

1. Considered 1/28 1981
2. Name of Applicant Kenneth R. Brockel
3. Post Office Address R.R. 1, Box 18, Java 57452
4. Amount of Water Claimed 2.0
5. Source of Water Supply one 270' deep well existing under 1990-3
6. Water to be used for IRR
160 maximum acre feet
7. Acres to be irrigated Transferring acreage under permit 4448-3 with different source
8. Water to be diverted and used in Campbell County
about 2E, 6S ~~miles~~ of Mound City
9. PROOF OF PUBLICATION Received ~~2-4-81~~
Not Received _____
APPLICATION Approved 1/28/81
Subject to WI - T R
Not Approved _____
Action deferred _____

Priority

11/9/79

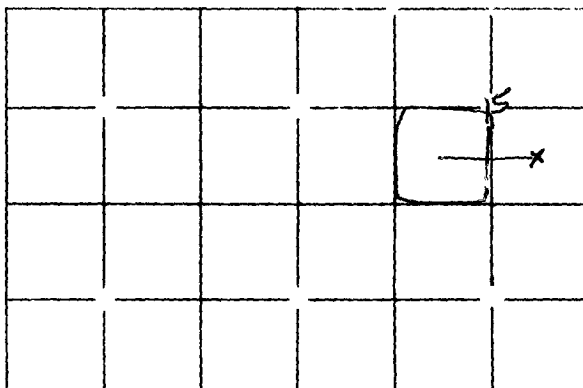
Date Received 12/16/80 Application Complete yes xx no _____ FEE 150.00
Remarks To use the existing well under 1990-3 (Licensed) to irrigate lands covered under Permit 4448-3.

WATER
QUALITY

Date information and/or fee or corrected Application received _____
Period of Annual use May 1 to November 1st
Received yes 1/8/81 no _____ APPROVED CONDITIONAL (Circle one)
WI-1 Description same as application yes X no _____ Remarks _____

Disapproved _____

Returned _____



Diversion Point _____

approximate center of SE $\frac{1}{4}$

15-125-76

Lands to be irrigated _____

SW $\frac{1}{4}$ 15-125-76

WELL
LOG

Remarks _____

Driller Huron Drilling Licensed yes xx no _____

Depth 270 feet deep

MAP Map No. 3820-3 Map located in Water Right x x Map file _____

Type of Map soils map Prepared by _____ Co. Agent _____

+++++

REVIEWED This Application was reviewed within 30 days of date received, accepted as complete, Number assigned and written up for advertisement before the Board on 1/28/81.

Bertie Martland
(Signed)

+++++

PROTESTS Letters/Petitions in File - yes _____ no _____ Remarks _____

REMARKS Date
F.F. & C Final Decision, including F.F. & C of Law were adopted _____
OF LAW, Date
FINAL Final Decision mailed to parties and/or parties notified that Final Decision
DECISIONS was adopted _____
ETC.

Remarks _____

No. 4602-3Map No. 3820-3 Water Division No. 3 Missouri River DistrictAbove for Office Use 10130106

APPLICATION FOR PERMIT To Appropriate Water within the State of South Dakota

Check one of the following:

New ☐ Vested Right ☐ Future Use ☐Change in Diversion ☒ Additional Diversion ☐Change in Acreage ☐ Additional Acreage ☐

1. Name of Applicant KENNETH R. BROCKEL Phone No. 905-3597
 Post Office Address K R 1 BOX 18, JAVA State S D. 57452
(Street, RR, or Box) (Town) (Zip Code)
 If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) CONTRACT3. Name of diversion work KENNETH R BROCKEL IRRIGATION UNIT #34. Amount of water claimed (cubic feet per second) 2 Cu Ft. / Sec5. Source of water supply BROCKEL IRRIGATION WELL #16. Location of point of diversion CENTER OF SE 1/4 - 15-125-76County CAMPBELL7. Annual period or periods during which water is to be used MAY 1 - NOVEMBER 18. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) IRRIGATION9. For irrigation use, Total number of acres to be irrigated 160

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.
NE 1/4 SW 1/4 - 15-125-76	40
SW 1/4 SW 1/4 - 15-125-76	40
SE 1/4 SW 1/4 - 15-125-76	40
SW 1/4 SW 1/4 - 15-125-76	40

Land Description	No. Acres Irr.

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 4 years.

