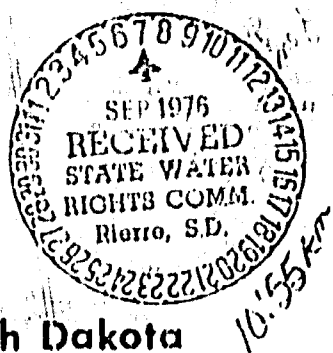


Water Right Number 3070-3

1. Considered 11-17, 1976
2. Name of Applicant C. F. SHEARON
3. Post Office Address ELK POINT
4. Amount of water claimed 1.70
5. Source of water supply 1510' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 120
7. Water to be diverted and used in Union County
about 1N, 2E Miles of ELK POINT
8. Proof of Publication
Received 11-E-76
Not received
9. Application
Approved
Subject to
Not approved
Action deferred

10. Remarks:

Map No. 2394-3 Water Division No. 3 BIG SIOUX RIVER District 1
 No. 3070-3
 (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 C. F. SHEARON
 Postoffice address 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 Shearon Irrigation Project
 4. Amount of water claimed (cubic feet per second) 1.727 CFS. MAXIMUM ALLOWABLE
 5. Source of water supply Well
 6. Location of point of diversion 1050 feet North and 1320 feet West of the SE Corner of
Section 17 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.
That portion SE of the Railroad Tracks in the			
NE of Section 17, T91N R49W	120 Ac.		

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. Dakota
 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

Estimated Total Cost \$ 10,000.00

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 Union) ss.

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

Signed

C. F. Shearon

Subscribed and sworn to before me this

2nd

day of

SEPTEMBER 1976
Malvin L. Warrall
 Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 3070-3

C. F. SHEARON
(Applicant)

ELK POINT
(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 SEPTEMBER 7, 1976
Date of return to applicant for correction, amendments or changes required , 19
Date of receipt of corrected application , 19
Approved NOVEMBER 17, 1976, Recorded in Book 16 Page 251 191

WATER RIGHT PERMIT NO. 3070-3

The Water Rights Commission hereby grants and issues the Water Right Permit No. 3070-3 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 SEPTEMBER 7, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before MAY 17, 1979
3. The whole of said work is to be completed on or before NOVEMBER 17, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is NOVEMBER 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, require 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 NOVEMBER 17, 1981; said water to be used during the following described annual period: JUNE THRU SEPTEMBER

Witness my hand this 21ST day of DECEMBER, 19 76

WATER RIGHTS COMMISSION

By:

John. H. Hark
Chief Engineer, Executive Officer

Certificate of Construction issued Sept 1 78, 19 79

Water License Issued Sept 18, 19 79

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 100 feet
- (2) Casing, Type Trampite 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 20 feet

Depth to bottom of water bearing material 100 feet

Thickness of water bearing material 80 feet

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

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

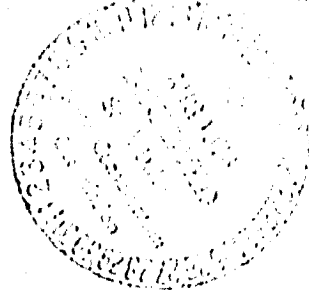
On same owner's property 50 rds. On property owned by others 120 rds.

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.

C. J. Shearon
Signature of Applicant

August 15, 1974



C. F. Shearer
Elk Point, SD 57025

Dear Mr. Shearer:

Enclosed please find the original copy of the report of analysis of your water sample (76-005) received here recently. I am also enclosing a copy of SDS publication 13 with the quality of your water plotted on the outside back cover by a red cross in the chart. As you can, it is in the high salinity, low sodium category. Accordingly, the water is only fairly well suited to irrigation and it should be used with certain definite management practices. The practices which are important are those of irrigating with substantial amounts so completely distribute the salt carried in the entire root zone and possibly allow for some leaching. This means that you should re-irrigate the dried out portion of the soil completely every time you irrigate. You should also irrigate as infrequently as possible with this kind of water. The brackish soils in the eastern part of your tract of land and a small strip in the southwestern part are the poorer soil in the area and should be watched carefully so as not to raise the water table if at all possible.

A copy of this letter is accompanying the water analysis and the information to the State Conservation Commission for their action.

