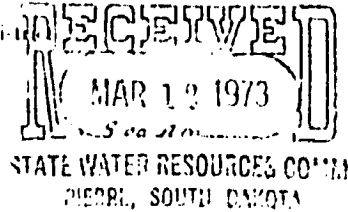


Water Right Number 1976-3

1. Considered May 23, 1973, 19
2. Name of Applicant Orie Kneen
3. Post Office Address Artesian, S.D.
4. Amount of Water claimed 3.45
5. Source of Water supply Redstone Creek
6. Water to be used for irrigation
- Acres to be irrigated 243.60
7. Water to be diverted and used in Sanborn County
about 2N, 3E miles of ARTESIAN
8. Proof of Publication Received 4-13-73
Not Received
9. Application Approved
Subject to
Not Approved
Action Deferred
10. Remarks:

No. 1976-3
 Map No. 1400-3 Water Division No. 3 JAMES RIVER
 (Blanks to be filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE - Draw a line through items not applicable)

1. Name of Applicant Orie Kneen
 Postoffice address Artesian, State South Dakota
 If a corporation show date and place of incorporation _____
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract and Direct Labor
3. Name of diversion work Orie Kneen Irrigation Project No. 2
4. Amount of water claimed (cubic feet per second) Maximum allowed 3.45
5. Source of water supply Redstone Creek
6. Location of point of diversion Anywhere along Creek where it abutts owners property
BETWEEN POINTS 110 THE SW¹/₄ AND IN THE NE¹/₄ NW¹/₄ SECTION 23,
T107N, R60W County Sanborn
7. Annual period or periods during which water is to be used April thru Oct.
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 243.6

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

Land Description	No. Acres Irr.	Land Description	No. Acres Irr.
<u>NW $\frac{1}{4}$, Sect. 23, 107, 60</u>	<u>110</u>		
<u>NE $\frac{1}{4}$, Sect. 23, 107, 60</u>	<u>133.6</u>		

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 1 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Woonsocket News
12. Principal Features of the Proposed Water Supply System

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

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

C. Works proposed to apply water to beneficial use.

Estimated Total Cost \$ _____

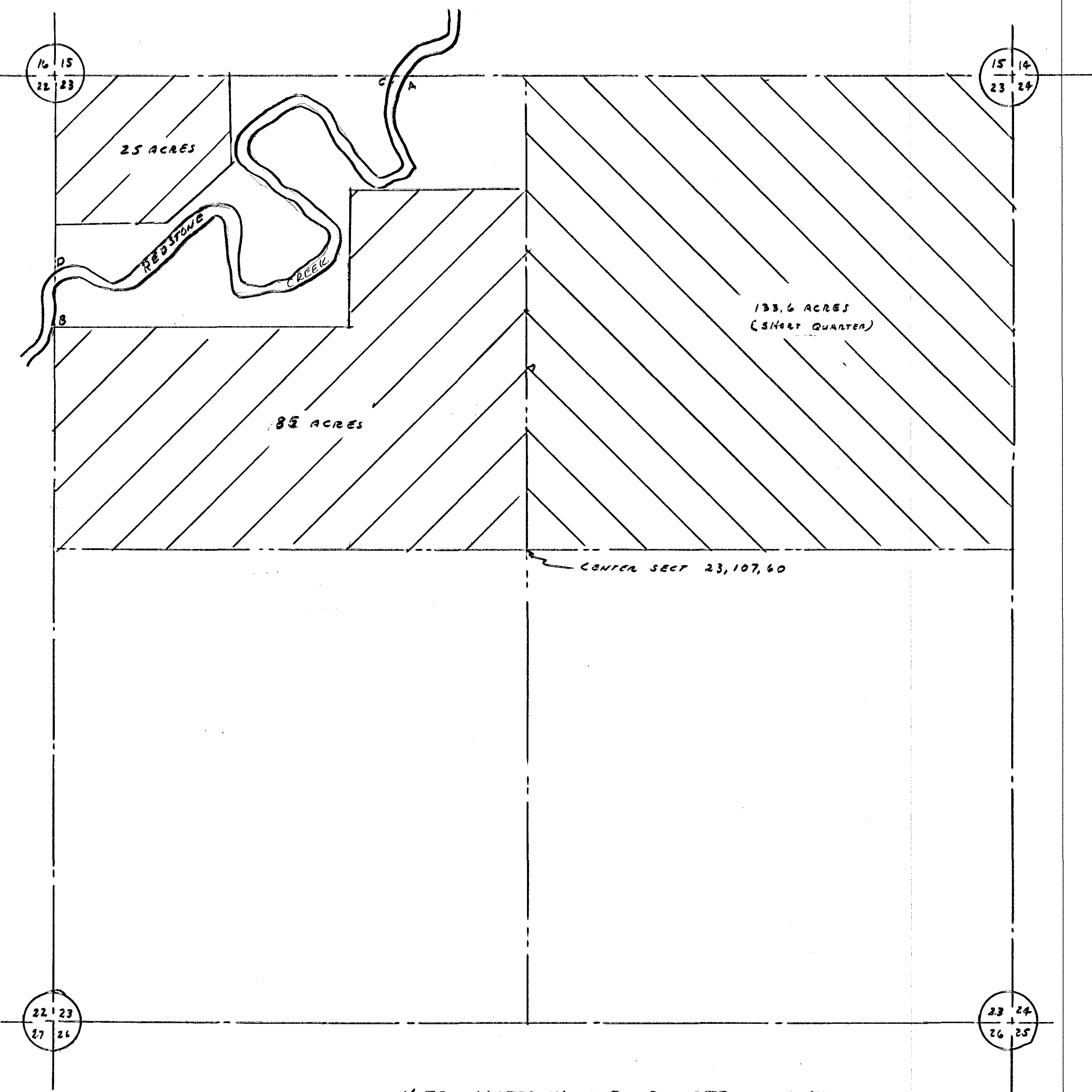
Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water is proposed. Attach map.
 (See instructions concerning preparation.)

