

Considered: _____

WATER PERMIT NO. 5193-3

MAP No. same 356-2958

Name of Applicant Richard Fennel

Post Office Address RR1, Box 120, Elk Point SD 57025

Amount of Water Claimed 1.71 cfs Total Acres 120

Source of Water Supply ground water 1 well

Water to be used for irrigation County Union

About 1.0 miles S of Elk Point

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received May 5, 1988 Fee \$225.00 Remarks _____

Corrected Application Received May 17, 1988 Period of Annual Use Apr 1 - Nov 30

WATER QUALITY APPROVAL RECEIVED ✓ APPROVED/CONDITIONAL (Circle one)

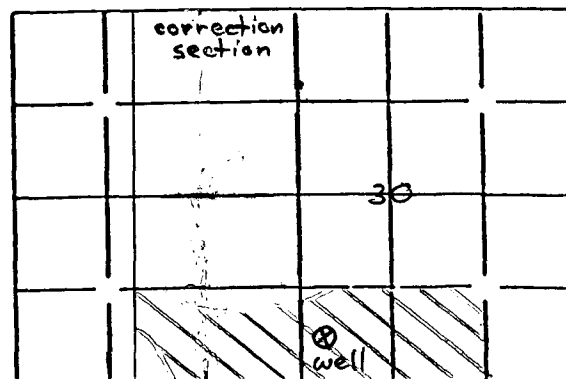
WI-1 Description same as Application YES ✓ NO _____ REMARKS _____

Diversion Point well: SE $\frac{1}{4}$ SW $\frac{1}{4}$ section 30 -

T91N-R49W

Land to be Irrigated S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

section 30 - T91N-R49W



Well Log: Driller Wetmore Drilling Licensed YES ✓ NO _____

Depth of Well 110 Feet REMARKS _____

Type of Map aerial photo PREPARED BY Louie DeSmet Reviewed and the Number

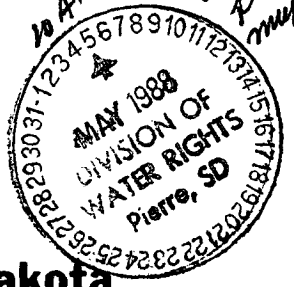
assigned on May 19, 1988 By Ron Dunsall

No. 5193-3

Map No. same Water Division No. 10170101 Missouri R. District

Elk Point Leader - Courier
Box 310 (Thurs)

Above for Office Use



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 Richard Fennel Phone No. 605-356-2958
Post Office Address RR 1 Box 120 Elk Point State SD 57025
(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) Contract

3. Name of diversion work R. Fennel #2

4. Amount of water claimed (cubic feet per second) 1.71

5. Source of water supply Well

6. Location of point of diversion Center of SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 30 T91N R49W

County UNION

7. Annual period or periods during which water is to be used April 1 - November 30

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

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.
S $\frac{1}{2}$ Lot #2 SW $\frac{1}{4}$ -30-T91N-R49W	40
SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$	
Sec 30 T91N-R49W	80

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 Leader Courier
Elk Point

12. Principal Features of the Proposed Water Supply System.

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

Well and Pump

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

Pipe

C. Works proposed to apply water to beneficial use.

Center Pivot

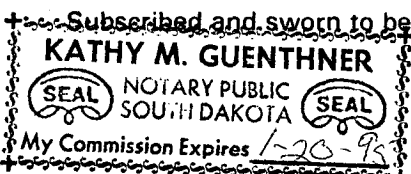
Estimated Total Cost \$ 30,000.00

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, Richard Fennel 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 Richard Fennel
Kathy M. Guenthner
Notary Public (or other qualified officer)



WATER RIGHT APPLICATION APPROVAL

The Water Management Board hereby approves Water Right Application No. _____

(Applicant)

(Post Office Address)

(State)

With the following qualifications.

Date of first receipt of application _____, 19____

Date of return to applicant for correction, amendments or changes required _____, 19____

Date of receipt of corrected application _____, 19____

Approved _____, 19____, Recorded in Book _____ Page _____

WATER RIGHT PERMIT NO. _____

The Water Management Board hereby grants and issues this Water Right Permit No. _____ 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 _____, 19____
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before _____, 19____
3. The whole of said work is to be completed on or before _____, 19____
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is _____, 19____
5. The water appropriated shall be used for the purpose of _____

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 _____ 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 _____, 19____; said water to be used during the following described annual period: _____

Witness my hand this _____ day of _____, 19____

THE WATER MANAGEMENT BOARD

By: _____
Chief Engineer, Water Rights

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____

**SOUTH DAKOTA
WATER PERMIT FOR IRRIGATION**

Date of first receipt of application May 5, 1988

Date Soil/Water Compatibility Permit received May 17, 1988

Date of return to applicant for correction, amendments or changes required May 9, 1988

Date of receipt of corrected application May 17, 1988

The Water Management Board approved Water Permit Application No. 5193-3

on July 27, 1988 for Richard Fennel
(Applicant)

RR 1, Box 120 Elk Point South Dakota 57025
(Street, RR or Box) (City) (State) (Zip Code)

authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5193-3 appropriates 1.71 cubic feet of water per second from one well 110 feet deep in the Missouri-Elk Point Aquifer. The well is to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the acreage to be irrigated is in the S $\frac{1}{2}$ Lot 2 SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section 30, T91N, R49W
2. The amount of the appropriation may not exceed 2 acre feet per acre per year or one-seventieth (1/70) cubic feet of water per second for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: April 1 - November 30
3. The date from which applicant may claim the right is May 5, 1988
4. One-fifth of the construction is to be completed on or before January 27, 1991
5. All construction is to be completed on or before July 27, 1993
6. Water is to be put to beneficial use on or before July 27, 1997
7. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

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

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

WATER MANAGEMENT BOARD

By: John Hatlebakk
Chief Engineer

Division of Water Rights
Dept. of Water and Natural Resources

DEC 1 1988

D. Well Information

- (1) Drill Hole, Diameter 20, Depth 110 Ft.
- (2) Casing, Type Transite, Diameter 16", Thickness 3/8"
(wood, concrete, steel, etc.)
- (3) Screen, Type Sawed Slotted, Diameter 16", Length 20'
- (4) Gravel Pack, Thickness 2", Length of gravel pack 24'

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 20'

Depth to bottom of water bearing material 110'

Depth to water (ground surface to water level) 20'

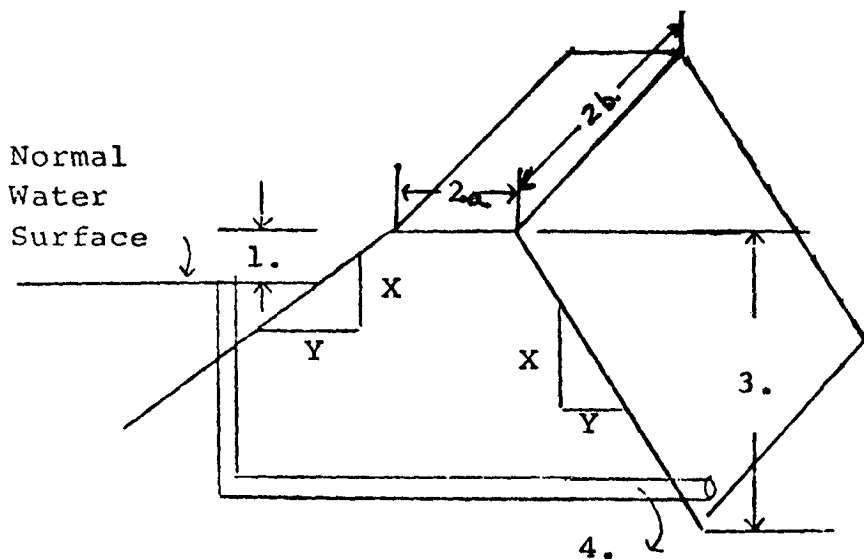
- (2) Distance to nearest existing household or livestock watering well.

On same owner's property 0 rds.

On property owned by others 80 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 _____

Richard H. Fennel
Signature of Applicant

WETMORE DRILLING
P.O. Box 577
Elk Point, SD 57025

Test Well Log

5/3/88

Richard Fennel
Rt. 1 Box 120
Elk Point, SD 57025

Log SW 1/4 Sec 30 T 91-N R-48-49-W

Topsoil	0' - 1.5'
Clay & sand mix	15' - 8'
fine sand	8' - 76'
coarse sand & gravel	76' - 100'

