

2512-3

1. Considered 3.17, 1976
2. Name of Applicant FOREST FENNEL
3. Post Office Address ELK POINT
4. Amount of water claimed 1.7
5. Source of water supply GROUND WATER (105' WELL)
6. Water to be used for IRRIGATION
Acres to be irrigated 120
7. Water to be diverted and used in Union county
about 12 1/2 miles of ELK POINT
8. Proof of Publication Received 2-27-76
Not received _____
9. Application Approved _____
Subject to _____
Not Approved _____
Action deferred _____
10. Remarks:

No. 2512-5Map No. 1883.3 Water Division No. 3 Big Sioux River District _____
(Blanks to be filled by the Engineer for the W. R. G.)

APPLICATION FOR PERMIT

8:09

To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant Forrest Fennel
 Postoffice address RR#1, Box 120, Elk Point, State South Dakota 57025
 If a corporation show date and place of incorporation None
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract
3. Name of diversion work Fennel Irrigation Project
4. Amount of water claimed (cubic feet per second) 1.7 - 1.9 CFS MAXIMUM ALLOWABLE
5. Source of water supply Well
6. Location of point of diversion 1425 feet South and 2115 feet East of the NW corner of
Section 20, T91N R49W
 _____ County Union
7. Annual period or periods during which water is to be used June through September
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 120 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.
Elk Point NE 1/4			
<u>Section 20, T91N R49W</u>	<u>120 acres</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system five (5) years. Additional time required to complete application of water to the proposed beneficial use five (5) years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Leader-Courier, Elk Point, S. Dak
57025
12. Principal Features of the Proposed Water Supply System.

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

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

C. Works proposed to apply water to beneficial use.

Center Pivot System

Estimated Total Cost: \$10,00.00Attachments: 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 Union)I, Forrest Fennel (he applicant, certify that I have read the foregoing application and have examined the attached map and that the matters therein stated are true and that I intend, and am able to complete the necessary constructionSigned Forrest FennelSubscribed and sworn to before me this 23rd day of December 1975J. C. Cherry
Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2512.3
FOREST FENNEL RT. #1, Box 120, Elk Point
 (Applicant) (Post Office Address)
SOUTH DAKOTA 57025 With the following modifications.
 (State)

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

Date of first receipt of application DECEMBER 30 1975
 Date of return to applicant for correction, amendments or changes required _____ 19____
 Date of receipt of corrected application JANUARY 9 1976
 Approved MARCH 17 1976, Recorded in Book 14 Page 300

WATER RIGHT PERMIT NO. 2512-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2512-3 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 DECEMBER 30 1975
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPTEMBER 17 1978
3. The whole of said work is to be completed on or before MARCH 17 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 17 1981
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 1.7 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-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MARCH 17 1981; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 22ND day of MARCH 1976

WATER RIGHTS COMMISSION

By:

[Signature]
 Chief Engineer, Executive Officer

Certificate of Construction Issued FEBRUARY 3 1978

Water License Issued FEBRUARY 3 1978

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 30 inches, Depth 125
- (2) Casing, Type Transite Diameter 16" I.D. Thickness 3/4 inch
(wood, concrete, steel, etc)
- (3) Perforated Screen.
Type 1/8 inch slotted, Diameter 16" I.D., Length 20 feet
- (4) Gravel Pack, Thickness 6 - 9 inches, Length of gravel pack 20 + feet

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 water bearing gravels and rock

Depth to top of water bearing material 105 feet

Depth to bottom of water bearing material 30 feet

Thickness of water bearing material 75 feet

Depth to water (ground surface to water level) 14 foot drawdown

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

On same owner's property 140 rds. On property owned by others 220 rds.

G. Water Storage Dams

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, 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.

James E. Marshall
Signature of Applicant

December 24, 1975

Mr. Forest Fennel
Rt. 1, Box 120
Elk Point, SD 57025

Dear Mr. Fennel:

Enclosed please find the original copy of the report of analysis for the water sample submitted here December 22. Our laboratory designation number 75-1153 should be referred to in any future correspondence concerning this work.