11. Choice of county newspaper for publication of Notice of Intent to Appropriate Water FRANK PIONEER12. Principal Features of the Proposed Water Supply System. FOLLOCK, S D.

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

BROCKEL IRRIGATION WELL #1

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

UNDERGROUND IRRIGATION PIPE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT IRRIGATION SYSTEMCONVERSION OF PRESENT UNIT Estimated Total Cost \$ 22,000.

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) ss.I, KENNETH R 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, and am able to complete the necessary construction.

Signed Kenneth R. BrockelSubscribed and sworn to before me this 11th day of December, 1980

Gene Dale, Registered
 Notary Public for other qualified officers

WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. 4602-3

Kenneth R. Brockel

RR #1, Box 18, Java

South Dakota (Applicant)
57452

(Post Office Address)

With the following qualifications.

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 adequate domestic wells or in irrigation wells having prior water rights.

This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

The applicable portions of Permit No. 4448-3 have been incorporated into this Permit No. 4602-3. The priority date for this Permit is established under Permit No. 4448-3.

Date of first receipt of application DECEMBER 16, 1980
Date of return to applicant for correction, amendments or changes required DECEMBER 17, 1980
Date of receipt of corrected application WQ JANUARY 8, 1981
Approved JANUARY 28, 1981, Recorded in Book 32 Page 33

WATER RIGHT PERMIT NO. 4602-3

The Water Management Board hereby grants and issues this Water Right Permit No. 4602-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as qualified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is NOVEMBER 9, 1979
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 28, 1983
3. The whole of said work is to be completed on or before JANUARY 28, 1986
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 28, 1990
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 2.0 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 irrigation purposes said appropriation must be limited to not more than 2 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 JANUARY 28, 1990; said water to be used during the following described annual period: MAY 1ST TO NOVEMBER 1ST

Witness my hand this 13th day of MARCH, 1981

THE WATER MANAGEMENT BOARD

By: John Hatch
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

D. Well Information

- (1) Drill Hole, Diameter 27", Depth 270'
- (2) Casing, Type STEEL (wood, concrete, steel, etc.), Diameter 16", Thickness ABOUT 3/8"
- (3) Screen, Type STAINLESS STEEL, Diameter 16", Length 30'
- (4) Gravel Pack, Thickness 5 1/2", Length of gravel pack 270'

E. Dugout Information or Estimates

- (1) Surface dimensions, _____, Depth _____

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

- (1) Water Bearing Materials. (Attach a copy of test well log)

Depth to top of water bearing material 235'

Depth to bottom of water bearing material 268'

Depth to water (ground surface to water level) 80'

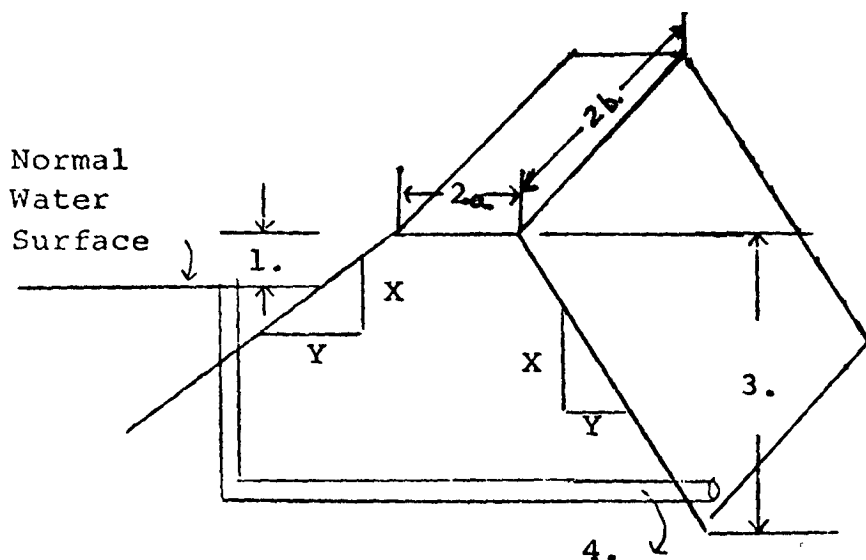
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 8 rds.

On property owned by others 240 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, length, maximum water depth, surface area, drainage area, storage capacity, dam slope, dimensions, location and size of outlet works, of each storage dam. The location of each water storage dam should be shown on the water right map.