Wetmore Drilling
PO Box 577
Elk Point, SD 57025

James Wetmore
James Wetmore

NOT TO SCALE

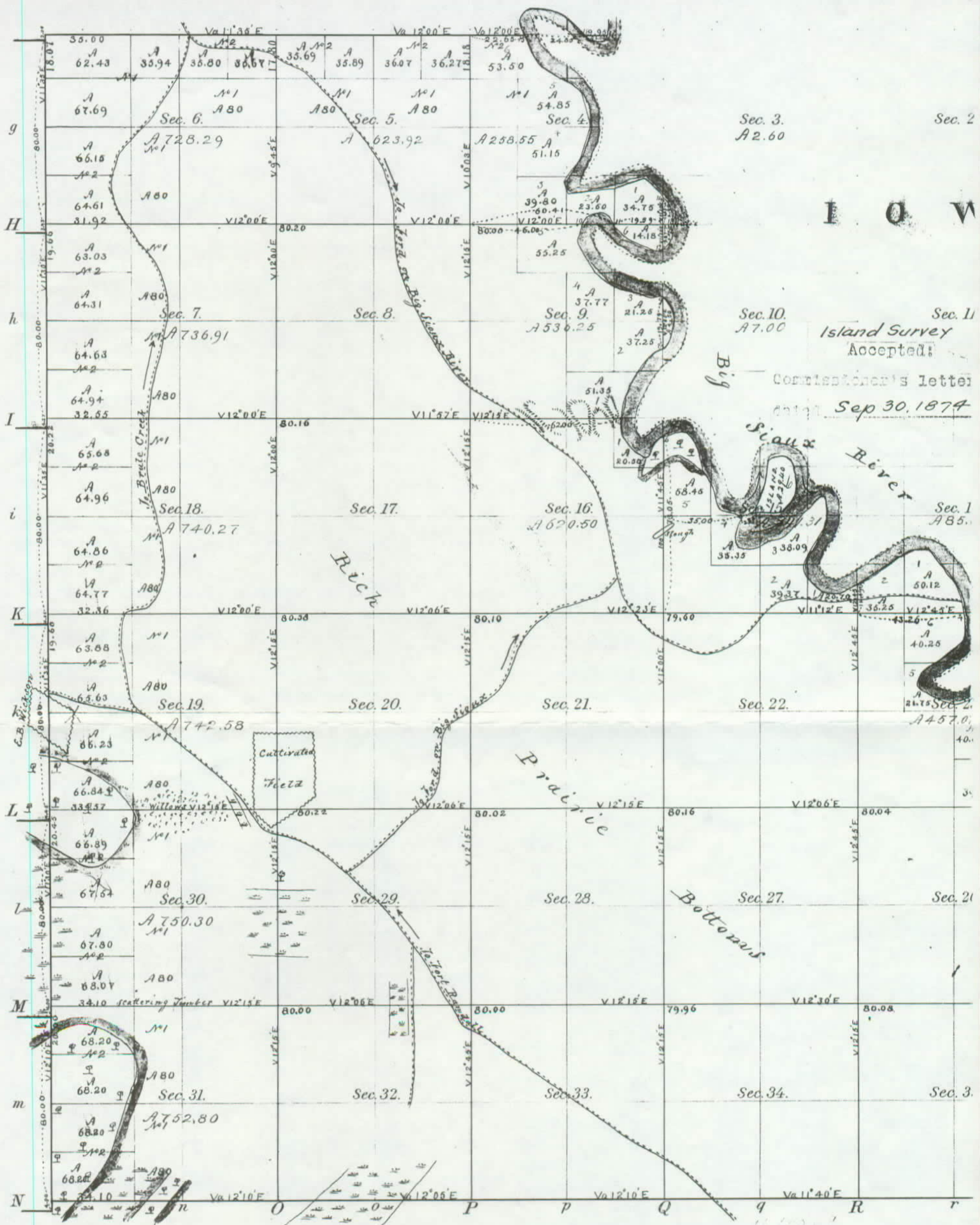


Appl. No. 5193-3

North
Prepared by
James E. DeBout
Union Co Est agent
May 29-77

TOWNSHIP N° 91 North RANGE N° 49 West of the 5th Pr

G F E D C B



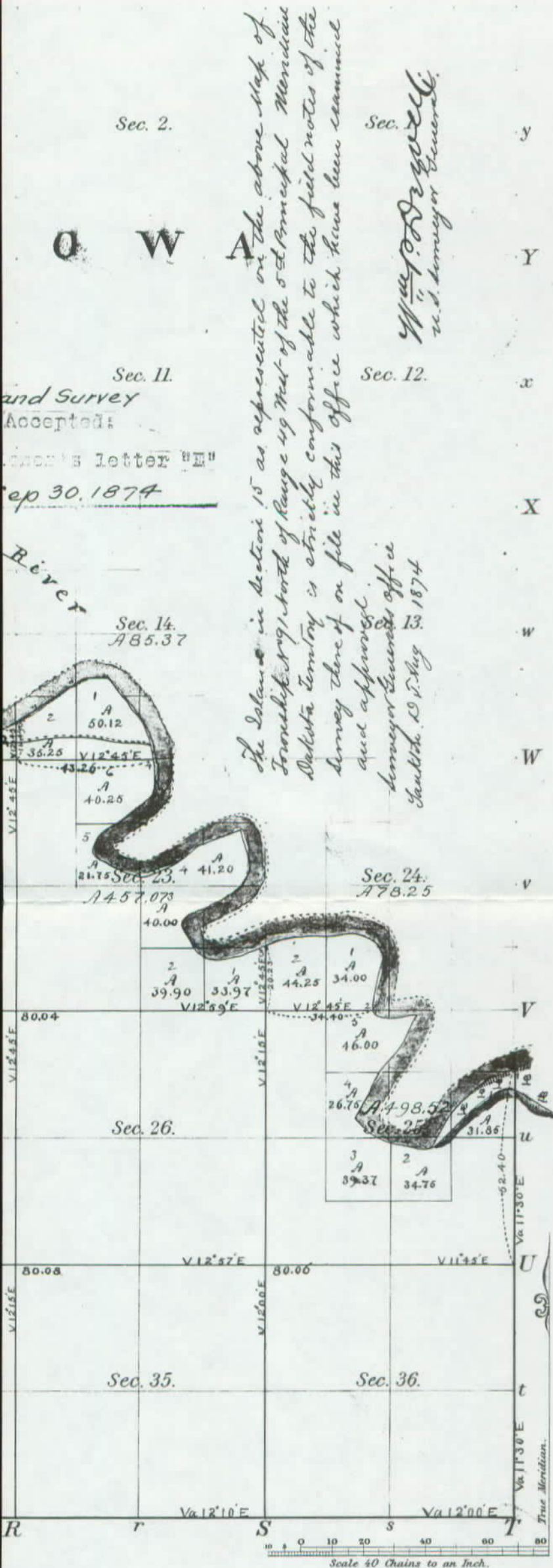
Total number of Acres. 16891.09

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed
Township lines	John Ball	Aug 1 st 1860	M. Ch. Lk.	Oct. Nov 1860
Subdivisions	Cortis Stephenson	July 24 th 1861	55-51-10	Sept & Oct 1861
Meanders of Island in Sec. 15	Wm. M. Vison	July 21 st 1874	70.50	Aug 8 th 1874

The above
Princip
notes of the
Survey
Gai

the 5th Principal MERIDIAN

C b B a A



Meanders of Big Sioux River, Right Bank								
Posts	Courses	Ch. & Lk.	Posts	Courses	Ch. & Lk.	Posts	Courses	Ch. & Lk.
1	S. 60° W. 14		8	N. 19° 05' E. 12 12		Meanders of an		
	S. 43° W. 7			N. 13° W. 4 50		Island in Section		
	S. 33° W. 16 90			N. 37° 30' W. 4 90		15.		
	N. 83° 15' W. 14 55		9			15	S. 69° E	9.00
	N. 40° 15' W. 3			S. 82° W. 3 58			N. 71° E	3.00
	N. 58° W. 8 96			N. 69° 45' W. 19 26			N. 55° E	4.00
	N. 30° 30' E. 38 89			N. 48° 30' W. 9 27			N. 32° E	4.00
	N. 88° 30' W. 14 94			N. 27° W. 14 76			N. 16° E	2.00
	N. 24° 45' W. 1 08			N. 10° E. 6 21			N. 5° E	5.00
2			10				N. 1° W	5.00
	N. 11° E. 15 20			N. 30° 30' E. 5 21			N. 23° W	3.00
	N. 43° 30' W. 11 40			N. 88° 15' E. 8 66			N. 38° W	2.00
	West 18 10			S. 33° E. 5 70			N. 64° W	3.00
	S. 74° 45' W. 11 70		11				N. 88° W	2.00
3				S. 38° 15' E. 6 05			S. 84° W	2.00
	S. 52° W. 6 47			S. 58° 30' E. 5 40			S. 65° W	2.00
	S. 87° W. 10 64			S. 63° 30' E. 5 90			S. 23° W	3.00
	N. 53° W. 11 63			N. 87° 30' E. 6			S. 8° W	7.00
	N. 63° W. 6 47		12				S. 18° W	5.00
	N. 63° E. 15			N. 37° 30' E. 5 73			S. 23° W	3.00
	N. 41° E. 11 30			N. 30° E. 5 30		15	S. 29° W	6.50
	N. 8° W. 14		13					
	S. 71° W. 12 70			N. 30° W. 5 55				
	S. 80° 30' W. 7			N. 31° 30' W. 6 40				
	S. 53° W. 18 40		14			Total	0	70
	N. 56° W. 16 80			N. 38° 15' W. 10 53				50
	N. 83° E. 5 37			S. 77° W. 10 81				
	N. 50° 15' E. 21 69			S. 74° 30' W. 12 28				
	N. 1° 15' W. 9 25			N. 85° 30' W. 4 23				
4				S. 83° 30' W. 5 65				
	N. 5° E. 10			N. 29° 30' W. 3 10				
	N. 41° W. 20 40			N. 15° E. 3				
	West 8 60			N. 34° 30' E. 1 97				
	S. 59° W. 26 20			N. 39° 30' E. 4 82				
5				N. 17° 15' E. 17 46				
	S. 35° W. 1 77			N. 8° 30' W. 14 62				
	S. 66° 30' W. 5 73			N. 62° W. 7 25				
	N. 72° 15' W. 9 40			N. 73° 30' W. 8 33				
	N. 44° 30' W. 9 80			N. 46° 30' W. 8				
	N. 23° E. 18 50			N. 21° W. 11 65				
	N. 30° E. 13 50							
	S. 57° 15' W. 9 30		16	S. 67° E. 5 50				
	S. 40° W. 17 30			N. 67° E. 5 40				
	S. 88° 45' W. 4							
	S. 70° 45' W. 5 29							
	N. 78° 15' W. 5 86							
	N. 36° W. 5 19							
	N. 20° 30' E. 8 41							
	N. 79° 15' W. 9 95							
	N. 18° 15' W. 12 55							
	N. 42° 30' W. 4 71							
	N. 9° W. 10							
	N. 45° 30' W. 9 10							
	S. 78° 30' W. 7 40							
6								
	S. 31° 15' W. 9 19							
	N. 76° 30' W. 3 81							
	N. 87° 30' W. 3 91							
	N. 34° W. 3 11							
	N. 20° W. 10 60							
7								
	N. 8° 30' E. 2 92							
	N. 19° E. 10 20							
	N. 44° E. 13 39							
	N. 18° 30' E. 2 15							

The above Map of Township N. 91 North of Range N. 49 West of the 5th Principal Meridian Dakota Territory is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office
Faukton D. T. Nov 28/1861

Geo. D. Hill
Sur. Gen.