The water quality is plotted approximately by the black out on the outside back cover of extension circular 654. You will see that it is just above the medium category in total salinity and in the low category for sodium hazard or its potential for causing soil dispersion and loss of structure.

With the soils that you have, mostly deep medium textured soils, there should be no difficulty with this water in causing either salt accumulation or sodium-caused dispersion of structure. Thus, there is no chemical problem that could be associated with this water. I caution you, however, to be sure to irrigate in accordance with crop needs and not raise the water table unduly as this might cause drowning a certain crop roots or the rise of salts from deeper layers in the soil if some happen to be present.

A copy of this letter, and of the water analysis and the WI-1 form are being sent to the State Conservation Commission.

Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

LOF/klb

Enclosures

cc: State Conservation Commission

D. Pabl

Louie DeSmet, County Extension Agent

DEC 29 1975

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 OF
Irrigation System: _____
Water Quality: _____
Soils Capab. H₂O: _____
Approved: [Signature]
Disapproved: _____

NAME: Forest Fennel

ADDRESS: FE # 1 Box 120
Elk Point, So. Dak. 57025

COUNTY: Union

LEGAL DESCRIPTION

1. WELL LOCATION: 1425 Ft. South and 2115 East of the NE corner of Sec. 20 T91 R49
2. AREA TO BE IRRIGATED: Elm¹ and W¹ W¹ NE¹ Sec. 20 T91N R49W 120 acres to be irrigated

TYPE OF IRRIGATION

3. GRAVITY SPRINKLER (Indicate Type): Sprinkler
4. CROPS TO BE IRRIGATED: Corn & Soybeans

LAND CAPABILITY FOR IRRIGATION

5. PERCENTAGE OF SLOPE: 0-2%
6. PHYSICAL SOILS CLASSIFICATION FOR IRRIGATION: 2M, 3Xw1- Deep, medium, or moderately textured soils with slight wetness during the spring

WATER QUALITY (TO BE COMPLETED BY COMMISSION)

7. SAMPLE NO. 1

8. SALINITY: _____

9. SODIUM: _____

DEC 29 1975

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 & Water Quality Lab.

and:

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

Forrest H. Derrup

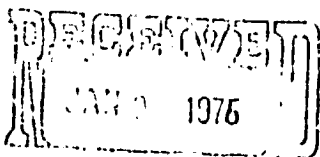
Subscribed and sworn before me this

19 day of Dec 1975.

Robert M. Mearns

Notary Public

(Title)



STATE WATER PROJECT
PIERRE, SOUTH DAKOTA

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

Submitted by: Forest Wimmel
 Address: Rt. 1, Box 120
Le Point, SD 57025

Date Rec'd December 22, 1975
 Sample No. 75-1153
 Identification 611-
Dec. 20, 1975, 2.49

WATER ANALYSIS

Calcium (Ca)	140	ppm*	7.00	me/l**
Magnesium (Mg)	57	ppm	4.67	me/l
Sodium (Na)	60	ppm	2.61	me/l
Potassium (K)	14	ppm	0.35	me/l
Sulfate (SO ₄)	195	ppm	4.06	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	2	ppm	0.06	me/l
Bicarbonate (HCO ₃)	605	ppm	9.92	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		g.p.g.***
Alkalinity (Methyl Orange)	496	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1066	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.08			
Sodium	17.34	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.18			
Others:				

*ppm=parts per million
 **me/l=millequivalents per liter
 ***g.p.g.=grains per gallon

COMMENTS: Total cations 14.63 me/l
 Total anions 14.04 me/l

DEC 29 1975

By: Shirley Litten

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. 75-1153

Amount Enclosed \$

Signed

Permit No. 2512-3Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Forrest Fennel

_____ the holder _____ of
 Permit No. 2512-3, issued upon Application No. 2512-3, bearing date of priority of December 30,
1975 authorizing the diversion of 1.7 cu. ft. per second of the waters of _____
groundwater County of Union, State of South Dakota at _____
a point 2115'E and 1425'S of the NW corner, Section 20, T81N, R49W
 _____, for irrigation.