1. Freeboard _____
- 2a Crest width _____ b. length _____
3. Height of Dam _____
4. Outlet dimensions:
Pipe diameter _____
Spillway width _____
- X & Y slope:
Upstream _____
Downstream _____
Surface area of impoundment _____
- Drainage area above dam _____

Kenneth R. Buckel
Signature of Applicant

NO.

Bernard Schleder
FOREMAN

Jt No.	DEPTH	TIME	REMARKS
	0-10	3:00	Topsoil, yellow Clay & small rocks
	10-20	4:10	Tuff Yellow Clay 10-17 gravel 17-20
	20-30	8:15	Rocks, gravel
	30-40	10:15	Rocks, yellow clay & gravel
	40-50	11:45	Blue Clay 44-50
	50-60	12:15	Blue Clay
	60-70	1:00	Blue Clay
	70-80	1:55	Blue Clay
	80-90	2:50	Blue Clay
	90-100	3:30	Blue Clay
	100-110	4:15	Blue Clay
	110-120	4:50	Blue Clay
	120-130	6:10	Blue Clay Tuff
	130-140	6:40	Blue Clay Few small rocks
	140-150	7:45	Blue Clay Tuff
	150-160	8:15	Blue Clay Small Rocks
	160-170	9:00	Blue Clay
	170-180	1:30	Blue Clay
	180-190	2:20	Blue Clay Tuff
	190-200	3:00	Blue Clay Coal Trace
	200-210	3:35	Blue Clay Coal & Coarse Sand
	210-220	3:55	Coarse Sand & Coal Clay Trace
	220-230	4:10	Coarse Sand & Coal Rock 229
	230-240	4:45	Coarse Sand Mixed with Blue Clay
	240-250	8:25	Sand, Gravel & Blue Clay
	250-260		Small Clay Streaks
	260-270		Clay Streak 267-268 Sand & Gravel
	270-280		Sand & Gravel
	280-290		284 Shale
			Total Depth 269 ft.
			30 ft. 16" Stainless Steel 100 Slot (2-15')
			239 ft. 16" Solid Steel Casing
			75 ton Pearock
			I certify this as the well log to Buckel Drilling well #1
			Kenneth R. Buckel

present as John Kayo
SOIL/WATER COMPATIBILITY APPLICATION FORM

STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Box 18

OWNERS NAME: *KENNETH R. BROCKEL OWNERS ADDRESS: R.R.1 JAVA, S.D.

COUNTY LAND LOCATED IN: CAMPBELL. PHONE: 955-3597.

TENANT'S NAME AND ADDRESS: (If Other Than Owner)

In accordance with State Law SDCL 46-5-6.5, if a water right is granted with a conditional permit (Soil/Water Compatibility), a copy of such conditional permit must be filed with the County Register of Deeds.
This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: CENTER OF SE 1/4, Sec. 15 - 125 - 76

2. SURFACE WATER SOURCE

3. LOCATION OF AREA TO BE IRRIGATED: SW 1/4 OF Sec. 15 - 125 - 76

4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
CORNERS ONLY - 8-10 ACRES

TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY TOWLINE CENTER PIVOT 130 GUN OTHER (Specify)

6. CROPS TO BE IRRIGATED ALFALFA & CORN

7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1979?

LAND: W 1/2 OF 15 - 125 - 76 (PERMIT #4448-3)

IN WHAT NAME: KAPFER, JOHN L.

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 75-662 73-276

9. SALINITY (EC X 10⁶) 1120 764

10. SODIUM (SAR) 2.92-0.47 ADJUSTED (SAR) 7.30 1.18

RECEIVED

DEC 30 1980

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at A.M./P.M., on , 19 , at the following location: * SEE ATTACHED WATER ANALYSIS.
by (individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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

I understand that the Division of Conservation or agents thereof may obtain another water sample for the purpose of validating the water sample analysis taken at the time of application (SDCL 46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

11th DAY OF December, 1980.

James Dale Register of Deeds
(NOTARY-PUBLIC)

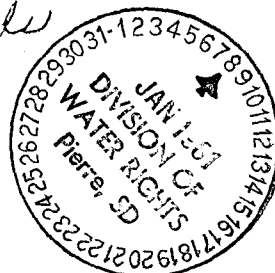
Kenneth R. Brockel
APPLICANT'S SIGNATURE

Jack M. Field
Director, Division of Conservation

APPROVED

DISAPPROVED

X CONDITIONALLY APPROVED



IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

SOIL/WATER COMPATIBILITY APPLICATION FORM
STATE CONSERVATION COMMISSION
SOUTH DAKOTA DEPARTMENT OF AGRICULTURE

Box 18

OWNERS NAME: KENNETH R. BROCKEL OWNERS ADDRESS: R.P. 1 JAWA, S.D.