Accepted:
Commissioner's letter #
dated Feb. 18. 1862

RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

411248

Pierre, May 17, 1988, 19

RECEIVED OF Richard Fennel, RR 1, Box 120, 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 works and to put water to beneficial use _____	225	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 _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	Total	225 00

By

John Hatch

Chief Engineer

JOHN HATCH MS

SOUTH Dakota Department of
Water & Natural Resources

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

May 9, 1988

Richard Fennel
RR 1, Box 120
Elk Point SD 57025

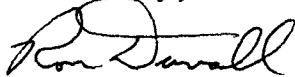
Dear Mr. Fennel:

This letter is in response to the water permit application received on May 5, 1988 to irrigate 120 acres. The following is needed to complete the application:

- 1) The application fee to irrigate from 120 to 180 acres is \$225.00. Enclosed is your check for \$150.00. Please send the correct application fee.

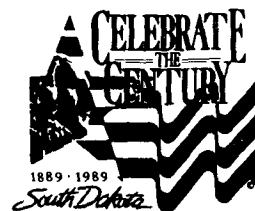
The water permit application can not be processed for consideration by the Water Management Board until the application is complete. Please send the correct application fee to complete the application. Contact me if you have any questions.

Sincerely,



Ron Duvall
Natural Resources Engineer
605 773-3352

enc.



CONSERVATION COMMISSION MEETING

DATE: May 12, 1988

Page 1 - APPROVED with Requirements

NAME: Richard Fennel

Water Quality: 88-0077

ADDRESS: RR 1, Box 120

SALINITY: 1400

ADDRESS: Elk Point, SD 57025

SAR: 1.47

SODIUM: 21.85

COUNTY: Union

ADJ SAR: 4.24

LEGAL DESCRIPTION: S1/2 Lot 2 SW1/4 30; SW1/4 SE1/4 30; SE1/4 SW1/4 30-T91-R49 = 120 acres.

APPLICATION #: 4248

TYPE OF IRRIGATION: Center Pivot

WATER SOURCE: Ground

REQUIREMENTS: The area mapped as Albaton silty clay depressional (Ad), Onawa silty clay (Ob) and Percival silty clay (Pa) are subject to slow water intake resulting in ponding and/or a seasonal high water table. Under irrigation these areas may drowned out crops, present trafficability problems and may be subject to salt accumulations due to restricted drainage. Based on the limitation of these soils adequate internal drainage shall be provided as necessary, including the installation of an artificial drainage system i.e. tile drainage. Note: The area may be subject to swampbuster and the drainage of these area may result in loss of benefits provided under the Federal Farm programs.

The area found west of the road mapped as water and Fluvaguents, wet (Fb) are restricted from irrigation.

MANAGEMENT RECOMMENDATIONS: We recommend that a form of conservation tillage be used to conserve moisture and to control erosion. We also recommend that you establish a water management plan which may address the areas of restricted internal drainage.

TYPE OF PERMIT GRANTED AND REASON: The Approved with Requirements recommendation is based on the salt contents of the water and areas which have restricted internal drainage.

SOIL/WATER COMPATIBILITY PERMIT APPLICATION FORM

Office Use Only

Division of Conservation

WR#

OWNERS NAME: Richard Fennel OWNERS ADDRESS: RR 1 Box 100

COUNTY LAND LOCATED IN: Union PHONE: 356-2958 57005

TENANT'S NAME AND ADDRESS: same

LEGAL DESCRIPTION: (Show Legal Descriptions to Nearest 10 Acres)

1. WELL LOCATION Center of the SE 1/4 of the SW 1/4 Sec 30 T91N R99W
Depth 100'

2. SURFACE WATER SOURCE AND DIVERSION LOCATION: _____

Diversion Location _____

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 Sec 30 T91-49</u>	<u>40</u>		
<u>SW 1/4 SE 1/4 30 T91-49</u>	<u>40</u>		
<u>SE 1/4 SW 1/4 30 T91-49</u>	<u>40</u>		



3. SHOW ANY PORTION OF LAND THAT PRESENTLY HOLDS AN IRRIGATION PERMIT: YEAR OBTAINED _____

LEGAL DESCRIPTION: _____

IN WHAT NAME: _____

4. LOCATION OF AREA TO BE IRRIGATED NOTE: **SOILS INFORMATION FOR THIS AREA MUST ACCOMPANY THE APPLICATION. (See instruction sheet)**

OTHER: _____

5. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: X GUN: _____ (Specify) _____

6. CROPS TO BE IRRIGATED: Corn + beans

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

7. WATER SAMPLE NUMBER: 1 88-0077 10. ADJUSTED (SAR): 4.24
8. SALINITY (EC X 10⁶): 1400 11. PERCENT SODIUM: 21.85%
9. SODIUM (SAR): 1.47

I hereby certify that I personally obtained or that I personally observed that 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 instruction sheet) were followed, and that the sample was taken at 10 a.m./p.m., on APR 15, 19 88, at the following location: SW corner NW 1/4 of T14N R99W Sec 31-91-49 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.

Signature, of Water Sampler.

I understand that the Division of Conservation or agents thereof may obtain water samples from wells and surface bodies to be used for irrigation purposes to validate water samples taken at the time of application. The Department of Agriculture may also gather technical information necessary to protect the land. (46-5-6.4).

SUBSCRIBED AND SWORN BEFORE ME THIS

5th DAY OF May, 19 88

(NOTARY PUBLIC)

APPLICANT'S SIGNATURE

Director, Division of Conservation

Date

APPROVED

DISAPPROVED

WAIVER

REQUIREMENTS



Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

Department of Agriculture
WI#1
5/87

SOIL/WATER COMPATIBILITY PERMIT
Division of Conservation

Office Use Only

4248

WR#

OWNERS NAME: Richard Fennel OWNERS ADDRESS: RR 1, Box 120

Elk Point, SD 57025

COUNTY LAND LOCATED IN: Union PHONE: _____

LEGAL DESCRIPTION:

☐ Well

☐ Surface

1. LOCATION SW 1/4 SW 1/4 30-T91N-R49W

Depth _____

Legal Description	Acres	Legal Description	Acres
<u>S1/2 Lot 2 SW1/4 30-T91N-R49</u>	<u>40</u>		
<u>SW 1/4 SE 1/4 30-T91N-R49W</u>	<u>40</u>		
<u>SE 1/4 SW 1/4 30-T91N-R49W</u>	<u>49</u>		



2. TYPE OF IRRIGATION: GRAVITY: _____ TOWLINE: _____ CENTER PIVOT: XX GUN: _____ OTHER: (Specify) _____

3. CROPS TO BE IRRIGATED: _____

WATER QUALITY:	
4. WATER SAMPLE NUMBER: <u>88-0077</u>	7. ADJUSTED (SAR): <u>4.24</u>
5. SALINITY (EC X 10 ⁶): <u>1400</u>	8. PERCENT SODIUM: <u>21.85</u>
6. SODIUM (SAR): <u>1.47</u>	

Requirements:

The areas mapped as Albaton silty clay depressional (Ad), Onawa silty clay (Ob) and Percival silty clay (Pa) are subject to slow water intake resulting in ponding and/or a seasonal high water table. Under irrigation these areas may drowned out crops, present trafficability problems and may be subject to salt accumulations due to restricted drainage. Based on the limitation of these soils adequate internal drainage shall be provided as necessary, including the installation of an artificial drainage system i.e. tile drainage. Note: The area may be subject to swampbuster and the drainage of these areas may result in loss of benefits provided under the Federal Farm Programs.

The area found west of the road mapped as water and Fluvaguents, wet (Fb) are restricted from irrigation.

Lead M. G. Fennel
Director, Division of Conservation

May 12, 1988

Date

XX APPROVED XX REQUIREMENTS
____ DISAPPROVED
____ WAIVER

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.

SOUTH Dakota Department of
Water & Natural Resources

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

June 28, 1988



Lester Emerson, Publisher
Elk Point Leader-Courier
Box 310
Elk Point SD 57025

Dear Mr. Emerson:

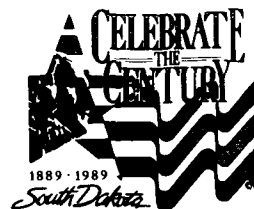
This letter is in response to receipt of the enclosed Proof of Publication on June 27, 1988. I am returning the Proof of Publication because your signature was omitted. Please sign the Proof of Publication where indicated and return to the Division of Water Rights. Application No. 5193-3 can not be considered by the Water Management Board until a signed Proof of Publication is received.

Thank you for your time and consideration.