STATE OF SOUTH DAKOTA)

County of Sanborn)I, Orie Kneen

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 Orie KneenSubscribed and sworn to before me this 9 day of MARCH 19 73
Walter E. Brumill
 Notary Public (or other qualified officer)



NOTE: WATER WILL BE DIVERTED ANYWHERE
ALONG REDSTONE CREEK BETWEEN
POINTS A-B OR C-D WHERE IT ADJUTS
OWNERS PROPERTY.

AREA BY LEGAL SUBDIVISION
110 ACRES - NW 1/4, SECT 23, T107N., R.66W., 5TH PM.
133.6 ACRES - NE 1/4, SECT 23, T107N., R.66W., 5TH PM.
243.6 ACRES TOTAL

SURVEYOR'S CERTIFICATE
STATE OF SOUTH DAKOTA) S)
COUNTY OF BERRICK)
I, HARLAN W. MEYER, A REGISTERED LAND SURVEYOR
IN AND FOR THE STATE OF SOUTH DAKOTA, DO HEREBY
CERTIFY THAT AT THE REQUEST OF ORIE KNEEN,
SOLE OWNER, I HAVE SHOWN THE LAND PROPOSED TO BE IRRIGATED
WITHIN HIS OWNERSHIP BOUNDARIES ON MARCH 1, 1973 FOR WHICH
APPLICATION FOR APPROPRIATIVE WATER RIGHT IS MADE AND
THIS MAP IS A TRUE REPRESENTATION OF THE SAME.
WITNESS MY HAND AND SEAL THIS 1ST DAY OF MARCH 1973

Harlan W. Meyer
REG. 2.5 & 495

SCALE 1" = 400'

ORIE KNEEN IRRIGATION PROJECT #1
SHOWS AREA TO BE IRRIGATED & WATER DIVERSION POINTS
- TO APPROPRIATE WATER

OWNER
SURVEYOR

ORIE KNEEN
HARLAN W. MEYER

WATER RIGHT APPLICATION APPROVAL

The Water Resources Commission hereby approves Water Right Application No. 1976-3

ORIE KNEEN

(Applicant)

ARTESIAN

(Post Office Address)

SOUTH DAKOTA

(State)

With the following modifications:

LOW FLOWS AS NEEDED FOR DOWNSTREAM DOMESTIC USE,
INCLUDING LIVESTOCK WATERING, MUST BE BY-PASSED.