COUNTY LAND LOCATED IN: CAMPBELL PHONE: 955-3597

TENANT'S NAME AND ADDRESS: (If Other Than Owner) _____

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This action must be taken by the holder of a water right within 6 months of receipt of such water right.

LEGAL DESCRIPTION: (Show Legal Description to Nearest 10 Acres.)

1. WELL LOCATION OR DIVERSION POINT: CENTER OF SE 1/4, Sec. 15 - 125 - 76
2. SURFACE WATER SOURCE: _____
3. LOCATION OF AREA TO BE IRRIGATED: SW 1/4 OF Sec. 15 - 125 - 76
4. INDICATE NON-IRRIGATED AREAS AND (APPROX.) ACRES ON MAP: (Farmstead, shelterbelts, wetlands, etc.)
TYPE OF IRRIGATION: (Show approximate acres under each type of system)

5. GRAVITY _____ TOWLINE _____ CENTER PIVOT 130 GUN OTHER (Specify) _____
6. CROPS TO BE IRRIGATED: ALFALFA + CORN
7. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED: 1979
LAND: 1/2 OF 15 - 125 - 76 (PERMIT #4448-3)
IN WHAT NAME: KAPFER, JOHN W.

WATER QUALITY: (TO BE COMPLETED BY SDSU WATER QUALITY LABORATORY)

8. SAMPLE NUMBER: 74-662 73-276
9. SALINITY (EC X 10⁶) 1120 76.4
10. SODIUM (SAR) 2.90-0.4 ADJUSTED (SAR) 730 1.8

RECEIVED

DEC 30 1980

South Dakota
Division of Conservation

I hereby certify that I personally obtained or that I personally observed the taking of a sample of the water to be used in irrigating the above-described land. I also hereby certify that the required procedures for the taking of the sample (see back) were followed, and that the sample was taken at _____ A.M./P.M., on _____, 19____, at the following location: X SEE ATTACHED WATER ANALYSIS
by _____ (Individual who took sample if other than applicant). I also hereby certify that the water sample taken has NOT been adulterated or tampered with in any manner, and is TRULY REPRESENTATIVE of the water which will be used in irrigating the above-described land.

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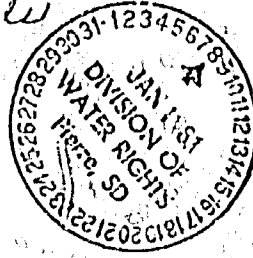
SUBSCRIBED AND SWORN BEFORE ME THIS
11th DAY OF December, 1980.

(NOTARY-PUBLIC)

Kenneth R. Brockel
APPLICANT'S SIGNATURE

Jack M. F. Hall
Director, Division of Conservation

____ APPROVED
____ DISAPPROVED
X CONDITIONALLY APPROVED



IMPORTANT

Action by the Department of Agriculture or the State Conservation Commission is not the final action on any application.

In all cases a WATER RIGHT must be obtained from the State Water Rights Commission.

No. 4602-3

Publish first publication, on or before January 15, 1981

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

January 8, 1981

Notice is hereby given that Kenneth R Brockel whose post office

address is Java, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-9, 46-1-14; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8; 46-5-10 thru 46-5-22, 46-5-41; 46-6-3, 46-6-3.1, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Board Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use 2.0 cubic feet of water per second of time from ground water

(one existing well) through the Brockel Irrigation Unit #3, the point ~~(xx)~~ of diversion of which is ~~(xxx) well~~ located in the approximate center of the SE 1/4

of Section 15, Twp. 125N, Range 76W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SW 1/4, Section 15, T125N, R76W (transferring acreage under Permit No. 4448-3 with a different diversion)

This Application No. 4602-3 will be considered by the Water Management Board at Meeting Room #1, Kneip Building Church & Illinois, Pierre, SD upon the 28th day of January, 1981

at 10 A.M. The Board is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Board decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Board in writing prior to the hearing or orally at the hearing.

This hearing is an adversary proceeding. Any person 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 at the hearing. Decisions of the Board may be appealed to the Courts as provided by law.