Sincerely,

Ron Duvall
Natural Resources Engineer
605 773-3352

enc.





Department of Water & Natural Resources

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

DEC 1 1988

Richard Fennel
RR 1, Box 120
Elk Point, South Dakota 57025

Dear Mr. Fennel:

Enclosed is Water Permit No. 5193-3 as approved by the Water Management Board authorizing you to construct your water diversion system and put the water to beneficial use, not exceeding the limits as specified in Water Permit No. 5193-3.

Also enclosed is Form 10, Notice of Completion of Works and Application of Water to Beneficial Use, which you are to complete and submit to the Chief Engineer when you have completed the system and/or have put the water to beneficial use. An inspection can then be scheduled so that the Water License may be issued, thus completing your acquisition of a Water Right.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John Hatch".

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

JH: ms

enclosure

PLEASE NOTE: Certain changes can be made in your permit within the five year construction period, usually without affecting the priority date provided an application to amend your permit is made within the five year period - i.e. changes in location or number of diversion points (wells) or location of land to be irrigated. Well locations for wells into the same aquifer can be moved up to 660 feet without application.

Applications to amend a permit after the five year construction period will be assigned a new priority date. Applications to change water sources, to add lands or increase original diversion rates, if approved will usually receive the date of the new application as a priority date regardless of the five year construction period.



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

Date Dec 3 1988

TO: Water Rights Division, DWNR
Joe Foss Building
Pierre SD 57501-3181

FROM: Richard Fennel EIK Point B.D. RR 1 Box 120
name address city 57025

I have completed the construction of the water diversion system and I have put the water to beneficial use to the maximum extent it is going to be used. I have not exceeded the amounts specified in Water Permit No. 5193-3.

Water Permit No. 5193-3 states that the diversion system is to be constructed by July 27, 1993, and that the water it put to beneficial use by July 27, 1997.

The diversion system was completed on July 1 1988.
Applying the water to beneficial use was completed on July 1 1988

You may schedule an inspection so that the Water License may be issued.

Richard H Fennel
signature

REPORT ON APPLICATION NO. 5193-3
RICHARD FENNEL
June 5, 1988

This application proposes to appropriate 1.71 cfs from one well 110 feet deep to irrigate 120 acres. The well is to be located in the SE 1/4 SW 1/4 and the acreage to be irrigated in the S 1/2 Lot 2 SW 1/4, SE 1/4 SW 1/4, SW 1/4 SE 1/4; all in Section 30, T91N, R49W of Union County.

Aquifer - Missouri-Elk Point (M-EP)

The Missouri-Elk Point is an alluvium mantled glacial outwash (sand and gravel) which is under water table conditions in this area. Because the alluvium consists of sand, silts and clays it can also be considered part of the M-EP Aquifer. However, depending upon location a particular well site can either be under water table or artesian conditions. The M-EP underlies 99,600 acres and contains approximately 1.5 million acre-feet of water in storage in Union County (Hedges, 1982). The aquifer is hydraulically connected to the Lower Vermillion Missouri Aquifer in Clay and Union Counties, the Missouri Elk Point Aquifer in Clay and Yankton Counties and the Big Sioux and Missouri Rivers.

The Division of Water Rights monitors 27 observation wells completed into the alluvium or M-EP Aquifer in Union County. Three of these wells UN-57B, UN-78A and UN-80E are within 2 miles of this application (Water Rights Division, 1988). Water level records for these wells are included with this report. Water level trends mirror climatic conditions, that is, water levels rise during wet years and decline during dry years. Test hole data provided with this application indicates sand from 8 feet to 76 feet and gravel from 76 feet to 100 feet. There are numerous high capacity wells developed in Union County from the M-EP with specific capacities of 50-100 gpm/ft of drawdown (Well Files, 1988). Interference is not a problem because significant drawdowns do not extend very far away from the producing well. Also this thickness of the aquifer is more than adequate to handle a few feet of drawdown.

Review of Existing Water Rights

This area of Union County is fairly intensively irrigated and the Missouri River is approximately 1 mile to the west. There are two existing irrigation permits Nos. 3005-3 and 4702-3 issued to Dan Hanson, and those wells are located approximately 1/2 mile from the proposed diversion point.

Conclusions

1. There is water available from the M-EP Aquifer.

2. Interference should not be a problem. The anticipated drawdowns should not adversely affect another well in this area. The observation well records for UN-78A do not indicate significant drawdowns occur. Also, there have been no complaints concerning water availability in this area.
3. Water level records indicate that recharge to the aquifer is sufficient to sustain the existing withdrawals.


JAMES GOODMAN
Hydrologist

Bibliography

Hedges, L.S., Etal, 1982, Evaluation of Ground Water Resources Eastern South Dakota and Upper Big Sioux River SD and Iowa, for US Army Corps of Engineers, DWNr, SDGS, Vermillion SD 57069.

Water Rights Division, 1988, Observation Well Data for UN-57B, UN-78A, UN-80E, DWNr, Division of Water Rights, Joe Foss Bldg, Pierre SD 57501.

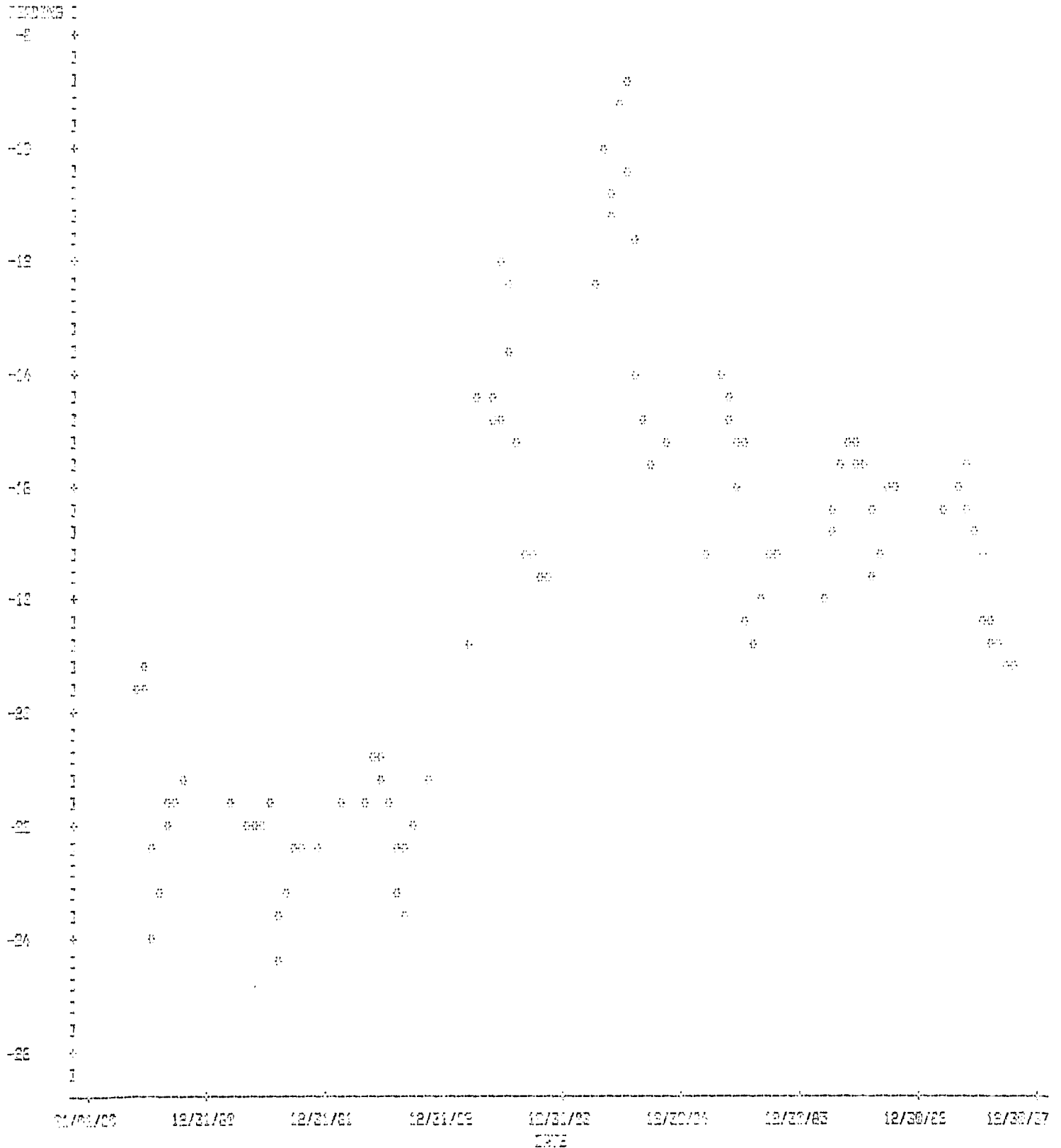
Well Files, 1988, Union County Drillers Logs, DWNr, Division of Water Rights, Joe Foss Bldg, Pierre SD 57501.