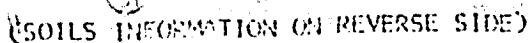
Sincerely yours,

L. O. Fine

L. O. Fine
Water Quality Lab

cc: State Conservation Commission
Louie DeSear, County Extension Agent
D. Paul

LCF:jed
Enclosures

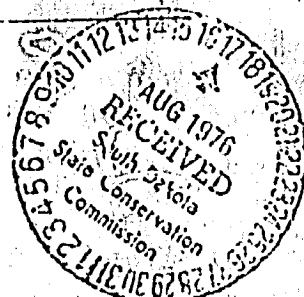


Submitted by: J. J. ...
Address: ...
Date Recd: ...
Sample No.: ...
Identification: ...

Calcium (Ca)	206	ppm	10.30	me/l
Magnesium (Mg)	66	ppm	3.41	me/l
Sodium (Na)	77	ppm	3.35	me/l
Potassium (K)	11	ppm	0.29	me/l
Sulfate (SO ₄)	590	ppm	2.27	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	26	ppm	0.24	me/l
Bicarbonate (HCO ₃)	438	ppm	7.68	me/l
Carbonate (CO ₃)		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO ₃)		ppm		
Alkalinity (Methyl Orange)	304	ppm (as CaCO ₃)		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO ₃)		
Electrical Conductivity	1553	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	1.20			
Sodium	17.31	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.55			

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

COMMENTS: Total citations 19.35 mg/1
Total unione 20.69 mg/1



By: Anthony J. White

Service Performed.

Amount Due

Irrigation Analysis

28.00

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 72-325

Amount Enclosed \$

Signed

WATER LICENSE NO. 3070-3

(1) WHEREAS, On the 7th day of September A. D. 19 78

C. E. Shearon

State Water Right Application No. 3070-3 for a permit to use 1.7 cubic feet per second of the waters of groundwater (one well)

County of Union State of South Dakota, for irrigation

purposes; and

(2) WHEREAS, On the 17th day of November A. D. 19 78

Permit No. 3070-3 with a date of priority of September 7, 1970

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 November A. D. 19 81 and for the application to beneficial use of said water on or before the 17th day of November A. D. 19 81

(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,

to irrigate 120 acres in that portion of the
SE 1/4, Section 17, T91N, R49W, lying South and East
of the Railroad track.

(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 C. F. Shaaron

of Elk Point, SD

the holder and owner of said permit No. 3070-3 a water right, dating from September 7, 1976

to use of 1.7 cubic feet per second of the water of groundwater (one well)

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 1320 ft. West and 1050 ft. North of the SE Corner, Section 17-T01N, R40W

and conduct to and upon 120 acres in that portion of the SE1/4, Section 17, T01N - R40W lying south and east of the railroad track.

for the purpose of irrigation

Subject to any limitations listed in Water Right Permit No. 3070-3 and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota
this 18th day of September A. D.
Nineteen Hundred and Seventy-nine

Board of Water Management

By:

Chief Engineer

JOHN HATCH

Permit No. 3070-3

Water Diversion No. 3 Big Sioux River Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That C. F. Shearon

_____ the holder _____ of
Permit No. 3070-3, issued upon Application No. 3070-3, bearing date of priority of September 7,
1976 authorizing the diversion of 1.7 cu. ft. per second of the waters of _____
groundwater (one well) County of Union, State of South Dakota at a
point 1320 ft. West and 1050 ft. North of the SE Corner, Section 17 --
T91N, R49W

_____ for irrigation

purposes, has 8 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 2.22 cu. ft. per second of water.

Date September 18, 1979

John Hatch
JOHN HATCH, Chief Engineer
Water Rights, WHD

No. 3070-3

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:

October 28 - 1976

November 4 - 1976

Lester E Emerson
(Signature)

Publisher
(Title)

November 4, 1976
(Date Signed)

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 20, 1976

Notice is hereby given that C. F. Shearon whose 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 use 1.7 cubic feet of water per second of time from ground water through the Shearon #1, the point of diversion of which is to be located in the SE 1/4 of Section 17, T9N, R49W, 91N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 17, T9N, R49W, 91N

This application No. 3070-3 will be considered by the Water Rights Commission at the Marvin Hughitt Hotel in Huron, South Dakota upon the 17th day of November, 1976, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION
By: Burton F. Jones
Water Rights Specialist
Publish: October 28, November 4