Date of first receipt of application MARCH 12 1973
Date of return to applicant for correction, amendments or changes required — 19—
Date of receipt of corrected application — 19—
Approved MAY 23 1973, Recorded in Book 12 Page 210

WATER RIGHT PERMIT NO. 1976-3

The Water Resources Commission hereby grants and issues this Water Right Permit No. 1976-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is MARCH 12 1973
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before NOVEMBER 23 1975
3. The whole of said work is to be completed on or before MAY 23 1978
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MAY 23 1979
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 3.45 cubic feet per second; neither shall it exceed the capacity of the above described water supply system, nor shall it exceed the amount of water needed for beneficial uses served, and if for the irrigation purposes said appropriation must be limited to not more than 3 acre feet per acre per year and be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water is actually and beneficially applied for irrigation on or before MAY 23 1979; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 29TH day of MAY 1973

WATER RESOURCES COMMISSION

By:

Deo R. Miller

Chief Engineer, Executive Officer

Certificate of Construction Issued — 19—

Water License Issued — 19—

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 1976-3

(1) WHEREAS, On the 12th day of March A. D. 1973
Orle Kneen

made Water Right Application No. 1976-3 for a permit to use 3.45 cubic feet per second of the waters of Redstone Creek

County of Sanborn State of South Dakota, for Irrigation

purposes; and
(2) WHEREAS, On the 29th day of May A. D. 1973
Permit No. 1976-3 with a date of priority of March 12, 1973

was issued to said applicant for the diversion of said water, and provided for the completion of construction of the water supply system therein described on or before the 23rd day of May A. D. 1978 and for the application to beneficial use of said water on or before the 23rd day of May A. D. 1979

and:

(3) WHEREAS, It is hereby certified that the applicant has complied with the provisions of the laws of the State of South Dakota relating to completion of the construction of the water supply system and is entitled to divert 1.12 cubic feet per second of water for beneficial use and,

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

for irrigating the following land in Section 23, T107N, R60W

NW¼	110 acres
NE¼	133.6 acres (short Quarter)
Total	243.6 Acres

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

Orie Kneen

of **Artesian, S.D.**

the holder _____ and owner _____ of said permit No. **1976-3** a water right, dating from **March 12, 1974**

to use of **1.12** cubic feet per second of the waters

of **Redstone Creek**

in the County of **Sanborn** and State of South Dakota, or so much thereof as may be necessary for the

purposes hereinbelow mentioned, to be diverted ~~at~~ **between points due South 1080 feet and due East 1880**

feet from the NW Corner, Section 23, T107N, R60W

and conduct to and upon **portions of Section 23, T107N, R60W, more fully described on the**
face of this license

for the purpose of **irrigation**

Subject to any limitations listed in Water Right Permit No. **1976-3** and subject to the laws of the State of South Dakota.

WITNESS, My hand and seal of our office at Pierre, South Dakota

this **24th** day of **April** A. D.

Nineteen Hundred and **Seventy-four**

WATER RIGHTS COMMISSION

By:

Chief Engineer, Executive Officer

DONALD DRISCOLL

Form 15.

Permit No. 1967-3

Water Diversion No. 3 JAMES RIVER Water District

CERTIFICATE OF CONSTRUCTION

This is to Certify, That Orle Kneen

_____ the holder _____ of
Permit No. 1967-3, issued upon Application No. 1967-3, bearing date of priority of March 12,
1973 authorizing the diversion of 3.45 cu. ft. per second of the waters of _____
Kedatone Creek County of Ssnborn, State of South Dakota _____
between points due South 1080 feet and due East 1880 feet from the NW Corner
Section 23, T107N, R60W
_____, for irrigation

_____ purposes, has BE complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use. 1.12 cu. ft. per second of water.

Date April 24, 1974

By: [Signature]
WATER RIGHTS COMMISSION

DONALD DRISCOLL, Chief Engineer

Form 6 - Notice of Intent to Appropriate Water

No. 1976-3

Publish first publication, on or before May 10, 1973

NOTICE
INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

March 12, 1973

Notice is hereby given that Orle Kneen
whose post office address is Artesian, South Dakota, has made an application in accordance
with the provisions of the water laws of South Dakota for a permit to appropriate for beneficial use
3.45 cubic feet of water per second of time from Redstone Creek through the
Kneen Irrigation Project #2, the point of diversion of which is to be located in the

between points in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and in the NE $\frac{1}{4}$ NW $\frac{1}{4}$

of Section 23, Twp. 107N, Range 60W. Said water to be used for the purpose
of providing irrigation on portions of the following described land:
N $\frac{1}{2}$, Section 23, T107N, R60W

This application No. 1976-3 will be considered by the Water Resources Commission at their office at
Pierre upon the 25rd day of May, 1973, at 2:00 P. M. All interested
persons may appear and be heard.