DB	LOCATION	DB	DB_NAME	DATE	WED	READING
1	090N-45W-333333 1	UN-00E	05/01/89	X	-15.5	
2	090N-45W-333333 2	UN-00E	05/11/89	X	-15.6	
3	090N-45W-333333 3	UN-00E	05/25/89	X	-15.7	
4	090N-45W-333333 4	UN-00E	07/05/89	X	-15.8	
5	090N-45W-333333 5	UN-00E	07/23/89	X	-15.9	
6	090N-45W-333333 6	UN-00E	08/09/89	X	-16.0	
7	090N-45W-333333 7	UN-00E	08/21/89	X	-16.1	
8	090N-45W-333333 8	UN-00E	09/02/89	X	-16.2	
9	090N-45W-333333 9	UN-00E	09/13/89	X	-16.3	
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12	090N-45W-333333 12	UN-00E	02/25/91	X	-16.6	
13	090N-45W-333333 13	UN-00E	03/05/91	X	-16.7	
14	090N-45W-333333 14	UN-00E	05/02/91	X	-16.8	
15	090N-45W-333333 15	UN-00E	05/21/91	X	-16.9	
16	090N-45W-333333 16	UN-00E	07/07/91	X	-17.0	
17	090N-45W-333333 17	UN-00E	07/29/91	X	-17.1	
18	090N-45W-333333 18	UN-00E	08/11/91	X	-17.2	
19	090N-45W-333333 19	UN-00E	08/28/91	X	-17.3	
20	090N-45W-333333 20	UN-00E	09/15/91	X	-17.4	
21	090N-45W-333333 21	UN-00E	10/20/91	X	-17.5	
22	090N-45W-333333 22	UN-00E	12/09/91	X	-17.6	
23	090N-45W-333333 23	UN-00E	01/01/92	X	-17.7	
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26	090N-45W-333333 26	UN-00E	03/15/92	X	-18.0	
27	090N-45W-333333 27	UN-00E	03/25/92	X	-18.1	
28	090N-45W-333333 28	UN-00E	04/05/92	X	-18.2	
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47	090N-45W-333333 47	UN-00E	10/15/92	X	-20.1	
48	090N-45W-333333 48	UN-00E	10/25/92	X	-20.2	
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66	090N-45W-333333 66	UN-00E	04/25/93	X	-22.0	
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73	090N-45W-333333 73	UN-00E	07/05/93	X	-22.7	
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93	091N-45W-333398	2	UN-80E	05/04/05	X	-14.5
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96	091N-45W-333398	2	UN-80E	07/02/05	X	-15.0
97	091N-45W-333398	2	UN-80E	07/15/05	X	-15.5
98	091N-45W-333398	2	UN-80E	07/20/05	X	-15.3
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103	091N-45W-333398	2	UN-80E	02/21/06	X	-16.0
104	091N-45W-333398	2	UN-80E	04/10/06	X	-16.4
105	091N-45W-333398	2	UN-80E	04/22/06	X	-16.5
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107	091N-45W-333398	2	UN-80E	05/10/06	X	-15.3
108	091N-45W-333398	2	UN-80E	02/04/06	X	-15.1
109	091N-45W-333398	2	UN-80E	07/05/06	X	-15.5
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111	091N-45W-333398	2	UN-80E	12/11/06	X	-17.5
112	091N-45W-333398	2	UN-80E	01/27/06	X	-17.3
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116	091N-45W-333398	2	UN-80E	02/15/07	X	-16.2
117	091N-45W-333398	2	UN-80E	05/19/07	X	-16.4
118	091N-45W-333398	2	UN-80E	06/03/07	X	-15.7
119	091N-45W-333398	2	UN-80E	06/13/07	X	-15.7
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123	091N-45W-333398	2	UN-80E	08/12/07	X	-15.5
124	091N-45W-333398	2	UN-80E	08/28/07	X	-16.2
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126	091N-45W-333398	2	UN-80E	10/06/07	X	-15.2

7= 35

PLOT OF READINGDATE SYMBOL USED IS *



NOTE: 0 000 HIDDEN

UNB0000 - END OF DATA SET

WMLD-612-279((wait))ZOV0000 - UNB.0 IS NOT A VALID NAME IN OVERLAY FUNCTION
OVER OPERATION COMPLETE

WMLD-612-279((wait))ZOV0000 - RECURS

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3	091N-45W-322982	UN-575	07/22/59	X	-12.3		
4	091N-45W-322985	UN-575	11/21/59	X	-15.0		
5	091N-45W-322983	UN-575	03/21/59	X	-07.4		
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10	091N-45W-322981	UN-575	11/03/60	X	-15.0		
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13	091N-45W-322982	UN-575	11/25/61	X	-11.7		
14	091N-45W-322985	UN-575	04/21/62	X	-6.3		
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18	091N-45W-322982	UN-575	11/13/64	X	-13.0		
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21	091N-45W-322982	UN-575	11/12/65	X	-11.1		
22	091N-45W-322982	UN-575	03/02/66	X	-12.1		
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24	091N-45W-322989	UN-575	02/02/67	X	-11.2		
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27	091N-45W-322982	UN-575	05/03/67	X	-7.3		
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29	091N-45W-322982	UN-575	07/12/67	X	-7.1		
30	091N-45W-322985	UN-575	07/12/67	X	-7.0		
31	091N-45W-322983	UN-575	07/05/67	X	-8.1		
32	091N-45W-322982	UN-575	02/12/67	X	-5.7		
33	091N-45W-322982	UN-575	03/03/67	X	-9.0		
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NO	LOCATION	DATE	TIME	WIND	WINDSPEED	
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62	091N-45W-333333	1	UN-572	01/07/71	X	-7.1
63	091N-45W-333333	1	UN-572	07/15/71	X	-7.0
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67	091N-45W-333333	1	UN-572	12/15/72	X	-9.7
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83	091N-45W-333333	1	UN-572	12/01/77	X	-14.5
84	091N-45W-333333	1	UN-572	01/07/77	X	-15.0
85	091N-45W-333333	1	UN-572	07/04/77	X	-13.9
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89	091N-45W-333333	1	UN-572	03/15/77	X	-16.5
90	091N-45W-333333	1	UN-572	01/02/77	X	-15.1
91	091N-45W-333333	1	UN-572	10/05/77	X	-15.2
92	091N-45W-333333	1	UN-572	12/11/77	X	-12.2
93	091N-45W-333333	1	UN-572	02/09/78	X	-15.2
94	091N-45W-333333	1	UN-572	03/17/78	X	-12.9
95	091N-45W-333333	1	UN-572	02/15/78	X	-9.0
96	091N-45W-333333	1	UN-572	02/03/78	X	-6.2
97	091N-45W-333333	1	UN-572	06/15/78	X	-5.3
98	091N-45W-333333	1	UN-572	06/01/78	X	-10.1
99	091N-45W-333333	1	UN-572	07/16/78	X	-11.0
100	091N-45W-333333	1	UN-572	07/21/78	X	-11.7
101	091N-45W-333333	1	UN-572	08/02/78	X	-13.1
102	091N-45W-333333	1	UN-572	02/13/78	X	-12.7
103	091N-45W-333333	1	UN-572	08/09/78	X	-12.4
104	091N-45W-333333	1	UN-572	10/11/78	X	-12.2
105	091N-45W-333333	1	UN-572	11/11/78	X	-14.3
106	091N-45W-333333	1	UN-572	12/02/78	X	-10.3
107	091N-45W-333333	1	UN-572	03/11/79	X	-11.3
108	091N-45W-333333	1	UN-572	01/10/79	X	-3.0
109	091N-45W-333333	1	UN-572	05/02/79	X	-7.7
110	091N-45W-333333	1	UN-572	05/15/79	X	-5.2

						SALES WINDOW, JUNE 8, 1975		
QBR	LOCATION	QBR	DATE	QBR	READING			
111	090N-45W-223000	1	UN-572	06/21/75	X	-7.4		
112	090N-45W-223000	1	UN-572	07/01/75	X	-7.7		
113	090N-45W-223000	1	UN-572	07/15/75	X	-7.2		
114	090N-45W-223000	1	UN-572	07/21/75	X	-8.5		
115	090N-45W-223000	1	UN-572	08/05/75	X	-8.4		
116	090N-45W-223000	1	UN-572	08/19/75	X	-8.5		
117	090N-45W-223000	1	UN-572	08/25/75	X	-10.2		
118	090N-45W-223000	1	UN-572	09/04/75	X	-7.0		
119	090N-45W-223000	1	UN-572	09/15/75	X	-8.4		
120	090N-45W-223000	1	UN-572	09/21/75	X	-8.6		
121	090N-45W-223000	1	UN-572	09/29/75	X	-8.2		
122	090N-45W-223000	1	UN-572	10/05/75	X	-8.5		
123	090N-45W-223000	1	UN-572	10/11/75	X	-8.8		
124	090N-45W-223000	1	UN-572	10/25/75	X	-8.2		
125	090N-45W-223000	1	UN-572	10/29/75	X	-11.7		
126	090N-45W-223000	1	UN-572	09/02/76	X	-12.0		
127	090N-45W-223000	1	UN-572	05/12/76	X	-12.4		
128	090N-45W-223000	1	UN-572	11/22/76	X	-13.8		
129	090N-45W-223000	1	UN-572	03/23/77	X	-14.6		
130	090N-45W-223000	1	UN-572	04/05/77	X	-13.1		
131	090N-45W-223000	1	UN-572	05/05/77	X	-15.2		
132	090N-45W-223000	1	UN-572	05/21/77	X	-14.9		
133	090N-45W-223000	1	UN-572	07/17/77	X	-15.1		
134	090N-45W-223000	1	UN-572	07/29/77	X	-13.4		
135	090N-45W-223000	1	UN-572	10/11/77	X	-13.8		
136	090N-45W-223000	1	UN-572	02/25/78	X	-13.5		
137	090N-45W-223000	1	UN-572	05/12/78	X	-15.2		
138	090N-45W-223000	1	UN-572	10/02/78	X	-16.3		
139	090N-45W-223000	1	UN-572	09/15/78	X	-15.5		
140	090N-45W-223000	1	UN-572	02/01/79	X	-12.4		
141	090N-45W-223000	1	UN-572	02/15/79	X	-8.5		
142	090N-45W-223000	1	UN-572	07/12/79	X	-10.7		
143	090N-45W-223000	1	UN-572	08/15/79	X	-12.1		
144	090N-45W-223000	1	UN-572	09/05/79	X	-14.3		
145	090N-45W-223000	1	UN-572	10/09/79	X	-11.5		
146	090N-45W-223000	1	UN-572	12/01/79	X	-7.2		
147	090N-45W-223000	1	UN-572	03/24/80	X	-8.2		
148	090N-45W-223000	1	UN-572	05/27/80	X	-4.1		
149	090N-45W-223000	1	UN-572	07/15/80	X	-3.0		
150	090N-45W-223000	1	UN-572	08/01/80	X	-7.4		
151	090N-45W-223000	1	UN-572	10/09/80	X	-3.2		
152	090N-45W-223000	1	UN-572	10/15/80	X	-3.1		
153	090N-45W-223000	1	UN-572	04/11/81	X	-3.4		
154	090N-45W-223000	1	UN-572	05/22/81	X	-1.7		
155	090N-45W-223000	1	UN-572	06/18/81	X	-3.5		
156	090N-45W-223000	1	UN-572	07/17/81	X	-2.1		
157	090N-45W-223000	1	UN-572	08/12/81	X	-5.8		
158	090N-45W-223000	1	UN-572	10/02/81	X	-3.5		
159	090N-45W-223000	1	UN-572	03/15/82	X	-5.3		
160	090N-45W-223000	1	UN-572	04/21/82	X	-4.8		
161	090N-45W-223000	1	UN-572	05/20/82	X	-5.4		
162	090N-45W-223000	1	UN-572	05/31/82	X	-5.9		
163	090N-45W-223000	1	UN-572	06/19/82	X	-7.0		
164	090N-45W-223000	1	UN-572	07/03/82	X	-5.5		
165	090N-45W-223000	1	UN-572	07/15/82	X	-7.8		