_____ purposes, has _____ 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 2.12 cu. ft. per second of water.

Date February 3, 1978

By:

WATER RIGHTS COMMISSION



JOHN HATCH, Chief Engineer

WATER LICENSE NO. 2512-3

(1) WHEREAS, On the 30th day of December A. D. 19 75
Forrest Fennel
 made Water Right Application No. 2512-3 for a permit to use 1.7 cubic feet per second of the waters
 of groundwater
 County of Union State of South Dakota, for irrigation
 purposes; and

(2) WHEREAS, On the 22nd day of March A. D. 19 76
 Permit No 2512-3, with a date of priority of December 30, 1975
 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 17th day of March A. D. 19 81 and for the
 application to beneficial use of said water on or before the 17th day of March A. D. 19 81

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 1.7 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 the following land in Section 20, T91N, R40W

NW $\frac{1}{4}$ NW $\frac{1}{4}$	6 acres
NE $\frac{1}{4}$ NW $\frac{1}{4}$	30 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	27 acres
SE $\frac{1}{4}$ NW $\frac{1}{4}$	37 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	9 acres
SW $\frac{1}{4}$ NW $\frac{1}{4}$	13 acres

Total 122 acres

(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 Forrest Fennel

_____ of Elk Point
the holder _____ and owner _____ of said permit No. 2512-3 a water right, dating from December 30, 1975
_____ to use of _____ cubic feet per second of the waters
of groundwater 1.7

in the County of Union and State of South Dakota, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted at a point 2115'E and 1425'S of the NW corner,
Section 20, T91N, R49W

and conduct to and upon portions of Section 20, T91N, R49W, described on the face
of this License

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 2512-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 3rd day of February A. D.

Nineteen Hundred and seventy-eight

WATER RIGHTS COMMISSION

By:

John Hatch
Chief Engineer, Executive Officer



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

February 10, 1978

Forrest Fennel
RR #3
Elk Point, SD 57025

Dear Mr. Fennel:

Enclosed herewith are, Water License No. 2515-3 and Certificate of Construction.

Water License No. 2515-3 is the final water right document completing your process of obtaining water right.

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

Very truly yours,

JOHN HATCH, Chief Engineer
WATER RIGHTS COMMISSION

JH: gy

Enclosures

NOTE: Your pump capacity is 2.12 cfs (952 gpm). Based upon the acreage actually irrigated you are entitled to only divert 1.7 cfs (76 gpm). Any diversion in excess of 1.7 cfs would be a violation of your water right.

Permit No. 2-512-3Water Division 3 Big Sioux 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 Firestone
Fennel of Rt #1 Box 126, Elk Point, S. Dak 57625 holder
of Permit No. 2-512-3, bearing date of priority of December 30, 1976
authorizing the diversion of 1.7 cu. ft. per second of the waters of Ground
for Irrigation purposes, in Union 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 US Electrical, 60 HP, 1770 RPM.
I.D. R-2541-03-11 523, R 208 3248
Pump: Fairbanks Morse, 5120 HPM, Ser. # A3A 28074 TX

B. Works used to transport water to place of use,
Gated Pipe for leveled area.

C. Works used to apply water to beneficial use.
Center Pivot - Electropump, Model Z 6E5, Ser # 576 C 3346

The system is in the following condition: Excellent.