WATER RESOURCES COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

BFJ/bw

cc: Orle Kneen, Artesian, G.D. 57314

Permit No. 1976-3Water Division 3 James River Water DistrictREPORT OF EXAMINATION OF WORKS
AND/OR APPLICATION OF WATER TO BENEFICIAL USETO: Water ~~Resources~~ Commission, State Office Building No. 2, Pierre, South Dakota 57501

I have this day made a thorough examination of the water use system constructed by Orie Kneen
_____ of Artesian, South Dakota _____ holder _____
of Permit No. 1976-3, bearing date of priority of March 12, _____, 19 73
authorizing the diversion of 3.45 cu. ft. per second of the waters of Redstone Creek
for irrigation _____ purposes, in Sarborn _____ County.

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

The Water Use System consists of,

A. Works used to divert the water:

Berkeley 4" centrifugal pump Mod B3JRBM
International tractor No. 560, diesel - 65 H.P.

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

1380 feet of 6 inch diameter aluminum mainline
660 feet of 6 inch high pressure hose hooked to big gun sprinkler

C. Works used to apply water to beneficial use.

Nelson "Big Gun" cable pulled traveling sprinkler

The system is in the following condition: Very good

The point of diversion is located between points due south 1080 feet and due east
1880 feet from the NW corner of Section 23, T107N, R60W

The works are capable of diverting and conveying to the place of use 1.12
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: _____

As shown on Water Right Map No. 1400-3NW $\frac{1}{4}$ of Section 23, T107N, R60E 110 acresNE $\frac{1}{4}$ of Section 23, T107N, R60E 133 $\frac{1}{2}$ acres (short quarter)comprising a total of 243.6 acres of land.

The same irrigation equipment is used for both Water Rights
1910-3 and 1976-3

Date April 2, 1974

Donald Driscoll
(Signature)

Donald Driscoll, Chief Engineer



1976-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 9, 1998

NOTICE

TO: ORIE KEEN, HC 74 BOX 56, ARTESIAN, SD 57314 9753

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

SUBJECT: Reporting Requirement for 1997 Irrigation Questionnaire(s)

Our records indicate that the 1997 Irrigation Questionnaire has not been submitted for Permit No(s) 1910-3 & 1976-3. The request for the Questionnaire was dated October 17, 1997. The Water Management Board has directed that owners of water permits who have not submitted the 1997 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, February 25, 1998, in the 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1910-3 & 1976-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
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(s) is(are) received in this office on/or before February 20, 1998, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (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.



1976-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 27, 1998

1910-3

1976-3

Arthur Kneen
41028 230th St
Artesian, SD 57314

Dear Mr. Kneen:

I am writing to acknowledge receipt of the 1997 irrigation questionnaires for water rights listed in the name of Orie Kneen. You may disregard the January 9, 1998, "Notice" concerning reporting requirements for Water Permit No. 1910-3 and 1976-3. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Enclosed are partially completed "Notice of Transfer of Ownership" forms. Please review the forms and complete the portion titled "*to be transferred to: (name and address)...*". Upon completion, please sign the forms in the presence of a notary and then return them to our office with a required filing fee of \$2.50 each (total of \$5.00).

If you have any questions concerning the water rights or completion of the transfer forms, please contact me.

Sincerely,

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

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 1976-3

Date: Feb 2 98



I/We request that Water Right No. 1976-3

formerly owned by: Orie Kneen

be transferred to: (name & address) Arthur Kneen 41038 230th St
Artesian SDak 57314 Telephone No. 605 495 4321

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

243.6 acres - N½ Section 23, T107N, R60W

I/We understand that the validity of Water Right No. 1976-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)

County of Sanborn)

I/We Arthur Kneen being first duly sworn on my oath depose and say that my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and that I know of my own personal knowledge that the information herein stated is true.