		912		ALICE HENDON, TIME 2, 1997			6
POS	LOCATION	POS_CELL	DATE	REF	REMARKS		
161	050N-45N-227000 1	UN-070	07/30/05	X	-2.4		
167	050N-45N-227000 1	UN-070	08/12/05	X	-2.3		
161	050N-45N-227000 1	UN-070	10/01/05	X	-3.2		
169	050N-45N-227000 1	UN-070	02/07/06	X	-7.7		
170	050N-45N-227000 1	UN-070	04/07/06	X	-6.0		
171	050N-45N-227000 1	UN-070	04/22/06	X	-3.0		
176	050N-45N-227000 1	UN-070	05/05/06	X	-2.3		
172	050N-45N-227000 1	UN-070	06/10/06	X	-3.2		
174	050N-45N-227000 1	UN-070	06/01/06	X	-3.1		
173	050N-45N-227000 1	UN-070	17/06/06	X	-3.5		
175	050N-45N-227000 1	UN-070	07/09/06	X	-7.4		
177	050N-45N-227000 1	UN-070	02/12/06	X	-8.0		
171	050N-45N-227000 1	UN-070	02/07/06	X	-2.6		
175	050N-45N-227000 1	UN-070	05/05/06	X	-7.5		
180	050N-45N-227000 1	UN-070	10/05/06	X	-7.1		
181	050N-45N-227000 1	UN-070	02/02/07	X	-3.9		
181	050N-45N-227000 1	UN-070	03/03/07	X	-3.5		
183	050N-45N-227000 1	UN-070	05/12/07	X	-7.1		
184	050N-45N-227000 1	UN-070	07/01/07	X	-7.7		
185	050N-45N-227000 1	UN-070	07/10/07	X	-2.3		
186	050N-45N-227000 1	UN-070	07/05/07	X	-2.1		
187	050N-45N-227000 1	UN-070	03/10/07	X	-5.1		
188	050N-45N-227000 1	UN-070	03/05/07	X	-5.5		
188	050N-45N-227000 1	UN-070	05/15/07	X	-10.2		

N= 165

OBS_WELL	OBSERVATION WELL WATER LEVELS		READING
	LOCATION	DATE	
UN-78A	091N-49W-30CCBB	08/30/79	-20.1
UN-78A	091N-49W-30CCBB	09/20/79	-20.2
UN-78A	091N-49W-30CCBB	10/16/79	-20.2
UN-78A	091N-49W-30CCBB	11/14/79	-19.7
UN-78A	091N-49W-30CCBB	01/15/80	-20.0
UN-78A	091N-49W-30CCBB	03/11/80	-20.5
UN-78A	091N-49W-30CCBB	04/23/80	-20.6
UN-78A	091N-49W-30CCBB	05/29/80	-20.8
UN-78A	091N-49W-30CCBB	06/11/80	-20.8
UN-78A	091N-49W-30CCBB	06/25/80	-21.0
UN-78A	091N-49W-30CCBB	07/09/80	-21.3
UN-78A	091N-49W-30CCBB	07/23/80	-21.5
UN-78A	091N-49W-30CCBB	08/06/80	-21.5
UN-78A	091N-49W-30CCBB	08/21/80	-21.4
UN-78A	091N-49W-30CCBB	09/03/80	-21.3
UN-78A	091N-49W-30CCBB	09/16/80	-21.4
UN-78A	091N-49W-30CCBB	10/22/80	-21.0
UN-78A	091N-49W-30CCBB	03/06/81	-21.7
UN-78A	091N-49W-30CCBB	03/25/81	-21.9
UN-78A	091N-49W-30CCBB	05/05/81	-21.6
UN-78A	091N-49W-30CCBB	06/23/81	-21.7
UN-78A	091N-49W-30CCBB	07/07/81	-21.5
UN-78A	091N-49W-30CCBB	07/21/81	-21.6
UN-78A	091N-49W-30CCBB	08/11/81	-21.8
UN-78A	091N-49W-30CCBB	08/26/81	-21.8
UN-78A	091N-49W-30CCBB	09/16/81	-21.9
UN-78A	091N-49W-30CCBB	10/28/81	-21.4
UN-78A	091N-49W-30CCBB	06/15/82	-21.4
UN-78A	091N-49W-30CCBB	06/28/82	-21.5
UN-78A	091N-49W-30CCBB	07/13/82	-21.5
UN-78A	091N-49W-30CCBB	07/27/82	-21.5
UN-78A	091N-49W-30CCBB	08/10/82	-21.9
UN-78A	091N-49W-30CCBB	08/22/82	-22.1
UN-78A	091N-49W-30CCBB	09/09/82	-22.0
UN-78A	091N-49W-30CCBB	11/08/82	-20.8
UN-78A	091N-49W-30CCBB	05/31/83	-18.7
UN-78A	091N-49W-30CCBB	07/13/83	-17.6
UN-78A	091N-49W-30CCBB	07/25/83	-17.9
UN-78A	091N-49W-30CCBB	08/09/83	-18.1
UN-78A	091N-49W-30CCBB	08/21/83	-18.5
UN-78A	091N-49W-30CCBB	09/13/83	-19.2
UN-78A	091N-49W-30CCBB	10/18/83	-19.1
UN-78A	091N-49W-30CCBB	05/09/84	-16.3
UN-78A	091N-49W-30CCBB	05/22/84	-16.7
UN-78A	091N-49W-30CCBB	06/18/84	-16.3
UN-78A	091N-49W-30CCBB	07/02/84	-16.1
UN-78A	091N-49W-30CCBB	07/30/84	-16.7
UN-78A	091N-49W-30CCBB	08/13/84	-17.0
UN-78A	091N-49W-30CCBB	08/29/84	-17.2
UN-78A	091N-49W-30CCBB	10/02/84	-17.4
UN-78A	091N-49W-30CCBB	11/07/84	-17.3
UN-78A	091N-49W-30CCBB	05/20/85	-18.4
UN-78A	091N-49W-30CCBB	06/04/85	-18.8
UN-78A	091N-49W-30CCBB	06/11/85	-18.9
UN-78A	091N-49W-30CCBB	06/19/85	-19.0

