNETH BROCKEL 31072 121ST ST JAVA SD 57452 6904	
Waiver of Signature ☐ YES ☐ NO	
Postmark Here	
POSTAL CUSTOMER: Keep this receipt. For Inquiries: Access internet web site at www.usps.com ® or call 1-800-222-1811	
☐ Priority Mail™ Service ☐ First-Class Mail® parcel ☐ Package Services parcel	

1990-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 22, 2008

1990-3
4602-3

Kenneth R Brockel
31072 121st St
Java SD 57452

Dear Mr. Brockel:

I am writing to acknowledge receipt of your 2007 irrigation questionnaires. You may disregard the January 18, 2008, "Notice" concerning reporting requirements for Water Right Nos. 1990-3 and 4602-3.

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,

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

Genny McMath
Environmental Scientist
Water Rights Program
(605) 773-3352

2015 WATER MANAGEMENT BOARD IRRIGATION QUESTIONNAIRE
Please fill out and return before December 1, 2015

Permit/Right No. 1990-3

Name Kenneth Brockel Owner ☒ Operator ☐
Address 31072 121st Email kmbrockel@valleytel.net
City, State, Zip Java SD 57452 Phone 605-955-3597

1. Did you irrigate in 2015? *yes ☒ **no ☐
*If yes, number of acres irrigated? 135
**If no, check reason(s) for not irrigating and proceed to the end of the questionnaire to submit your form:
☐ sufficient moisture ☐ no water available
☐ system not constructed ☐ use abandoned
☐ enrolled in CRP, through what year? _____
☐ other, please explain in comment box: _____

2. Does this permit allow use of both ground water and surface water? *yes ☐ no ☒
*If yes, which source was used?
☐ ground (well), or ☐ surface, or ☐ both
3. Did you apply chemicals or fertilizer through the irrigation system? yes ☒ no ☐

Comment Box:

I'm wondering about the extra wells being put on this aquifer in the past year, and what affect this may have on our water availability. Also wondering what newspaper they published the permits in as I watched the local papers but never seen anything. I did notice a pressure drop on our pivots last August when everybody was running. Our pump is at the top of the screen so lowering any more isn't an option.

Attention: Multiple irrigation permit holders!

If possible, please complete a separate questionnaire for each one of your water permits/rights. However, if you are unable to do this and you plan to report water usage for all your water permits/rights on one report, please answer the following:

☐ I am reporting the combined water usage under the following permits/rights:

List combined Permits/Rights _____ List any Permits/Rights under which **no** irrigation occurred _____

The water use reporting form is on the next page. However, if you prefer reporting your water use based on kilowatt-hours, please provide the following information and then proceed to the last page to submit this form.

of Kilowatt-hours _____
Operating pressure lb/sq.in. _____
Depth to water (feet) _____
If you need more space, please provide the additional kilowatt-hours information on the last page of this form.

Crop types irrigated and number of acres for each crop: _____

If you need assistance completing the water use information on the next page, here is a sample completed form:

*In June and July, a total of 190 acres were irrigated -- 130 acres were alfalfa and 60 acres were corn:
Alfalfa -- using center pivot @ 900 gallons per minute (gpm) for 5 days in June only at 24 hours per day
Corn -- using big gun @ 380 gpm for 8 days in June and for 10 days in July at 12 hours per day*

MONTH	CROP	ACRES	PUMP RATE (GPM)	# DAYS	AVE/HRS DAY
JUNE	ALFALFA	130	900	5	24
	CORN	60	380	8	12
JULY	CORN	60	380	10	12

Permit/Right No. 1990-3

Type of system: center pivot ☐ towline ☐ big gun ☐ flood ☐ sprinklers ☐ other _____

MONTH IRRIGATED	CROP TYPE	*NUMBER OF ACRES IRRIGATED	PUMP RATE IN GALLONS PER MINUTE	# DAYS PER MONTH WATER WAS APPLIED	AVERAGE HOURS PER DAY (not kilowatt- hrs)
--------------------	-----------	----------------------------------	---------------------------------------	--	---

*Total number of acres irrigated should add up to your response in question No. 1 on previous page.