Form 6. - Notice of Intent to Appropriate Water

No. 3070-3

Publish first publication, on or before

November 4, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

October 20, 1976

Notice is hereby given that C. F. Shearon

whose 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 use 1.7 cubic feet of water per

second of time from ~~1244~~ 1124 ~~1244~~ 1124 ground water through the

Shearon #1, the point of diversion of which is to be located in the SE 1/4

of Section 17, Twp. 91N, Range 49W. Said water to be used for the purpose of providing irrigation on the following described land:

SE 1/4, Section 17, T91N, R49W

This application No. 3070-3 will be considered by the Water Rights

Commission at the Marvin Hughitt Hotel in Huron, South Dakota

upon the 17th day of November, 1976 at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: C. F. Shearon, Elk Point, SD 57025

Permit No. 3070-3Water 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 C.F.
SHEARON of ELK POINT holder
of Permit No. 3070-3, bearing date of priority of SEPTEMBER 7, 1976,
authorizing the diversion of 1.7 cu. ft. per second of the waters of GROUND WATER
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:

100' DEEP WELL WITH 16" TRANSITE CASING
WESTERN LAND PULLER 8" PUMP
POWERED BY 40 HP, US ELECTRIC MOTOR

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

C. Works used to apply water to beneficial use.

1/2 MILE OF 8" GATED PIPE WITH .30" SPACING ON
GATES.

The system is in the following condition: GOOD

The point of diversion is located 1320' W & 1050' N OF THE SE CORNER,
SECTION 17, T9N, R44W

The works are capable of diverting and conveying to the place of use 2.22
cu. ft. per second of water which is to be used for IRRIGATION

Water has been put to beneficial use to the maximum extent as follows:

120 ACRE IN THAT PORTION OF THE SE⁴ SECTION 17,
T9N, R44W LYING S & E OF THE RAILROAD TRACK

comprising a total of 120 acres of land.

Date: AUGUST 8 1979
B. J. [Signature]
(Signature)

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7020

PIERRE, August 28, 1970

RECEIVED OF C.F. Shearon, Elk Point, SD 57025

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. 3070-3 5.00

Fee for inspecting Beneficial Use, and issuing Water License No. 3070-3

Fee for issuing Location Certificate-Dry Draw, No.

Fee for filing

Fee for certified copy of

Fee for Print copy of map

Fee for Certifying

Fee for (any other work as provided by law)

TOTAL

50.00

WATER RIGHTS COMMISSION

By (John Hatch) Chief Engineer, Executive Officer
JOHN HATCH gy

SOUTH DAKOTA
Department of
Water & Natural Resources

Joe Foss Building Water Rights, Water Management Division
Pierre, South Dakota 57501 (605) 773-3352

September 18, 1979

Mr. C. F. Shearon
Elk Point, SD 57025

Dear Mr. Shearon:

Enclosed herewith are, Water License No. 3070-3 and Certificate of Construction.

Water License No. 3070-3 is the final water right document completing your process of obtaining a 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, WMD

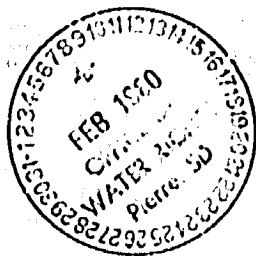
JH:bt

enclosures

NOTE: Your pump capacity is 2.22 c.f.s. (997 gpm) and based upon the acreage actually irrigated, you are entitled to divert 1.7 c.f.s. (763 gpm). Any diversion in excess of 1.7 c.f.s. would be a violation of your Water Right.

JH:plh

Equal Opportunity Employer



South Dakota
Department of Natural
Resources Joe Gore
Building Pierre S.D.

Dear Sir;

Also I am the land
Richard Gennel is the operator
I know nothing about this. Please
send to Richard Gennel in the future

C. J. Shearon
Elk Point S.D.

Richard Gennel
Elk Point So Dak 57025
RT. 3, Box 120.

February 15, 1980

Richard Fennel
RR #3, Box 120
Elk Point, SD 57025

Dear Mr. Fennel:

Enclosed is our 1979 Irrigation Questionnaire along with a letter from Mr. C.F. Shearon stating that you operate the land covered under his Permit No. 3070-3.

Permit No. 3070-3 covers land in the SE $\frac{1}{4}$ of Section 17, T91N, R49W lying south and east of the railroad track. Please fill out the enclosed questionnaire and return it to this office.

If you have any questions, please contact this office.