8:43 WEDNESDAY, OCTOBER 19, 1988 1

OBSERVATION WELL WATER LEVELS

OBS_WELL	LOCATION	DATE	READING
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8:43 WEDNESDAY, OCTOBER 19, 1988 2

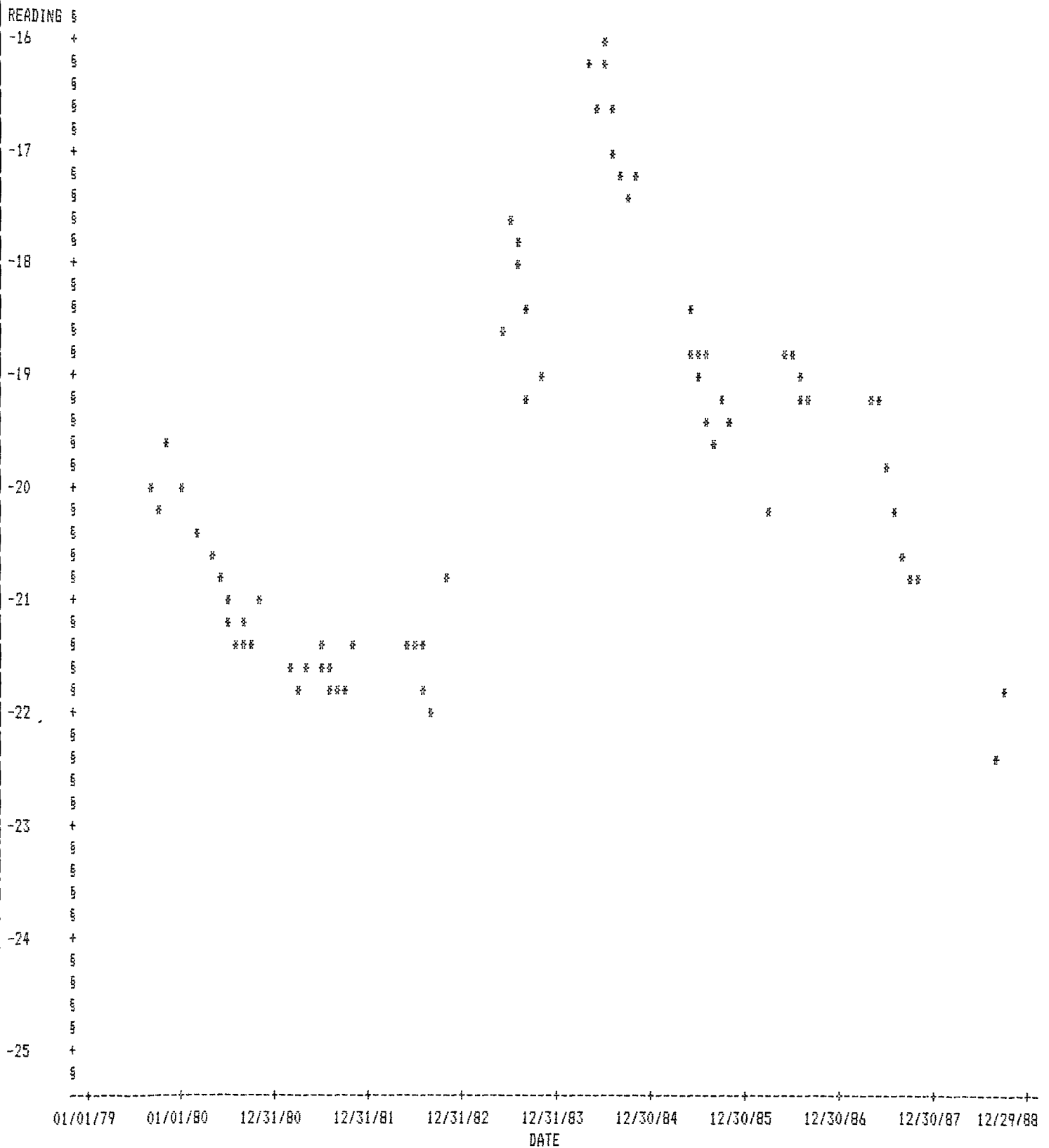
UN-78A	091N-49W-30CCBB	07/03/85	-18.8
UN-78A	091N-49W-30CCBB	07/16/85	-18.9
UN-78A	091N-49W-30CCBB	07/30/85	-19.5
UN-78A	091N-49W-30CCBB	08/19/85	-19.7
UN-78A	091N-49W-30CCBB	09/18/85	-19.3
UN-78A	091N-49W-30CCBB	10/24/85	-19.4
UN-78A	091N-49W-30CCBB	03/20/86	-20.2
UN-78A	091N-49W-30CCBB	03/31/86	-20.3
UN-78A	091N-49W-30CCBB	05/26/86	-18.9
UN-78A	091N-49W-30CCBB	06/10/86	-18.8
UN-78A	091N-49W-30CCBB	06/24/86	-18.8
UN-78A	091N-49W-30CCBB	07/09/86	-18.8
UN-78A	091N-49W-30CCBB	07/29/86	-19.0
UN-78A	091N-49W-30CCBB	08/12/86	-19.3
UN-78A	091N-49W-30CCBB	08/27/86	-19.3
UN-78A	091N-49W-30CCBB	05/06/87	-19.3
UN-78A	091N-49W-30CCBB	06/03/87	-19.3
UN-78A	091N-49W-30CCBB	07/01/87	-19.8
UN-78A	091N-49W-30CCBB	07/29/87	-20.3
UN-78A	091N-49W-30CCBB	08/25/87	-20.6
UN-78A	091N-49W-30CCBB	09/16/87	-20.8
UN-78A	091N-49W-30CCBB	10/28/87	-20.8
UN-78A	091N-49W-30CCBB	08/17/88	-22.4
UN-78A	091N-49W-30CCBB	10/03/88	-21.8

N= 79

OBSERVATION WELL WATER LEVELS
OBS_WELL=UN-78A

8:43 WEDNESDAY, OCTOBER 19, 1988 3

PLOT OF READING*DATE SYMBOL USED IS *



RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5193-3, Richard Fennel

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Water and Natural Resources concerning Water Permit Application No. 5193-3, Richard Fennel, RR 1, Box 120, Elk Point SD.

The Chief Engineer is recommending APPROVAL of Application No. 5193-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

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

See the attached report for additional information.



JOHN HATCH, Chief Engineer
June 7, 1988

Instruction to Newspaper - Publish first Notice on or before June 16, 1988
with 2nd publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application No. 5193-3 to Appropriate Water
and/or to Amend Water Permit or Water Right No. _____

Notice is given that Richard Fennel, RR 1, Box 120, Elk Point, South Dakota,
_____ has filed an application for a water permit
to appropriate 1.71 cubic feet of water per second from one well (Missouri-Elk Point
Aquifer) 110 feet deep to irrigate 120 acres. The well is to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$
and the acreage to be irrigated in the S $\frac{1}{2}$ Lot 2 SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section 30-
T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends
APPROVAL of Application No. 5193-3 because 1) unappropriated water is available, 2)
existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and
4) it is in the public interest. This application will be considered by the Water
Management Board in room 216, Joe Foss Building, 523 E. Capitol, Pierre, SD on
July 27, 1988 at 10:00 am. The Chief Engineer's recommendation is not final
or binding upon the Board. The Board is authorized to 1) approve, 2) approve with
qualifications, 3) defer or 4) deny this application based on the facts presented at the
public hearing.

Any interested person that intends to participate in the hearing before the Board by
presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a
written petition with BOTH the applicant and Chief Engineer by July 15, 1988.
The Chief Engineer's address is "Water Rights Division; Foss Building, 523 E Capitol,
Pierre SD (605 773-3352)". The petition may be informal, but must include a statement
describing the petitioner's interest in the application, the petitioner's reasons for
opposing or supporting the application and the signature and mailing address of the
petitioner or legal counsel if legal counsel is obtained. The applicant need not file a
petition. Contact the Water Rights Division to request information on this application or
to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the
applicant have the right to be represented by a lawyer. These and other due process
rights will be forfeited if not exercised. Decisions of the Board may be appealed to the
Circuit Court and State Supreme Court as provided by law. The time of the hearing will
also be automatically delayed for at least twenty days upon written request to the Chief
Engineer from the applicant or a petitioner. The request for a delay must be received by
July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15;
46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14,
46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2,
46-5-30.4, 46-5-31; ~~(ground)~~ 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14;
~~(future use) 46-5-38 thru 46-5-40; (transfer lands) 46-5-33 thru 46-5-35; (10,000 AF)~~
~~46-5-20.1, 46-5-8.1; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15; (future use)~~
~~74:02:01:24 thru 74:02:01:25; (10,000 AF) 74:02:01:15:02 thru 74:02:01:15:05.~~

No. 5193-3

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 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, S.D.

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

June 16

June 23

Lester E Emerson
(Signature)

Publisher

(Title)

June 23, 1988
(Date Signed)

Cost of Printing: 37.54



NOTICE OF HEARING ON
APPLICATION NO. 5193-3 TO
APPROPRIATE WATER

Notice is given that Richard Fennel, RR 1, Box 120, Elk Point, South Dakota has filed an application for a water permit to appropriate 1.71 cubic feet of water per second from one well (Missouri-Elk Point Aquifer) 110 feet deep to irrigate 120 acres. The well is to be located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the acreage to be irrigated in the S $\frac{1}{2}$ Lot 2 SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section 30-T91N-R49W.

Pursuant to SDCL 46-2A-2, the Chief Engineer of the Water Rights Division recommends APPROVAL of Application No. 5193-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water and 4) it is in the public interest. This application will be considered by the Water Management Board in room 216, Joe Foss Building, 523 E. Capitol, Pierre, S. D. on July 27, 1988, at 10:00 a.m. The Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer or 4) deny this application based on the facts presented at the public hearing.

Any interested person that intends to participate in the hearing before the Board by presenting evidence or cross-examining witnesses according to SDCL 1-26, must file a written petition with BOTH the applicant and Chief Engineer by July 15, 1988. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E. Capitol, Pierre, S. D. (605 773-3352)". The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application and the signature and mailing address of the petitioner or legal counsel if legal counsel is obtained. The applicant need not file a petition. Contact the Water Rights Division to request information on this application or to assure access to the hearing by the handicapped.

This hearing is an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. The time of the hearing will also be automatically

delayed for at least twenty days upon written request to the Chief Engineer from the applicant or a petitioner. The request for a delay must be received by July 15, 1988.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

For the Water Management
Board
Ron Duvall
Natural Resources Engineer
Pub. June 16 and 23.

South Dakota



GREAT FACES. GREAT PLACES.

February 1, 1991

RICHARD FENNEL
RR 1 BOX 120
ELK POINT SD 57025

DEPARTMENT OF WATER & NATURAL RESOURCES

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

NOTICE

RE: Violation of Water Permit No(s) 5193-3

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 5193-3. 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 permit violation and a hearing to be held by the Board. The hearing will be held to determine action to be taken by the Board 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 9:15 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, the Water Management Board can:

1. Suspend Permit No(s) 5193-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Postpone any action;
3. Take no action.