MARCH					
APRIL					
MAY					
JUNE	SOYBEANS	135	850	3	24
JULY	SOYBEANS	135	850	8	24
AUGUST	SOYBEANS	135	850	15	24
SEPTEMBER	SOYBEANS	135	850	5	24
OCTOBER					

If you need more room or have additional comments, please use the following blank page.

-- Continue to the end of the next page to submit your completed questionnaire --



1990-3
**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

denr.sd.gov

November 10, 2015

Kenneth Brockel
31072 121st ST
Java, SD 57452

Dear Mr. Brockel:

This is in response to your letter to the Water Management Board included with the 2015 Irrigation Questionnaires. I appreciate your quick return of the questionnaires and taking the time to write with your concerns.

I asked Ken Buhler, an engineer on my staff, to look into your concerns. He tells me you irrigate from the Grand aquifer in an area where both the Grand and Selby aquifers are present. Ken pointed out that the two aquifers are not connected and wells completed into the Selby aquifer will not affect wells completed into the Grand aquifer and vis-versa. The Grand aquifer underlies parts of Campbell, Walworth, Faulk, Edmunds and McPherson Counties. There have been 20 new water permits approved from the entire Grand aquifer since 2010. Three of these new permits are located within six miles of your irrigation permits. Since 2012, public notice of any new water permit application in your area is published in the Aberdeen American News. In addition, notices of new applications in Campbell County are published in the Prairie Pioneer from Pollock; and new applications in Walworth County, depending on the location, are published in either the Mobridge Tribune or the Selby Record. We try to have the notice published in the nearest official county paper so applications just to the south of you in Walworth County would likely be published in the Selby Record.

The premise of South Dakota water law is to maximize water use while insuring withdrawals from an aquifer do not exceed recharge on an average annual basis, giving preference to senior water rights in regard to adverse impacts between users. Every new water permit application is thoroughly evaluated to ensure there is water available, withdrawal will not exceed recharge, and existing water users will not be unlawfully impaired

One of the most valuable tools we have is an observation well network consisting of dedicated observation wells that allows us to measure water levels in the aquifers. The DENR-Water Rights Program monitors 37 observation wells completed into the Grand aquifer; seven of these observation wells are located within six miles of your irrigation wells. The enclosed map shows the locations of the observation wells and the approximate location of wells supplying water rights/permits within six miles of your irrigation wells. The water rights/permits are identified in the enclosed table. The water level history (hydrograph) of each observation well is included for your information. The observation well data shows some seasonal water level fluctuations and

fluctuations of the aquifer's water level due to wet and dry cycles and well pumping. However, the data indicates the water levels always recover from dry weather and pumping. It shows us the aquifer is not over appropriated. We looked at the observation well data to see if drawdown from pumping has increased recently. With the exception of observation wells CA-65C and CA-78E, Grand aquifer observation wells in your area do not identify additional drawdown from new pumping. Observation wells CA-65C and CA-78E document additional drawdown during the irrigation season the past couple of years but water levels continue to recover.

I also asked Ken to consider why you would have noticed a pressure drop on your pivots last August. Ken speculated that since the observation wells nearest your wells do not show your pumps' lift would have increased (which would have decreased your pressure) perhaps wear on your pumps has reduced their efficiencies.