The point of diversion is located 2115 ft East and 1425 ft South of the
Northwest corner of Section 20 T91N R49W

The works are capable of diverting and conveying to the place of use 2.12cu. 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 20 T91N R49W

NW 1/4 NW 1/4 - 6.0 Ac, NE 1/4 NW 1/4 - 30.0 Ac, SW 1/4 NW 1/4 - 27.0 Ac, SE 1/4 NW 1/4 - 37.0 Ac
NW 1/4 NE 1/4 - 9.0 Ac SW 1/4 NW 1/4 - 13.0 Ac

comprising a total of 12.2 acres of land.

Well Data:

Depth - 105'Tested & 1250 gpm.Date 5-7-77

Leroy J. McLaughlin
(Signature)

NOTICE OF COMPLETION OF WORKS AND/OR APPLICATION OF WATER TO BENEFICIAL USE
 DEPARTMENT OF NATURAL RESOURCE DEVELOPMENT
 DIVISION OF WATER RIGHTS
 JOE FOSS BUILDING
 PIERRE, SOUTH DAKOTA 57501

Post Office RR 1 Box 170
Pierre, S.D.
 Date Aug 20 1976

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

Dear Sirs:

This is to inform you that I have completed the construction of the water diversion system and/or that I have put the water to beneficial use to the maximum extent it is going to be used, not exceeding the amounts as specified in Water Right Permit No. 2512-3.

Water Right Permit No. 2512-3 states that the diversion system is to be constructed by March 17, 1951 and that the water is to be put to beneficial use by March 18, 1951.

The diversion system was completed on June 15, 1976. Applying the water to beneficial use was completed on June 16, 1976.

You may schedule an inspection so that the Certificate of Construction and/or the Water License may be issued, thus completing my acquisition of a water right.

Donat Deane
 (Signature)



Publish first publication, on or before March 4, 1976NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 13, 1976Notice is hereby given that Forest Fennelwhose post office address is Elk Point, 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 use1.7 cubic feet of water per second of time from the ground water through the Fennel Irrigation Project, the point of diversion of which is to be located in the _____S&E NW 1/4of Section 20, Twp. 91N, Range 149W. Said water to be used for the purpose of providing irrigation on the following described land:
E 1/2 NW 1/4, W 1/2 NE 1/4, Section 20, T91N, R49WThis application No. 2512-3 will be considered by the Water Resources Commission at their office at 17th March 76 1:00 P. Pierre upon the _____ day of _____, 19____, at _____ M. All interested persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES
Water Rights Specialist

BFJ/bw

cc: Forest Fennel, Route 1, Box 120, Elk Point, S.D. 57025

500 170 11/11/76

No. 2512-3

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Union) ss.

I, Lester E Emerson hereby
certify that the annexed printed copy of Notice of Intent to Appropriate
Water was taken from the Leader-Courier

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 Elk Point

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

February 19 - 1976

February 26 - 1976

Lester E Emerson
(Signature)

Publisher
(Title)

February 26 - 1976
(Date Signed)

NOTICE OF INTENT TO
APPROPRIATE WATER
Pierre, South Dakota 57501
February 13, 1976

Notice is hereby given that
Forest Fennel whose post office
address is Elk Point, South Dak-
ota, has made an application in
accordance with the provisions
of the water laws of South Dakota
for a permit to appropriate for
beneficial use 1.7 cubic feet of
water per second of time from
ground water through the Fennel
Irrigation Project, the point of
diversion of which is to be locat-
ed in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20,

Twp. 91N, Range 49W. Said
water to be used for the purpose
of providing irrigation on por-
tions of the following described
land: E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, Section
20, T91N, R49W.

This application No. 2512-3
will be considered by the Water
Resources Commission at their
office at Pierre upon the 17th day
of March, 1976, at 1:00 P.M.
All interested persons may app-
ear and be heard.

WATER RESOURCES
COMMISSION

By: Burton F. Jones
Water Rights Specialist
Publish: February 19 & 26



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

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

March 23, 1987

FORREST FENNEL
BOX 127
ELK POINT, SD 57025

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

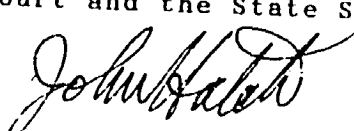
Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s). 2512-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 2:00 pm, May 6, 1987 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SDCL 1-26. Following the hearing(s), the Water Management Board can:

1. Amend Permit No(s). 2512-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

The hearing(s) 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.