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

If the questionnaire is received in this office before the February 27th hearing date, you will no longer be in violation of your permit and 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 box(es) 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 ELK POINT SD 57025	4. Article Number P 694 057 308 Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature — Addressee X <i>Mona Fennel</i> 6. Signature — Agent X 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

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

Permit No. 5193-3

Missouri River Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

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

I have this day made a thorough examination of the water use system constructed by Richard Fennel of RR1, Box 120 Elk Point, SD 57025 holder of Permit No. 5193-3, bearing the priority of May 5, 1988 authorizing the diversion of 1.71 cu. ft. per second of the waters of Missouri-Elk Point Aquifer for irrigation purposes, in Union County.

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

A. Works used to divert the water:

One well - 110 feet deep, there is no well completion report available for this well;
Western Land Roller, 3 Stages, 6", Model No. H16f-7100B, 650 GPM @ 65 PSI; US Electric
Motor, Model No. R-1780N-5006309, 40 HP

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

2797' of PVC pipe

C. Works used to apply water to beneficial use:

6 Tower Olson Center Pivot System, 610' long with Hi Pressure End Gun and Nelson 100
Sprinklers, 600GPM @ 50-55 PSI

The system is in the following condition good. The point of diversion is located 3435'W
and 640'N of the SE corner of Section 30-T91N-R49W, Union County, SD. The works are
capable of diverting and conveying to the place of use 1.33 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:

All in Section 30-T91N-R49W:
S1/2 Lot # 2 SW1/4 = 32 acres
SE1/4 SW1/4 = 32 acres
SW1/4 SE1/4 = 32 acres

comprising a total of 96 acres of land and the license should be issued for 1.33 cfs.
Applicable permit qualifications have been complied with X Yes No
Exceptions to compliance are: None Date 7/11/91


Gregory C. Johnston
Natural Resources Engineer
DENR, Water Rights Division

LICENSE FOR PERMIT NUMBER 5193-3

1. Legal location of wells: 3435'W and 640'N of the SE corner of Section 30-T91N-R49W, Union County, SD

Dams and Structures N/A

2. Well Information: Well Drilling Firm Wetmore

Completion Report? Yes No X No. of Wells 1 Depth(s) 110 feet

Casing a) diameter inches Screen a) type

b) length feet b) length feet

c) type Static Water Level feet

Pump a) make Western Land Roller

Motor a) make US Electric

b) model H16F-7100B

b) model no. R-1780N-5006309

c) size 6

c) horsepower rating 40

d) capacity 650 GPM

d) serial no. Unknown

e) turbine pump - no. of stages 3

f) operating PSI 65

3. Distribution lines or canals

a) size 8" inches

b) type PVC

c) length 2797 feet

5. System Type

a)gun:

b) center pivot:

1) make

1) make Olson

2) nozzle size

2) number of towers 6

3) capacity (GPM)

3) distance between towers

4) hose size inches

4) overall length 610 feet

5) hose length feet

5) end gun (Y/N) Y

e) gated pipe:

6) high or low pressure High

1) length feet

7) make and size of nozzles:

2) diameter inches

Nelson 100

3) spacing of gates inches

8) capacity (GPM) 600

NOTE: For Permits with additional wells or changes in well locations,
record the following for each well: pumping capacity, date
constructed, well driller and if a well log is available.

Indicate any other permit(s) which are associated with project

Yes	No	Check Items
<u>X</u>		1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<u>X</u>		2. Special qualifications to permit being abided by?
<u>X</u>		3. All structures, wells and lands on map?
<u>X</u>		4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
	<u>X</u>	5. Is chemigation used?
<u>N/A</u>		6. If yes, does equipment comply with chemigation rules?

REMARKS:

Center Pivot system is used on three pads

NOT TO SCALE





December 26, 1991

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

James Wetmore Drilling
P.O. Box 577
Elk Point, SD 57025

Dear Mr. Wetmore:

I am writing in regards to some wells you drilled for three individuals in Union County. I need the well completion reports for wells you drilled for Marcella Flannery in Section 15-T91N-R50W, Joe and John Trudeau in Section 11-T89N-R49W and Richard Fennel in Section 30-T91N-R49W. Please send those in to me at your earliest convenience.

Thanks for your time and attention to this matter. Feel free to call me if you have any questions.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer
Water Rights Division
(605) 773-3352



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 6, 1993

Wetmore Drilling
P.O. Box 577
Elk Point, SD 57025

Dear Mr. Wetmore:

I am writing to obtain a well completion report for a well drilled by Wetmore Drilling in June, 1988. The well was drilled and completed for Mr. Richard Fennel in the SE1/4 SW1/4 of Section 30-T91N-R49W in Union County. Could you please send the well completion report, if available. If it is not available, please contact me to let me know.

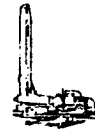
Your immediate attention is greatly appreciated, and if you have any questions, please feel free to contact me.

Sincerely,

Gregory C. Johnston
Natural Resources Engineer II
Water Rights Division
(605) 773-3352

WETMORE DRILLING

Mike Wetmore
Geologist



Office: (605) 232-4747
208 Suncoast Drive
McCook Lake, SD 57038

Mobile Phone: (712) 258-0005 *1222

Shop: (605) 356-2248
I-29 Exit 15
Elk Point, SD 57025



April 10, 1993

Gregory Johnston
Natural Resources Engineer II
Department of Environment and Natural Resources
Water Rights Division
Joe Foss Building
523 East Capitol
Pierre, SD 57501-3181

Re: Completion reports for Richard Fennel, Marcella Flannery, and
Joe and John Trudeau.

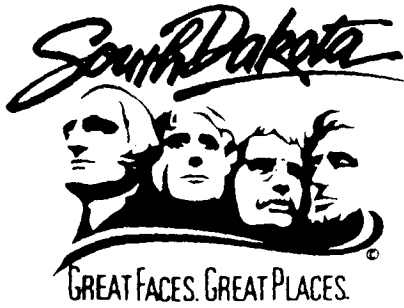
Dear Mr. Johnston,

In reference to your letters dated December 26, 1991 and January 6, 1993, I regret to inform you that I am still unable to locate any information on the wells for the individuals listed above. The only explanation that I have is that these files must have been misplaced either prior to or during the transition of the company records in the spring of last year. I suspect that my father James had these records in a working file that either got tossed out or mislaid during the transition.

I will continue to search for these files and if I find any information I will immediately contact you. I am terribly sorry about the loss of these files and about my delay in responding to you. If there is anything I can do, please let me know.

Sincerely,

Mike Wetmore



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

September 22, 1994

5193-3

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

Dear Mr. Fennel:

The inspection of your water use system and the inspection of the extent of application of water to beneficial use, as developed under Water Permit No. 5193-3, has been completed. Your final water right document, the Water License, can now be issued.

Statutes require that we charge a \$50.00 fee for the inspection and issuance of the Water License. Upon receipt of the \$50.00 fee from you, we will begin processing your Water License.

Please remit fee to:
Department of Environment & Natural Resources
Water Rights Division
523 E. Capitol
Pierre, SD 57501-3181

South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the \$50.00 license fee has been paid. Please contact us if you have any questions.

Sincerely,

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

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

RECEIPT

414392

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, _____ February 6 _____, 19 95

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. <u>5193-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		

(Any Other Work Provided by Law)	Total	50 00

By John Halch (CF)
Chief Engineer

STATE OF SOUTH DAKOTA
WATER LICENSE NO. 5193-3

(1) Richard Fennel, of RR 2, Box 254, Elk Point, SD 57025 made Application No. 5193-3, May 5, 1988 for a water permit to appropriate 1.71 cubic feet of water per second from groundwater, Union County, South Dakota for irrigation purposes. Permit No. 5193-3, with a priority date of May 5, 1988 was approved July 27, 1988 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before July 27, 1993 and for the application to beneficial use of said water on or before July 27, 1997.

The applicant submitted a "Notice of Completion of Works and Application of Water to Beneficial Use" on December 12, 1988. The "Notice" stated the diversion system was completed on July 1, 1988 and the water placed to beneficial use July 1, 1988.

(2) It is certified that the applicant 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 1.33 cubic feet of water per second for beneficial use. The location of the diversion point is 3435 feet W and 640 feet N of the SE corner of Section 30-T91N-R49W (SE1/4 SW1/4).

(3) The applicant 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 30-T91N-R49W	S 1/2 Lot 2 SW 1/4	32 acres
	SE 1/4 SW 1/4	32 acres
	SW 1/4 SE 1/4	32 acres
	Total	96 acres

(4) Pursuant to South Dakota Water Law 46-5-30.1 Richard Fennel of RR 2 Box 254, Elk Point, SD 57025 the holder and/or owner of Water Permit No. 5193-3 is issued a license to appropriate water, the right to use 1.33 cubic feet of water per second from groundwater with a priority date of May 5, 1988 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5193-3 and subject to South Dakota State Law.



JOHN HATCH, Chief Engineer
Water Rights Division
Department of Environment and Natural Resources

MAR 29 1995



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

MAR 29 1995

5193-3

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

Dear Mr. Fennel:

Enclosed is Water License No. 5193-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 414392 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

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. 5193-3, 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.

Very truly yours,

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

gm
enclosures



January 9, 1998

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

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.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

RICHARD FENNEL
RR 2 BOX 254
ELK POINT SD 57025

4a. Article Number

Z 179 157 142

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

1-10-98

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X Jim Fennel

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

Thank you for using Return Receipt Service.



**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,

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

5193-3



**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