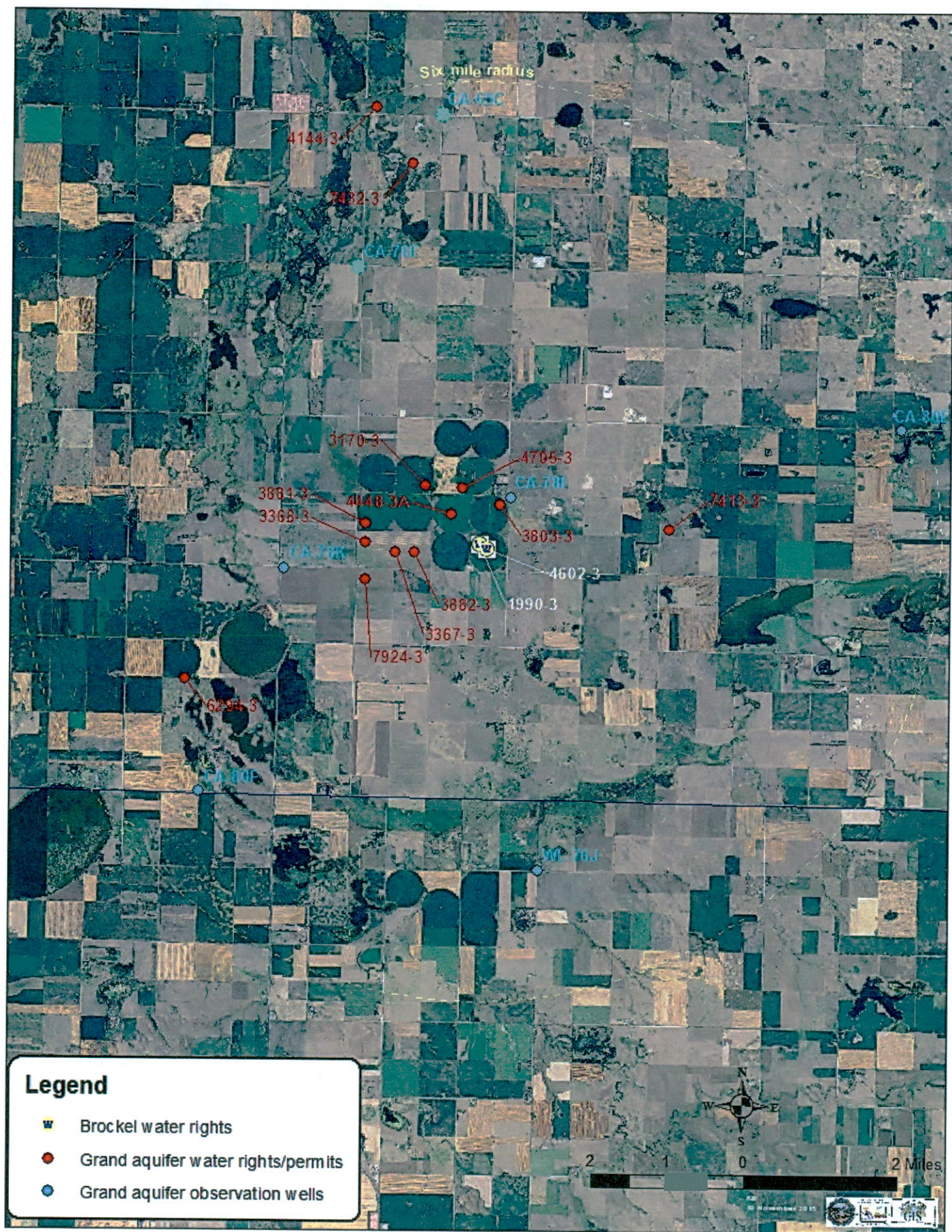
Thank you again for taking the time to write. If you have any questions, feel free to contact to contact Ken Buhler at (605)773-3352.