Sincerely,

GENNY YOUNG
Staff Assistant

gy

encl

South Dakota



DEPARTMENT OF WATER & NATURAL RESOURCES

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

3070-3

February 1, 1991

RICHARD FENNEL
RR 1 BOX 120
ELK POINT SD 57025

NOTICE

RE: Violation of Requirement to Submit 1990 Irrigation Questionnaire

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 3070-3. The request for the Questionnaire was dated October 12, 1990. The Water Management Board has directed that owners of water permits who have not submitted the 1990 Irrigation Questionnaire 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 9:15 am, February 27, 1991, at the Governor's Inn in the meeting room, 700 West Sioux Avenue, 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) 3070-3 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.

If the questionnaire(s) is received in this office before the February 27th hearing date, your name will be deleted from the agenda for the hearing.

Very truly yours,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division
605 773-3352

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. ☒ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to: RICHARD FENNEL RR 1 BOX 120 ELY POINT SD 57025	4. Article Number P694 057 524 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ C.O.D. ☐ Express Mail ☐ Return Receipt for Merchandise
5. Signature — Addressee X <i>Mona Fennel</i> 6. Signature — Agent X	Always obtain signature of addressee or agent and DATE DELIVERED.
7. Date of Delivery FEB 4 1991	8. Addressee's Address (ONLY if requested and fee paid)



DEPARTMENT OF WATER & NATURAL RESOURCES

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

3070-3

February 22, 1991

5193-3

3070-3

Richard Fennel
RR #1 Box 120
Elk Point, SD 57025

Dear Mr. Fennel:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 3070-3 and 5193-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaire. With receipt of the questionnaires, your name has been deleted from the February Water Management Board meeting agenda.

If you have any questions, please contact Genny McMath, at (605) 773-3352.

Sincerely,

Ron Duvall, Natural Resources Engineer IV
Water Rights Division



January 9, 1998

NOTICE

3070-3

**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.

3070-3



**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.

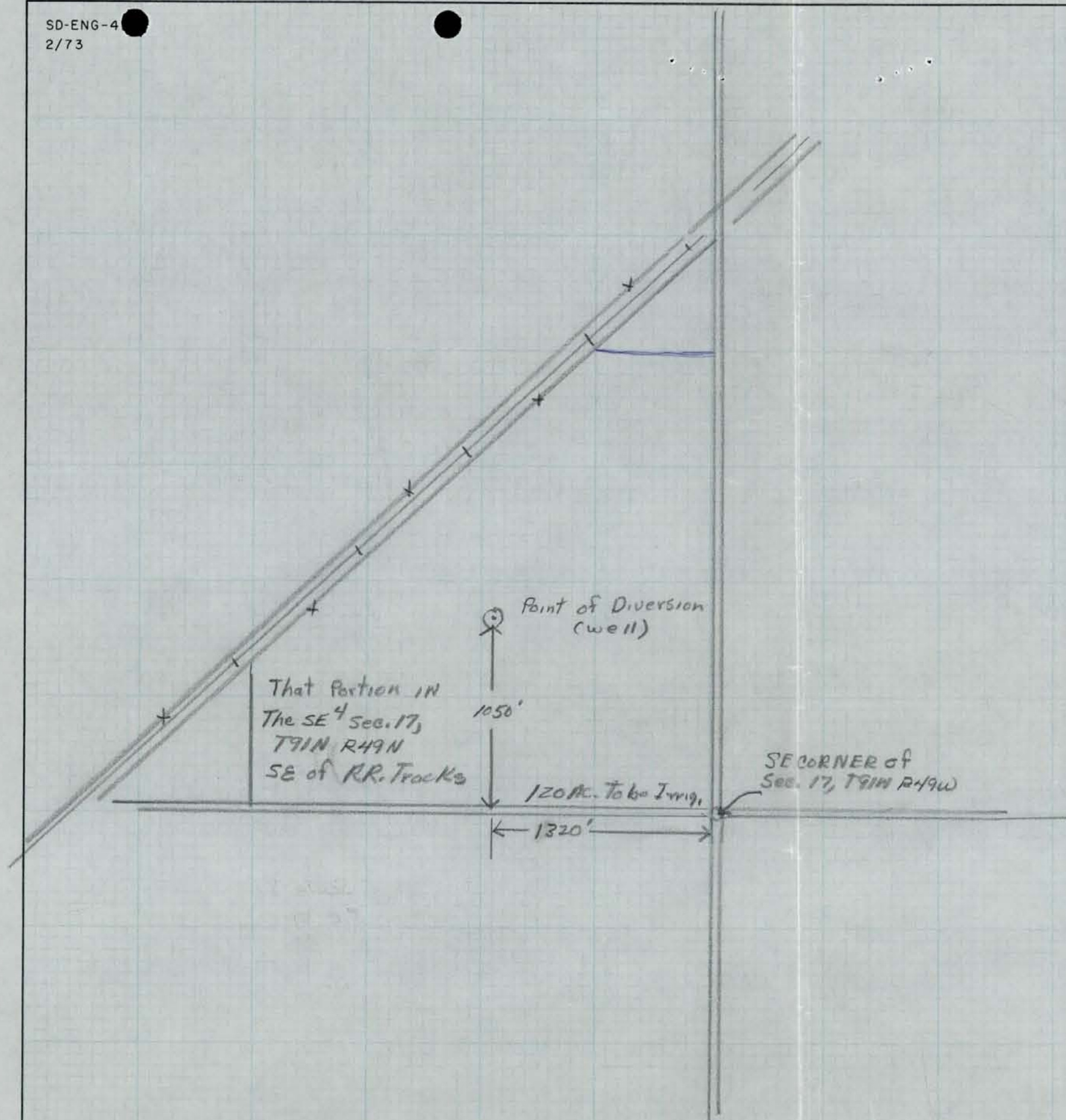
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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