Arthur Kneen
(Signed)

Subscribed and sworn to before me this 2 day of Feb, 19 98.

Elizabeth L. Hoffman
(Notary Public)
Comm expires 10-24-2001

NOTE: Water permits may be cancelled for nonconstruction within the five year construction period. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.

RECEIPT

Water Rights Program

South Dakota Department of Environment and Natural Resources

415635

Pierre,

February 5, 1996

RECEIVED OF Arthur Kneen, 41028 23 Street, Artesian, SD 57314
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 Water Right No. 1976-3

Fee for Filing Extension Request _____

Fee for _____

Total

2 50

(Any Other Work Provided by Law)

John Hatch (C)



1976-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 17, 1998

Nos. 1910-3
1976-3

Arthur Kneen
41028 230 Street
Artesian, SD 57314

Dear Mr. Kneen:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Right Nos. 1910-3 and 1976-3.

Our records now show you as the owner of Water Right Nos. 1910-3 and 1976-3.

Sincerely,

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

enclosure



January 22, 1999

1976-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

NOTICE

TO: ARTHUR KNEEN, 41028 230TH ST, ARTESIAN, SD 57314

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaire(s)

Our records indicate that the 1998 Irrigation Questionnaire has not been submitted for Permit No(s) 1910-3 & 1976-3. The request for the Questionnaire was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

The hearing will be held at 9:45 am, March 3, 1999, in the 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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1910-3 & 1976-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
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(s) is(are) received in this office on/or before March 1, 1999, your name will be deleted from the Board agenda. If you have any questions or need assistance with completion of the irrigation questionnaire(s), please contact Genny McMath at (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.



1976-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181
www.state.sd.us/denr

January 27, 1999

1910-3
1976-3

Arthur Kneen
41028 230th St
Artesian, SD 57314

Dear Mr. Kneen:

I am writing to acknowledge receipt of your 1998 irrigation questionnaires. You may disregard the January 22, 1999, "Notice" concerning reporting requirements for Water Right Nos. 1910-3 and 1976-3.

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

2006 Water Management Board Irrigation Questionnaire

Please fill out and return before **December 1, 2006**

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V5-IQ.pdf>

Permit No. 1976-3

ARTHUR KNEEN
41028 230TH ST
ARTESIAN SD 57314

Any address/ownership corrections?

Telephone No. 605-495 4321

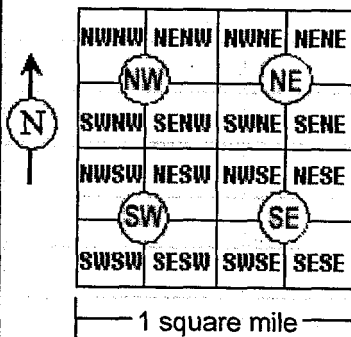
1. Did you irrigate in 2006? *yes ☐ **no ☒
*If yes, _____ acres were irrigated out of
the 243.60 acres covered by Permit No. 1976-3

**If no, check reason(s) for not irrigating:
sufficient moisture ☐ no water available ☐
system not constructed ☐ use abandoned ☒
enrolled in CRP ☐, through what year? _____
other ☐, please explain in the comment box:

Comment Box

Meed Notes

2. If your answer to question No. 1 is "no," you are done!
If you answered "yes," please complete Nos. 3, 4 & 5.
3. Did you apply chemicals or fertilizer through the
system in 2006? yes ☐ no ☐
4. If more than one water source is listed below, circle
each source used. A. REDSTONE CREEK
5. Provide your water use on the back of this form.



Office use only

RECEIVED

OCT 31 2006

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 1976-3 (see above section map for help reading legal descriptions)

sec 23-T107N-R60W, NW1/4 - 110.0 acres

sec 23-T107N-R60W, NE1/4 - 133.6 acres

Please provide your 2006 water use to irrigate the above acreage on the REVERSE side of this form.