Sincerely,

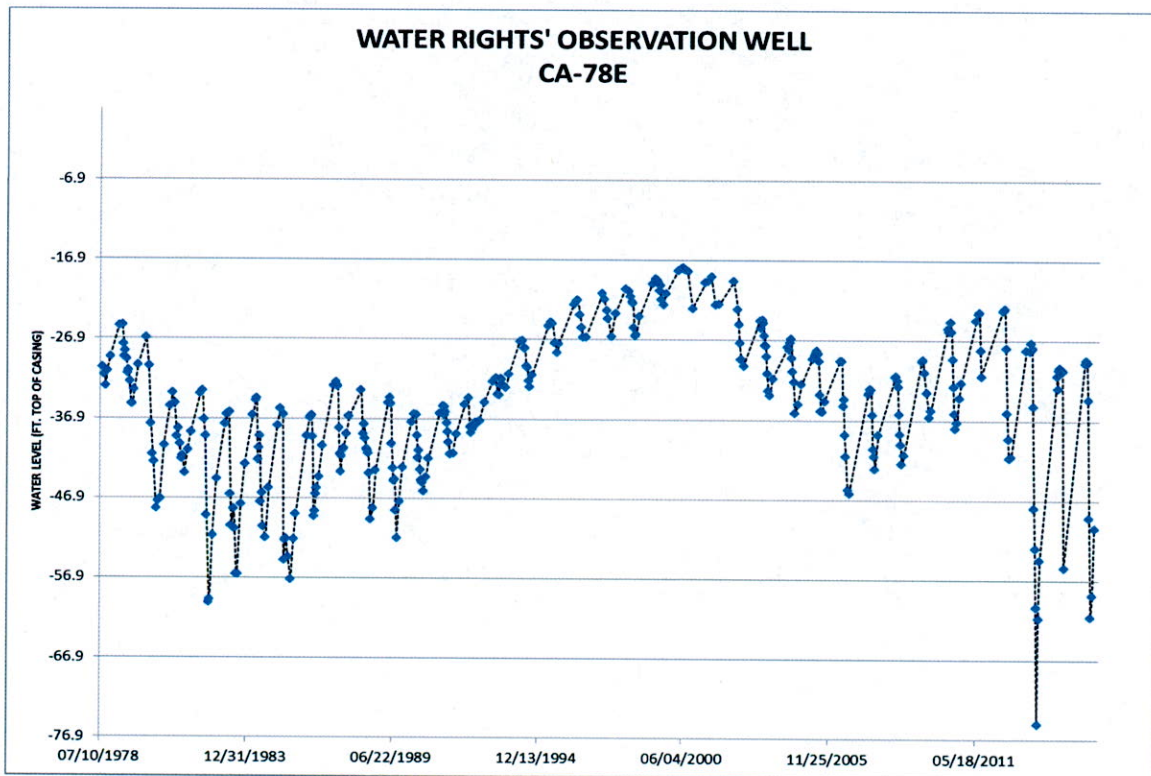
A handwritten signature in cursive script, appearing to read "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
SD DENR-Water Rights Program