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

NOTE: If the questionnaire(s) is received in this office before the hearing date, your name will be deleted from the agenda for the hearing.

3-27-87

John Hatch Chief Engineer
Water Rights Division,

2512-3

Dear Sir:

Re: Violation of Requirement to
submit 1986 Irrigation Questionnaire.

I thought that I always submit
the questionnaire. Now if you did
not receive it last fall, it means
I just thought I sent it, ~~err~~.

1986 was a wet year for us
and we only run our pivot ~~and~~
two times on corn, that is
approx 2 days (at 20 hr/day) or
900 gal/min for 80 hr.

And only once on soybeans
that is 2 days (20 hr/day) or
900 gal/min for 40 hr.

Sincerely,

Donald H. Daniel

Box 127

Permit 2512-3 Elk Point SD
57025





Department of Water & Natural Resources

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

April 3, 1987

2512-3

Forest Fennel
Box 127
Elk Point, SD 57025

Dear Mr. Fennel:

This will acknowledge receipt of and thank you for the return of your 1986 Irrigation Questionnaire. A notice was sent to you March 23, 1987 regarding the Irrigation Questionnaire submittal violation of Water Permit No. 2512-3 and the date hearings were to be held before the Water Management Board to determine any action to be taken concerning the violation.

Please disregard the notice sent to you dated March 23, 1987. Your name has been deleted from the agenda pertaining to these hearings.

If you have any questions, please contact us.

Very truly yours,

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



Department of Water & Natural Resources

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

February 17, 1989

Forrest Fennel
Box 127
Elk Point, SD 57025

Dear Mr. Fennel:

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

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

The new standards include:

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

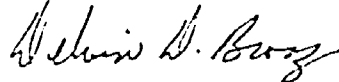


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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

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

Very truly yours,



for JOHN HATCH, Chief Engineer
Water Rights Division



2512-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 19, 1992

2512-3

Forrest Fennel
3731 Sarasota Square Blvd #212
Sarasota, FL 34238-5566

Dear Mr. Fennel:

Enclosed is your 1992 irrigation questionnaire. The form was originally mailed to you on October 16, 1992, but was returned to us by post office along with your forwarding address.

Please complete the questionnaire and return it to us by December 18, 1992. If you have any questions or need assistance in completing the form, please contact me.

Sincerely,

Genny McMath
Natural Resources Analyst
(605) 773-3352



2512-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

November 16, 1993

No. 2512-3

Dick Fennel
RR 2, Box 254
Elk Point, SD 57025

Dear Mr. Fennel:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 2512-3. The water right is currently listed in the name of Forrest Fennel.

The transfer form should be checked over for accuracy and signed by the new owner in the presence of a notary public. Upon completion, return the form to our office with a required filing fee of \$2.50.

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

If you have any questions, please contact me.

Sincerely,

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

enclosure

2512-3

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 2512-3Date: 2/22/94I\We request that Water Right No. 2512-3formerly owned by: Forrest Fennel

be transferred to: (name & address) Richard Fennel RR2 Box 254 Elk Point, S.D. 57025
(Telephone No) 605 356 2958

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

NW 1/4, W 1/2 NE 1/4 Section 20, T91N, R49W

I\We understand that the validity of Water Right No. 2512-3 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 at the Division of Water Rights, as evidence of the change of ownership.

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

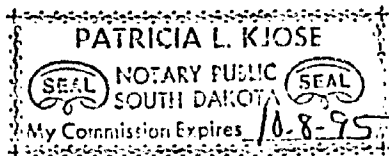
STATE OF SOUTH DAKOTA)

County of Union)

I\We Richard Fennel 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 that I know of my own personal knowledge that the information herein stated is true.