Reported Water Use

11/28/2006

Permit No	Year	Name	Not Irrig	Not Constr
1976-3	1983	ORIEKEEN		
1976-3	1984	ORIEKEEN	X	
1976-3	1985	ORIEKEEN	X	
1976-3	1986	ORIEKEEN	X	
1976-3	1987	ORIEKEEN		
1976-3	1988	ORIEKEEN		
1976-3	1989	ORIEKEEN		
1976-3	1990	ORIEKEEN		
1976-3	1991	ORIEKEEN		
1976-3	1992	ORIEKEEN	X	
1976-3	1993	ORIEKEEN	X	
1976-3	1994	ORIEKEEN	X	
1976-3	1995	ORIEKEEN	X	
1976-3	1996	ORIEKEEN	X	
1976-3	1997	ARTHURKNEEN	X	
1976-3	1998	ARTHURKNEEN	X	
1976-3	1999	ARTHURKNEEN	X	
1976-3	2000	ARTHURKNEEN	X	
1976-3	2001	ARTHURKNEEN	X	
1976-3	2002	ARTHURKNEEN	X	
1976-3	2003	ARTHURKNEEN	X	
1976-3	2004	ARTHURKNEEN	X	
1976-3	2005	ARTHURKNEEN	X	X



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

November 29, 2006

1910-3
1976-3

Arthur Kneen
41028 230th St
Artesian SD 57314

Dear Mr. Kneen:

I am writing in regard to your Water Right Nos. 1910-3 and 1976-3 which authorizes irrigation from the Redstone Creek. On your 2006 irrigation questionnaires you indicated the use has been abandoned and you "need motor". I am writing to ensure that you are aware of water use requirements.

Water rights must be used in order to maintain them. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated, at least once every three years, unless legal excuse exists for not irrigating. Enclosed are excerpts of our water laws and Water Management Board Rules dealing with these issues.

If you have decided to discontinue irrigation as authorized by Water Right Nos. 1910-3 and 1976-3, we can go ahead and schedule the water rights for cancellation consideration.

Please respond by January 1, 2007 and let us know whether or not you agree with proceeding to schedule Water Right Nos. 1910-3 and 1976-3 for cancellation consideration. You may call our program at (605) 773-3352 or if you prefer to write, I am enclosing a postage paid envelope for your convenience.

Thank you in advance for your assistance.

Sincerely,

Karen Schlaak

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

enclosures

File No. 1910-3

1976-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Arthur Kneen, 41028 230th St, Artesian SD 57314

DATE: November 30, 2006

TELEPHONE: 605 495-4321 or 999-3573

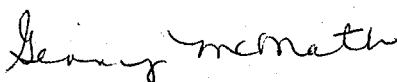
RE: water use as authorized by Nos. 1910-3 and 1976-3

COMMENTS:

In follow-up to Mr. Kneen's 2006 irrigation questionnaires on which he reported the use had been abandoned, Karen wrote him a letter asking if he had discontinued irrigation or not. Excerpts of Water Laws dealing with abandonment and/or forfeiture were sent to him along with Board Rules on legal excuse for not irrigating.

Mr. Kneen called and said the reason the land has not been irrigated is because Redstone Creek never has enough water in it. He said that typically, the creek has a few pot holes of water but is not a flowing stream.

I asked him if he would irrigate if water was available and he replied that he would. He wants to change the system over to a flood type system so that he can use what water is there in the spring. I told him that the type of system didn't matter with regard to his water rights but he had to stay within the perimeters of the rights such as irrigating the same land. He understood and said he would keep us posted on the yearly irrigation questionnaire as to how he is progressing with the system and what he is irrigating.



Genny McMath
Environmental Scientist



1976-3

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: ARTHUR KNEEN, 41028 230TH ST, ARTESIAN, SD 57314

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

SUBJECT: Reporting Requirement for 2007 Irrigation Questionnaire(s)

Our records indicate that the 2007 Irrigation Questionnaire has not been submitted for Permit No(s) 1910-3 & 1976-3. The request for the Questionnaire was dated October 19, 2007. The Water Management Board has directed that owners of water permits who have not submitted the 2007 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning this issue.

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. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 1910-3 & 1976-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action; or
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(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.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 29, 2008

1910-3
1976-3

Arthur Kneen
41028 230th St
Artesian SD 57314

Dear Mr. Kneen:

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. 1910-3 and 1976-3.