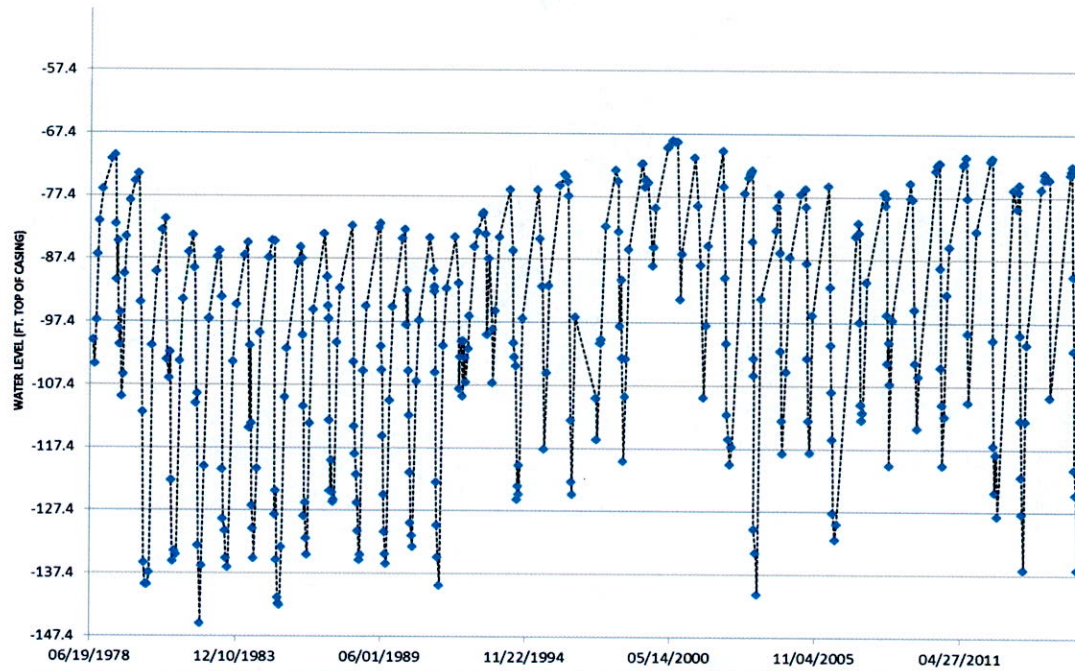
enclosures



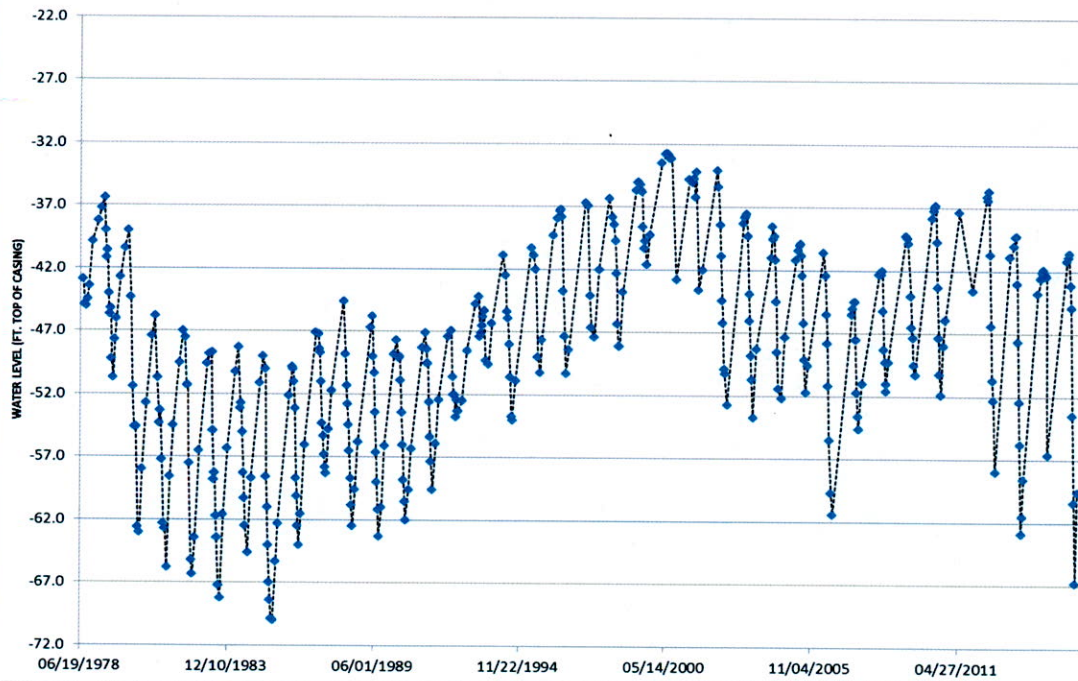
PERMIT NO	NAME	PRIORITY DATE	STATUS	USE	CFS	ACRES
3170-3	DOUGLAS L SALVERSON	10/21/1976	LC	IRR	2.23	264
3803-3	IVERSON FARMS LTD	03/21/1977	LC	IRR	1.78	264
4144-3	TOWN OF MOUND CITY	09/06/1977	LC	MUN	0.22	NA
4448-3A	IVERSON FARMS LTD	11/09/1979	LC	IRR	1.89	132
4705-3	IVERSON FARMS LTD	04/02/1981	LC	IRR	1.78	264
3367-3	DICK OR KONNYLACEY	11/18/1976	PE	IRR	3	320
3368-3	DICK OR KONNY LACEY	11/19/1976	PE	IRR	3	320
3881-3	DICK OR KONNY LACEY	03/04/1977	PE	IRR	2	160
3882-3	DICK OR KONNY LACEY	03/04/1977	PE	IRR	2	160
6294-3	LAZY TV RANCH	01/29/2002	PE	IRR	1.88	132
7413-3	ROGER VOLZKE	08/30/2012	PE	IRR	3.33	240
7432-3	HCM SCHAFFER INC	09/14/2012	PE	IRR	3.56	320
7924-3	BRANDON RITTER	11/15/2013	PE	IRR	2	270