Richard Fennel
(Signed)

Subscribed and sworn to before me this 22 day of February, 19 94.



Patricia L. Kiose
(Notary Public)

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. 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.



2512-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 25, 1994

No. 2512-3

Richard Fennel
RR 2, Box 254
Elk Point, SD 57025

Dear Mr. Fennel:

We are in receipt of your "Notice of Transfer of Ownership" form for Water Right No. 2512-3, but we have not received the required \$2.50 fee. Before we can proceed with the transfer of ownership, we must be in receipt of the \$2.50 fee.

Your immediate response is appreciated, and if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Cheryl F. Frost'.

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

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

RECEIPT

Division of Water Rights

South Dakota Department of Environment and Natural Resources

2512-3
414067

Pierre, _____ March 2, 19 94

RECEIVED OF Richard Fennel, RR 2 Box 254, Elk Point, SD 57025

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 <u>Water Right No. 2512-3</u>	2	50
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	2 50

By

John Hatch
Chief Engineer



2512-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 8, 1994

No. 2512-3

Richard Fennel
RR 2, Box 254
Elk Point, SD 57025

Dear Mr. Fennel:

Enclosed is a receipt in the amount of \$2.50 which you paid for the transfer of Water Right No. 2512-3.

Our records now show you as the owner of Water Right No. 2512-3.

Sincerely,

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

enclosure



January 9, 1998

NOTICE

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

TO: RICHARD FENNEL, RR 2 BOX 254, ELK POINT, SD 57025

FROM: Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaires

Our records indicate that the 1997 Irrigation Questionnaires have not been submitted for Permit Nos. 5193-3, 2512-3 & 3070-3. The request for the Questionnaires was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 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) 2512-3 & 3070-3 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) 5193-3 qualification:

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

The hearing will be held at 9:45 am, February 25, 1998 in Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, 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) 5193-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2512-3 & 3070-3 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 questionnaires are received in this office on/or before February 20, 1998, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

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

2512-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 26, 1998

2512-3

3070-3

5193-3

Richard Fennel
RR 2 Box 254
Elk Point, SD 57025

Dear Mr. Fennel:

I am writing to acknowledge receipt of your 1997 irrigation questionnaires. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit Nos. 2512-3, 3070-3 and 5193-3.

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.