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

File No. 1976-3
1910-3

WATER RIGHTS PROGRAM -- FILE DOCUMENTATION

NAME & ADDRESS: Arthur Kneen, 41028 230th St, Artesian SD 57314

DATE: November 6, 2012

TELEPHONE: 605 495-4321

RE: irrigation questionnaire comments

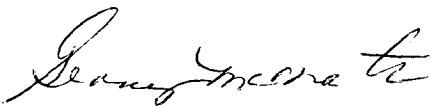
COMMENTS:

Mr. Kneen reported on his 2012 irrigation questionnaires that he has abandoned the use. I gave him a call to see if his intent was to discontinue irrigation or if he checked the wrong box.

Mr. Kneen indicated he has not irrigated for a few years but Redstone Creek never has any water in it. He said it has actually been almost dry the last 4 years and no water could be pumped. I explained the use it or lose it criteria for maintaining a water right indicating he would not lose his water rights if the reasons he did not irrigate were due to too much or not enough water.

He said if conditions warrant, and water was available, he may irrigate. He said he still had the lines in place and equipment to use, he just never has any water.

I told him we would hold up on doing anything with the water rights for a while and he could keep us posted through the annual questionnaire on whether or not he was actually abandoning irrigation.



Genny McMath
Water Rights Program

1976-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
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523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

March 4, 2014

1910-3

1976-3

Arthur Kneen
41028 230th St
Artesian SD 57314

Dear Mr. Kneen:

I am writing in follow-up to your conversation with Eric Gronlund in our program.

Enclosed are summaries showing the history of water use as reported on your annual irrigation questionnaires for both Water Right No. 1910-3 and 1976-3. Each summary starts with the 1991 season because that was the last year irrigation was reported.

Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water permit. This three year period may be waived if legal excuse exists for the years of nonuse. Enclosed are excerpts of the water right laws and Water Management Board Rules dealing with these issues.

As staff we cannot tell you whether or not your water rights have legal standing. The Water Management Board is the entity who determines if a water right is valid or not. We would caution you against starting irrigation again without a ruling by the Board on whether or not your water rights have been forfeited due to nonuse.

If you have any questions, please give us a call.

Sincerely,

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

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

enclosures

**Summary of irrigation questionnaires for
Water Right No. 1976-3
Arthur Kneen**

Year	Irrigated (yes/no)	Comments made
1991*	yes	
1992	No	<i>No comments</i>
1993	No	Too wet
1994	No	<i>No comments</i>
1995	No	Had plenty of rain
1996	No	<i>No comments</i>
1997	No	My father passed away this summer. I rent the ground now. the land is in a living trust. I am not sure what I should do. I do want to keep the irrigation rights to irrigate.
1998	No	We have some work to do on the motor and frame; Didn't have time to get it running.
1999	No	Didn't have time to get the irrigation motor running.
2000	No	Work needs to be done on motor to get it ready for next year.
2001	No	Motor needs work.
2002	No	<i>No comments</i>
2003	No	Motor went bad
2004	No	Did not need to
2005	No	<i>No comments</i>
2006	No	Need motor – also checked the box “use abandoned”
2007	No	<i>No comments</i> ; checked the box “sufficient moisture”
2008	No	<i>No comments</i> ; checked the boxes “no water available” and “system not constructed”
2009	No	<i>No comments</i> ; checked the box “sufficient moisture”
2010	No	<i>No comments</i>
2011	No	Looking to update the old system
2012	No	<i>No comments</i> ; checked the box “use abandoned”
2013	No	<i>No comments</i>

*1991 was the last year irrigation took place

Water Right No. 1976-3:
243.6 acres – diversion from Redstone Creek
N ½ Section 23, T107N, R60W



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 7, 2020

1976-3

Joanne Powers
PO Box 265
Lewis KS 67552-0265

Dear Ms. Powers:

I am contacting you regarding ownership of land described in Water Right No. 1976-3, currently listed under Arthur Kneen. Recently we were made aware that you now owned the land.

Enclosed is a copy of the water right. In reviewing the file, it looks like the last time water was diverted for irrigation from the creek was in 1991. Under South Dakota Water Law, water must be placed to beneficial use for the purpose it was appropriated at least once every three years in order to maintain a water right. This three-year period may be waived if legal excuse exists for the years of nonuse. Enclosed for your review are excerpts of water laws and Water Management Board rules dealing with these issues.