Any handicapped person wishing to attend this hearing can contact the Water Rights Division, DWRN, Joe Foss Building, Pierre SD, prior to the hearing date for assistance to assure access to the hearing.

WATER MANAGEMENT BOARD

cc: Kenneth R Brockel, RR #1, Box 18
Java, SD 57452

BETTY WESTLUND
Water Rights Specialist

RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

No 4 7824

PIERRE, December 10, 19 80

RECEIVED OF Kenneth Crockett, RR 1, Box 16, 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. 4602-3 (examination, processing, recording and filing) -----	150.00
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 -----	
Fee for certified copy of -----	
Fee for Print copy of map -----	
Fee for Certifying -----	
Fee for -----	
(any other work as provided by law)	
TOTAL	150.00

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer

JOHN HATCH / 66



NOTICE OF COMPLETION OF WORKS AND/OR
APPLICATION OF WATER TO BENEFICIAL USE

Post Office RR. 1 Box 18, Java, S.D.
Date June 11, 1981 57452

TO: Water Rights Commission
Joe Foss Building
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 maximum extent it is going to be used, not exceeding the amounts as specified in Water Right No. 4602-3.

Water Right Permit No. 4602-3 states that the diversion system is to be constructed by Jan. 28, 1986, and that the water is put to beneficial use by Jan 28, 1990.

The diversion system was completed on June 10, 1981. Applying the water to beneficial use was completed on June 11, 1981.

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.

Kenneth R. Brockel
(Signature)

#1990-3
*4602-3

 **Department of
Water & Natural Resources**

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

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;

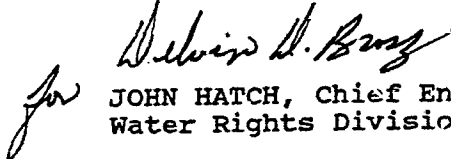


Each of these equipment requirements are discussed more thoroughly in Sections 74:02:09:05 through 74:02:09:10 of the enclosed rules. Appendix A contains diagrams of the arrangements of these anti-pollution devices.

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,

A handwritten signature in dark ink, appearing to read "John Hatch", is written over the typed name.

JOHN HATCH, Chief Engineer
Water Rights Division



4602-3

**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

R. 76 W.

2 000 000 FEET

T. 125 N.

(Joins sheet 47)

~~Map # 3820-3~~ w/r 4602-3



Permit No. 4602-3
Missouri River Basin - Water District

Report of Examination of Works and/or Application of Water to Beneficial Use

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

I have this day, **November 15, 2006**, made a thorough examination of the water use system constructed by **Kenneth Brockel** of **31072 121st St., Java, SD 57452** holder of Permit No. **4602-3**, bearing the priority of **November 9, 1979** authorizing the diversion of **2.0** cu. ft. per second of the waters of the **Grand Aquifer** for **irrigation** purposes, in **Campbell** County.

Inspection contact & relationship **Kenneth Brockel 955-3597**
to permit holder, if applicable:

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: **Huron Drilling**
- 2) No. of Wells **1**
- 3) Depth(s) **270** feet
- 4) Well log is available **Y**
- 5) Comment:

Casing:

- 1) Diameter **16** inches
- 2) Length **240** feet
- 3) Type **Steel**

Screen:

- 1) Type **Stainless steel**
- 2) Length **30** feet
- 3) Static water level **80** feet

Pump:

- 1) Make **Aurora Verti-Line**
- 2) Model **Ser. # 35672537**
- 3) Capacity **850** GPM

Motor:

- 1) Make U.S. Motor
- 2) Model No. B411-B04-53720
- 3) Horsepower rating 125 hp

B. Works used to apply water to beneficial use:

Center pivot:

- 1) Make Valley
- 2) Number of towers 8
- 3) End gun Y
- 4) High or low pressure High
- 5) Capacity 850 GPM

Chemigation Equipment:

- 1) Does chemigate N

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by Y
- 2) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period Y
- 3) Exceptions to compliance are: None

The system is in good condition with the point(s) of diversion located as follows: Approximately 1600 feet north and 1525 feet west of the SE corner of Section 15-T125N-R76W (N 45.64163, W -100.01279) The works are capable of diverting and conveying to the place of use 1.89 cu. ft. per second of water which is to be used for Irrigation purposes. Water has been put to beneficial use to the maximum extent as follows:

Section 15-T125N-R76W

NW $\frac{1}{4}$ SW $\frac{1}{4}$ -34 acres

NE $\frac{1}{4}$ SW $\frac{1}{4}$ -34 acres

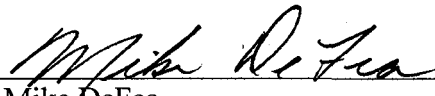
SW $\frac{1}{4}$ SW $\frac{1}{4}$ -34 acres

SE $\frac{1}{4}$ SW $\frac{1}{4}$ -34 acres

comprising a total of 136 acres of land and the license should be issued for 1.89 cfs.