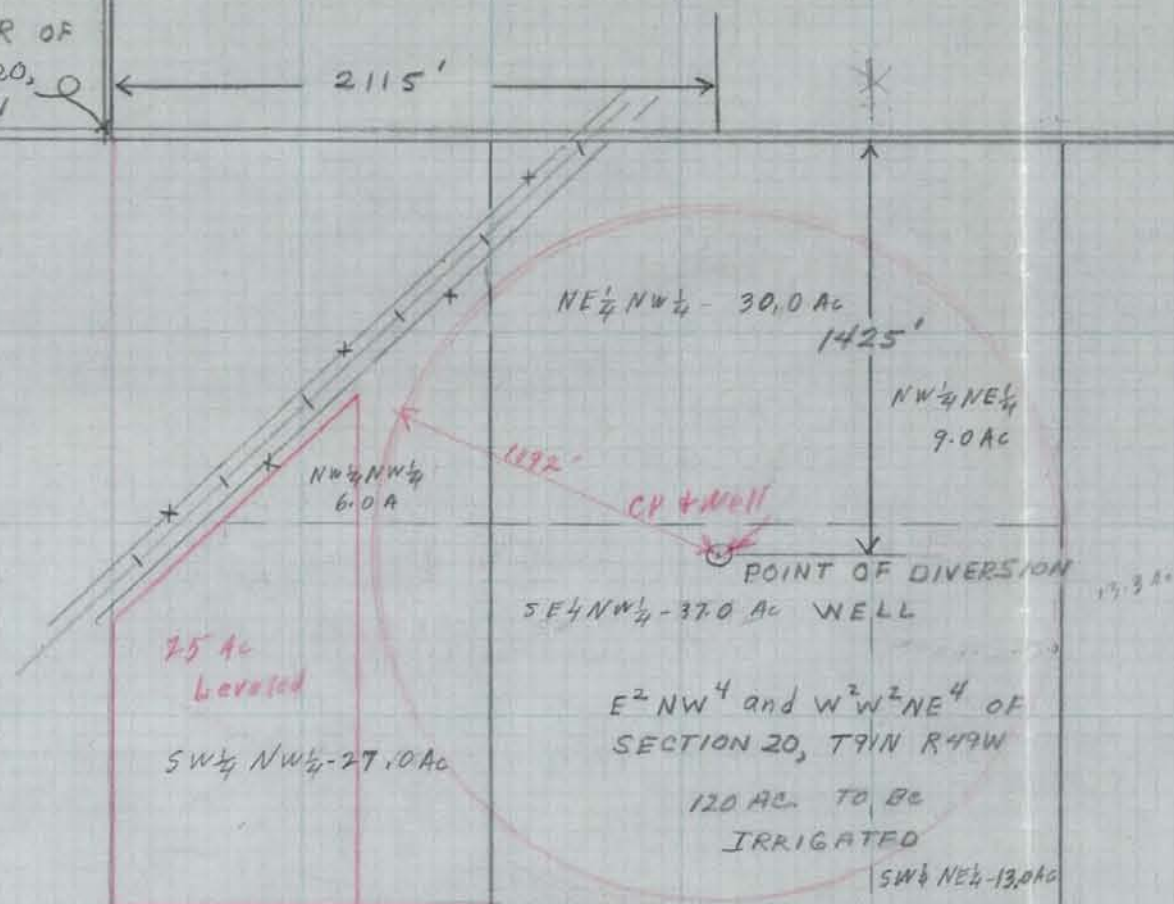
Sincerely,

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

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

SD-ENG-42

2/73

NW CORNER OF
SECTION 20,
T91N R49W

SCALE 8 INCHES = 1 mile.

FORREST FENNEL
ELK POINT, SOUTH DAKOTA 57025
FENNEL IRRIGATION PROJECT
120 AC. TO BE IRRIGATED

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

Designed	JMBOLINE 12/22/75	Date	12/22/75	Approved by	CRB
Drawn	JMBOLINE 12/22/75	Title	12/22/75		
Traced		Sheet	No 1	Drawing No.	1
Checked		of	1		

2512-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

October 16, 2012

2512-3
3070-3
5193-3

Richard Fennel
47734 325th St
Elk Point SD 57025 6736

Dear Mr. Fennel:

Enclosed is a "Notice" dated October 12, 2012 concerning the 2012 irrigation questionnaires for Water Right Nos. 2512-3 and 5193-3 listed in your name and Water Right No. 3070-3 listed in the name of C F Shearon.

The notice was originally mailed to 47755 324th St, Elk Point SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 30, 2018

Dick Fennel
47734 325th St
Elk Point SD 57038

Dear Mr. Fennel:

A well completion report filed by Christensen Well & Irrigation shows that they completed a new well for you last spring. A review of our files indicates Water Right No. 2512-3 was issued for 1.7 cubic feet of water per second (765 gallons per minute) from one well located in the SE 1/4 NW 1/4 Section 20 to irrigate 122 acres located in the NW 1/4, W 1/2 NE 1/4 Section 20; all in T91N-R49W.

Is this a replacement well or an additional well which does not increase the total appropriation of 765 gpm? If the authorized diversion rate is increased, a new water permit will need to be obtained. Once we know this information, we can determine what additional action, if any, needs to be taken to ensure the water permit accurately reflects the colony's use.

Please contact Eric Gronlund or me regarding the status of this well or if you have any questions.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

*Dick Fennel called
2/12/18*

This is a replacement well.