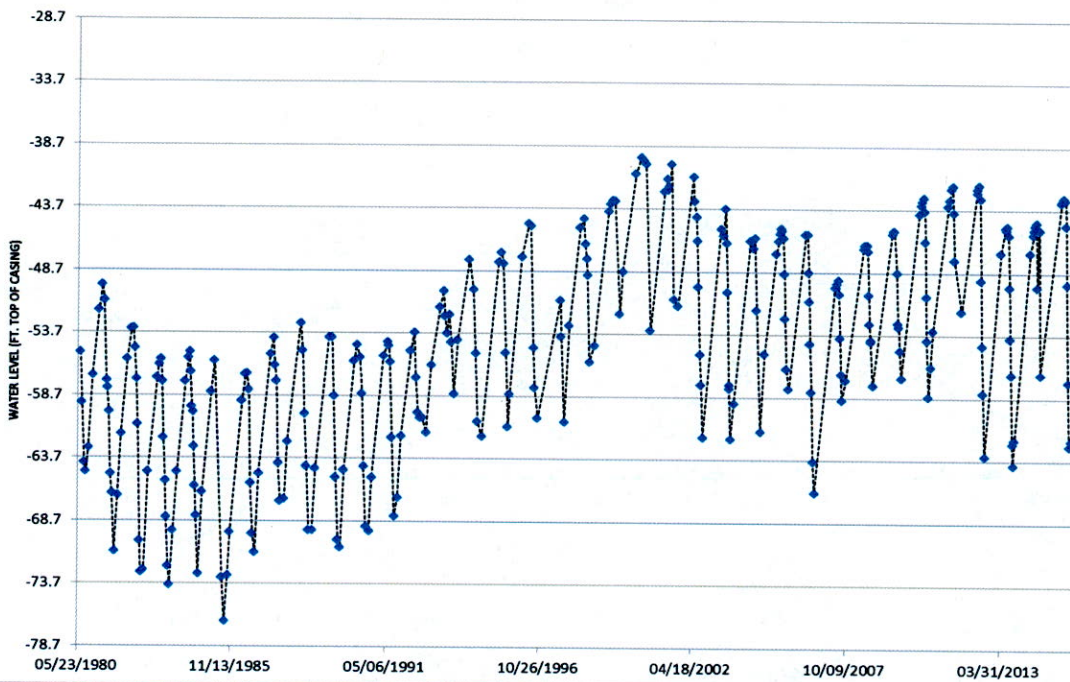
**WATER RIGHTS' OBSERVATION WELL
CA-78I**



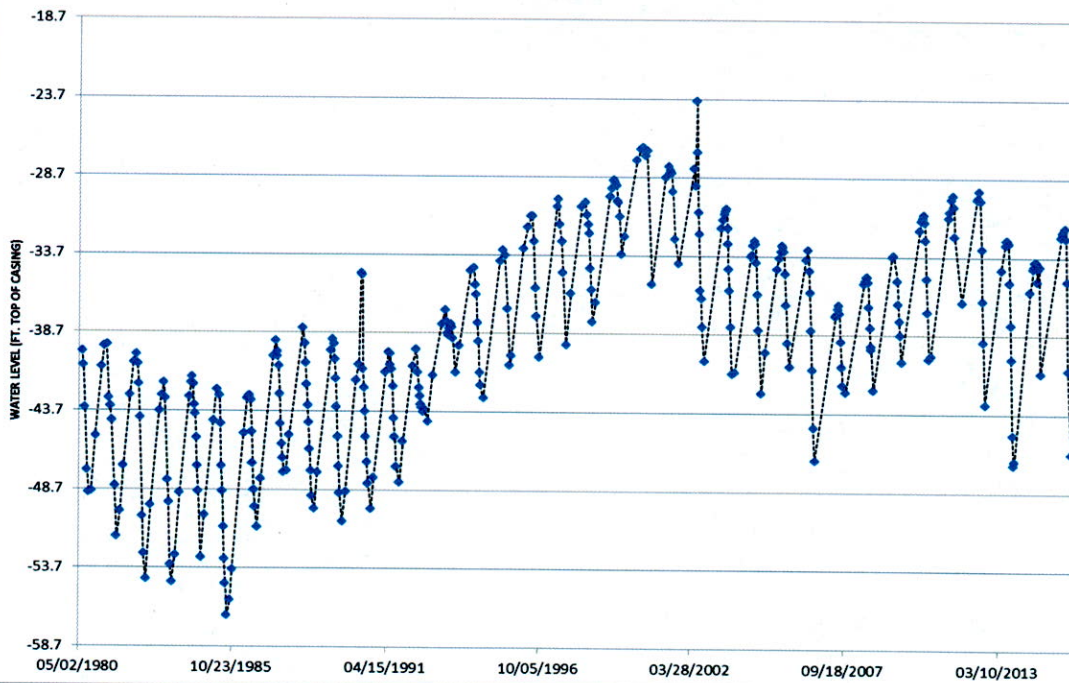
**WATER RIGHTS' OBSERVATION WELL
CA-78K**