All structures, wells and lands on map Y

Comments or other permit(s) associated with the project:



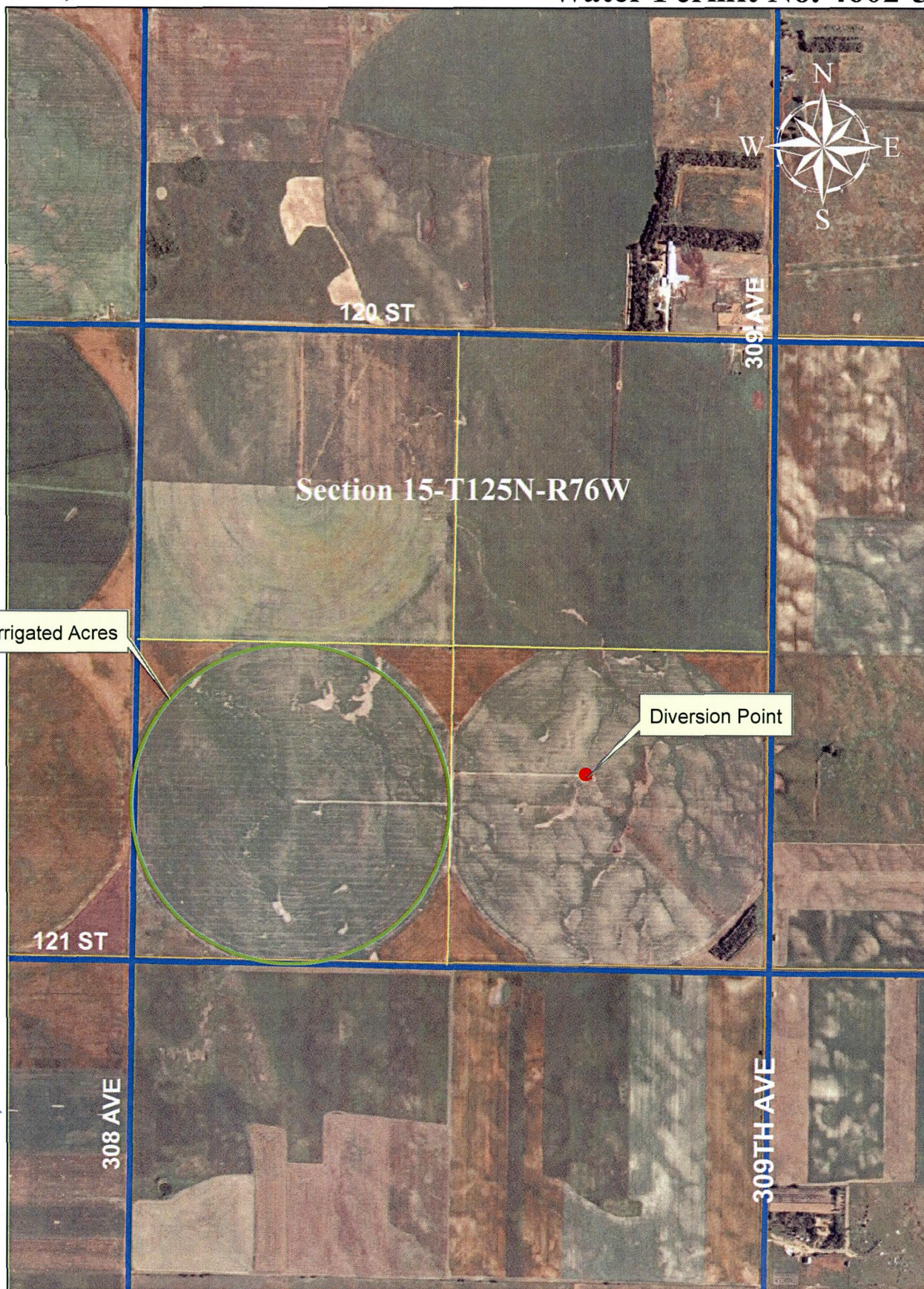
Mike DeFea

Natural Resources Project Engineer
DENR, Water Rights Program

Date report completed: **January 8, 2007**

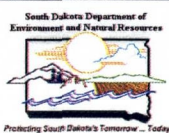
Kenneth Brockel
31072 121st St.
Java, SD 57452