Scale 8 inches = 1 mile

EF. Shearon Elk Point, So. Dak. Shearon Irrigation Project 120 AC. To be Irrigated			
U. S. DEPARTMENT OF AGRICULTURE SOIL CONSERVATION SERVICE			
Designed: <u>J.M. Boline 9/1/76</u>	Date: <u>9/1/76</u>	Approved by: <u>J.M. Boline</u>	
Drawn: <u>J.M. Boline 9/1/76</u>		Title: <u>See Tech. 9/1/76</u>	
Traced: _____	Sheet: <u>1</u>	Drawing No. _____	
Checked: _____	No. _____	of _____	

3070-3



**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



3070-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

denr.sd.gov

January 11, 2017

3070-3

Chad Fennel
47755 324th St
Elk Point SD 57025

Dear Mr. Fennel:

Thank you for sending in the irrigation questionnaires for Richard Fennel. Those are now up to date for another year.

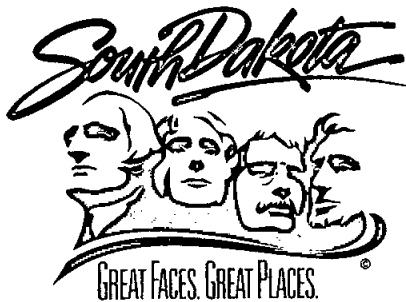
In reference to our phone conversation, I am enclosing a partially completed transfer of ownership form for Water Right No. 3070-3. Upon completion, please sign the form and return it to our office with a required filing fee of \$50.00. The check or money order for the fee can be made payable to the Water Rights Program.

I included a copy of Water Right No. 3070-3 for your records. If you have any questions concerning the water right or completion of the transfer form, please let me know.

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

February 6, 2017

3070-3

Chad Fennel
47755 324th St
Elk Point SD 57025

Dear Mr. Fennel:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for Water Right No. 3070-3.

The ownership change has been completed. Water Right No. 3070-3, formerly held by C F Shearon is now listed in your name.

Enclosed for your records is Receipt No. 08177 in the amount of \$50 which you paid for filing the ownership change. If I can answer any questions for you, please let me know.

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 2/6, 20 17

RECEIVED OF Chad Fennel 47755 324th St 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	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>3070-3</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. **08177**

By J. Anne Goodman
Chief Engineer

RECEIVED

FEB - 6 2017

WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 3070-3

Date: 2-2-17

I/We request that Water Right No. 3070-3

formerly owned by: C F Shearon

be transferred to: (name & address) Chad Fennel
47755 324th Street
Elk Point, SD 57025 Telephone No. 605-659-4975

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

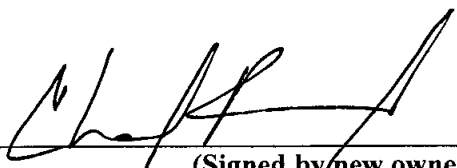
120 acres - SE ¼ Section 17, T91N, R49W

I/We understand that the validity of Water Right No. 3070-3 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 Chad Fennel, 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 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.