If you feel legal excuse exists for the years of non-use and would like to maintain the water right, it will need to be transferred to your name. Enclosed is a partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If you do not wish to maintain the water right, it does not need to be transferred. Please contact us if that is the case and we will proceed with scheduling the water right for cancellation consideration. Cancellation of the water right does not preclude you from applying for another water right in the future.

If you have any questions, please let me know.

Sincerely,

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

Genny McMath
Water Rights Program
605 773-3352

2019 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2019

REMEMBER! Return of this questionnaire is required whether or not you irrigated this year.

Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501 3181 ph. (605) 773 3352 or submit your form(s) electronically over the internet at <https://denr.sd.gov/iq> Your temporary password is **RMGLBQ**

Permit No. 1976-3

ARTHUR KNEEN
41028 230TH ST
ARTESIAN SD 57314

Any address/ownership corrections?

Email _____

Phone _____

1. Did you irrigate in 2019? *yes ☐ **no ☒

*If yes, number of acres irrigated? _____

**If no, check reason(s) for not irrigating acres covered by Permit No. 1976-3

sufficient moisture ☒ no water available ☐

system not constructed ☐ use abandoned ☐

enrolled in CRP ☐, through what year? _____

other ☐, please explain in the Comment Box:

Comment Box

*Sec 23 new owner
Johnne Powers*

2. If your answer to question No. 1 is "no," you are done! If you answered "yes," please complete Nos. 3, 4 & 5.

3. Did you apply chemicals or fertilizer through the system in 2019? yes ☐ no ☐

4. If more than one water source is listed below, circle each source used. A. REDSTONE CREEK

5. Provide your water use on the back of this form.



NWNW	NENW	NWNE	NENE
NW		NE	
SWNW	SEnw	SWNE	SENE
NWSW	NESW	NWSE	NESE
SW		SE	
SWSW	SESW	SWSE	SESE

1 square mile

Office use only

RECEIVED

DEC 04 2019

WATER RIGHTS
PROGRAM

Acreage permitted for irrigation under No. 1976-3

(see above section map for help reading legal descriptions)

sec 23-T107N-R60W, NW1/4 - 110.0 acres

sec 23-T107N-R60W, NE1/4 - 133.6 acres

Please provide your 2019 water use to irrigate the above acreage on the REVERSE side of this form.

For an example of a completed questionnaire, please refer to the reverse side of your cover letter.

PAID

JAN 16 2020

NOTICE OF TRANSFER OF OWNERSHIP

Ck# 1475

RECEIVED

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

JAN 16 2020

WATER RIGHTS
PROGRAM

No. 1976-3

Date: 1-11-2020

I/We request that Water Right No. 1976-3

formerly owned by: Arthur Kneen

be transferred to: (name & address) JoAnne Powers
PO BOX 265, Lewis KS 67552.

Telephone No. 620-324-5471

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

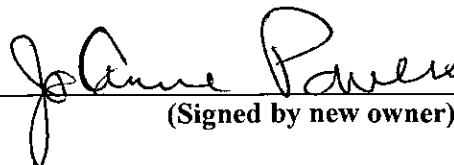
243.6 acres - N 1/2 Section 23, T107N, R60W

I/We understand that the validity of Water Right No. 1976-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We JoAnne Powers, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.denr.sd.gov

January 16, 2020

1976-3

Joanne Powers
PO Box 265
Lewis KS 67552-0265

Dear Ms. Powers:

I am writing to acknowledge receipt of the transfer form and filing fee you submitted for transferring ownership of Water Right No. 1976-3.

The ownership change has been completed. Water Right No. 1976-3, formerly held by Arthur Kneen is now listed in your name.

Each year we mail irrigators in South Dakota an irrigation questionnaire for reporting how much water they pumped during that specific crop season. I am enclosing a sample copy of the form to give you an idea of what type of information to keep track of during the growing season. The actual form that will need to be completed and returned to us will be mailed to you in October.

Enclosed is a receipt for the filing fee you paid for filing the ownership change. If you have any questions, please let me know.

Sincerely,

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

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

enclosures

1976-3

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date January 16, 2020

RECEIVED OF Terence/Joanne Powers 311 W Ave B Lewis KS 57552

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$
Fee to retain Future Use Permit No. _____ after period of seven years.	\$
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$
Fee for Filing Transfer Form <u>1976-3</u>	\$50.00
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
	\$50.00

By Jeanne Goodman
Chief Engineer vm