Water Permit No. 4602-3



Mike DeFea

Mike DeFea
Natural Resources Engineer
DENR, Water Rights Program
January 8, 2007



0 440 880 1,760 2,640 3,520 Feet



March 2, 2007

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

4602-3

Kenneth Brockel
31072 121st St
Java SD 57452

Dear Mr. Brockel:

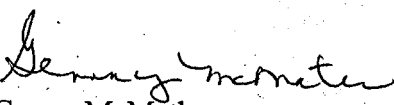
On November 15, 2006 the investigation of your water use system, including the extent of application of water to beneficial use, as developed under Water Permit No. 4602-3, was completed by Mike DeFea, a staff engineer with our program. Your final water right document, the water license, can now be issued.

State law requires that we charge a \$50.00 fee for the investigation and issuance of the water license. Upon receipt of the \$50.00 fee from you, we will complete processing your water license. The check or money order for the fee should be made payable to the "Water Rights Program".

Your licensed water right will be similar to a property right that can not be lost as long as the water use continues and you abide by the permit requirements.

If you have any questions regarding the water permit, investigation of your water use system or payment of the fee, please contact me.

Sincerely,


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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/14, 20 07

RECEIVED OF KENNETH BROCKEL 31072 121ST ST JAVA SD 57452

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. <u>4602-3</u>		
Fee for Filing Transfer Form _____		
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. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No.

02989

By *Donald Erbende*
Chief Engineer

JD



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 16 2007

4602-3

Kenneth Brockel
31072 121st St
Java SD 57452

Dear Mr. Brockel:

Enclosed is Water License No. 4602-3. This is the final water right document completing your process of obtaining a Water Right. Also enclosed is your Receipt No. 02989 in the amount of \$50.00 which you paid for the investigation and issuance of the Water License and a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 4602-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

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

enclosures

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4602-3

(1) Kenneth R Brockel, 31072 121st St, Java SD 57452 made Application No. 4602-3, December 16, 1980 for a water permit to divert 2.00 cubic feet of water per second from ground water (one well – Grand Aquifer), Campbell County, South Dakota for irrigation purposes. Permit No. 4602-3, with a priority date of November 9, 1979 (established under Water Permit No. 4448-3) was approved January 28, 1981 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before January 28, 1986 and for the application to beneficial use of said water on or before January 28, 1990.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 1.89 cubic feet of water per second for beneficial use. The location of the diversion point is:

- 1,600 feet north and 1,525 feet west of the SE corner of Section 15, T125N, R76W (NW ¼ SE ¼)

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

Section 15, T125N, R76W

NW ¼ SW ¼	34 acres
NE ¼ SW ¼	34 acres
SW ¼ SW ¼	34 acres
SE ¼ SW ¼	34 acres
Total	136 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Kenneth R Brockel, 31072 121st St, Java SD 57452 the holder and owner of Water Right No. 5602-3 is issued a license to appropriate water, the right to use 1.89 cubic feet of water per second from ground water (one well – Grand Aquifer) with a priority date of November 9, 1979 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 4602-3 and subject to the following qualifications:

- The irrigation well approved under this Water Right will be located near domestic wells and other irrigation wells which may obtain water from the same aquifer. The irrigation well owner, under this Water Right shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in irrigation wells having prior water rights.
- This water right is approved subject to the irrigation water use questionnaire being submitted each year.

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

MAR 16 2007
date





4602-3

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.



4602-3

**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,

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

4602-3

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. 4602-3

Date:

4-27-25

I/We request that Water Right/Permit No. 4602-3 formerly owned by:
Kenneth Brockel

be transferred to:

New Owner Name:

Jason Brockel

Address:

31074 121st

mobile:

605-850-8746

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:

136 acres in the SW 1/4 Section 15, T125N, R76W



I understand that the validity of Water Right/Permit No. 4602-3 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.

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