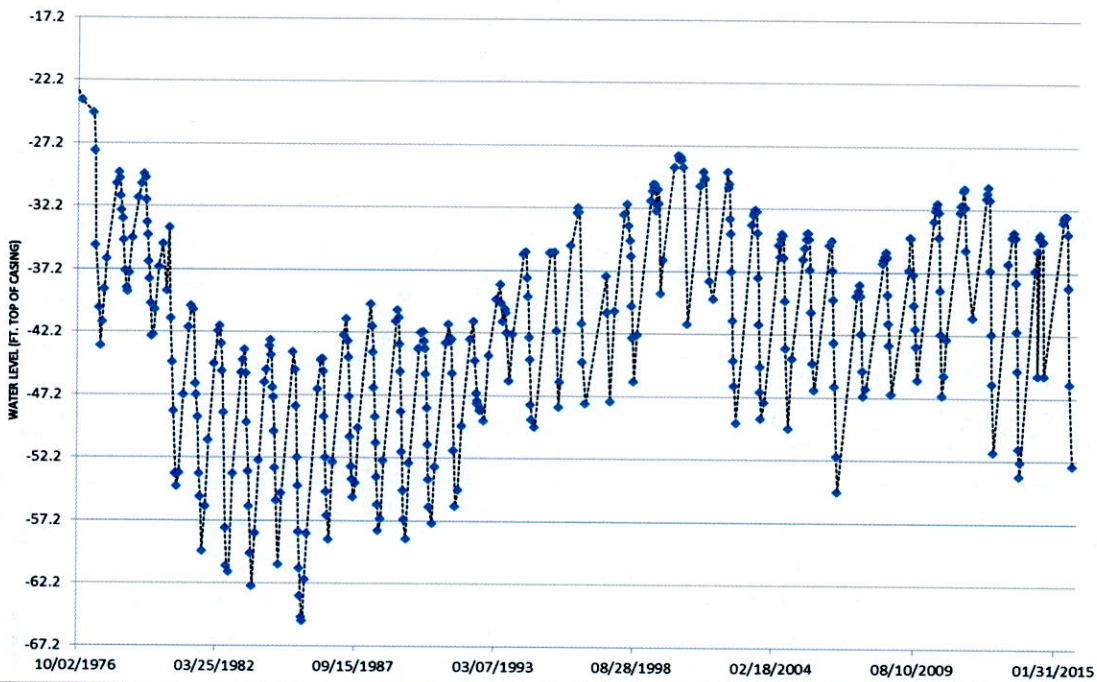
**WATER RIGHTS' OBSERVATION WELL
CA-80E**



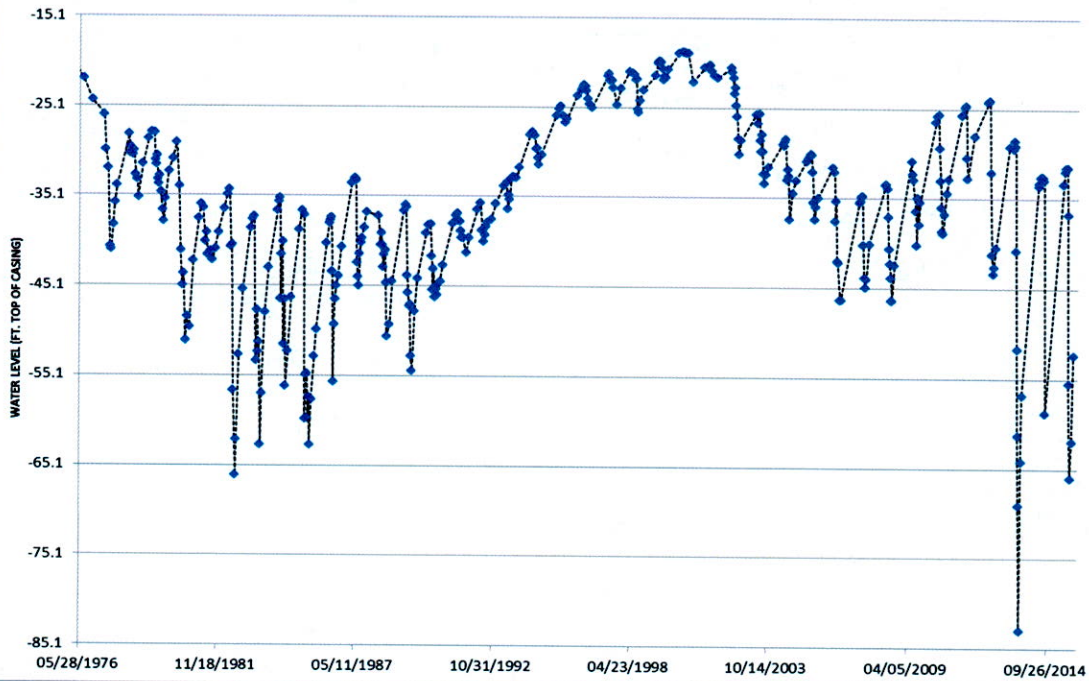
**WATER RIGHTS' OBSERVATION WELL
CA-80F**



**WATER RIGHTS' OBSERVATION WELL
WL-76J**



**WATER RIGHTS' OBSERVATION WELL
CA-65C**



Dewell, Amanda

From: Dewell, Amanda
Sent: Tuesday, October 29, 2024 4:22 PM
To: kmbrockel@valleytel.net
Subject: FW: [EXT] 1990-3 IQ Reported Use in 2024, Yes, 135.00 acres irrigated

Mr. Brockel,

The Water Rights Program has received the 2024 Irrigation Questionnaire you submitted online for [Water Right No. 1990-3](#). On this year's questionnaire, you indicated the irrigation of 240 acres of corn in August, while the water right only authorizes irrigation of 132 acres. If it was simply an entry error, please let me know so that I may correct the report. However, if 108 new acres have been developed, [additional permitting](#) would be required.

Thank you,

Amanda Dewell

DANR - Water Rights Program
 Permitting Administrator
 Main Phone: 605 773-3352
 Website: danr.sd.gov



From: Caspio <noreply@caspio.app>
Sent: Saturday, October 26, 2024 11:47 AM
To: Duvall, Ron <Ron.Duvall@state.sd.us>; Dewell, Amanda <Amanda.Dewell@state.sd.us>
Subject: [EXT] 1990-3 IQ Reported Use in 2024, Yes, 135.00 acres irrigated

Permit Holder:

KENNETH BROCKEL
 31072 121ST ST
 JAVA SD 57452

kmbrockel@valleytel.net

If water used, reported in following months:

Month	Crop 1	Crop 2	Crop 3	Crop 4
Mar	,	,	,	,
Apr	,	,	,	,
May	CRN, 135	,	,	,

1990-3

PAID

MAY 07 2025

Ck# 7364

Rec't#

NOTICE OF TRANSFER OF OWNERSHIP

For assistance call (605) 773-3352

Mail to: SD DANR, Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182

Water Right/Permit No. 1990-3

Date: 4-27-25

I/We request that Water Right/Permit No. 1990-3 formerly owned by:
Kenneth Brockel be transferred to:

New Owner Name: Jason Brockel
Address: 31074 121st st mobile: 605-850-8766
City, State, Zip: Java SD 57452 email: Jason Brockel@gmail.com

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

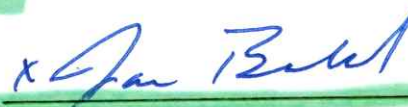
132 acres in the SE 1/4 Section 15, T125N, R76W

☒ I understand that the validity of Water Right/Permit No. 1990-3 has not been determined by this transfer action. If I have any questions on validity, I understand that only the Water Management Board has the authority to determine if a water right/permit is valid (see note below).

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 included to cover the filing fee as required by SDCL 46-2-13.

I, Jason Brockel, the new owner, certify that the above information is true and correct.


(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, an inspection is conducted to issue a water right license for the project as developed. A water permit/right may be cancelled for one or more of the following 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.

2021-08

RECEIVED

MAY 07 2025

OFFICE OF
WATER

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 8th, 2025

RECEIVED OF Von Wald Law Office LLC PO Box 155 Selby SD 57472

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form #1990-3 & #4602-3	\$ <u>100.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law)	TOTAL
	\$ <u>100.00</u>

By Mark Muehl
Chief Engineer