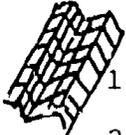


2827-3



1. Considered 7-21, 1976
2. Name of Applicant R.E. KAHNKE
3. Post Office Address WATERTOWN
4. Amount of water claimed 2.2
5. Source of water supply 2-29' DEEP WELLS
6. Water to be used for IRRIGATION  
     Acres to be irrigated 156
7. Water to be diverted and used in CODINGTON county  
     about 10N 6E miles          of WATERTOWN.
8. Proof of Publication      Received 7-19-76  
                                     Not received
9. Application                      Approved           
     PAPER HAS T117N  
     INSTEAD OF T118N  
                                     Subject to           
                                     Not Approved           
                                     Action deferred

10 Remarks:

Jim Foby

No. 2827-3  
Map No. 2163-31 Water Division No. 3 BIG SIOUX RIVER District  
(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 R. E. Kahinke  
 Postoffice address 405-5th Ave N.W. State Water town S. Dakota  
 If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct labor
3. Name of diversion work R. E. Kahinke Irrigation Project # 9
4. Amount of water claimed (cubic feet per second) 2.2
5. Source of water supply 2 identical wells
6. Location of point of diversion Well #1 - 2600' N 30° E; Well #2 - 2550' N 9° E;  
of SW 1/4 of Sec 12 - 118 - 52  
 County Brookings
7. Annual period or periods during which water is to be used April through October
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 156

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 1/4 of SW 1/4 Sec 12 - 118 - 52</u>	<u>39</u>		
<u>NE 1/4 " " " " "</u>	<u>40</u>		
<u>SW 1/4 " " " " "</u>	<u>38</u>		
<u>SE 1/4 " " " " "</u>	<u>39</u>		

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Five years. Additional time required to complete application of water to the proposed beneficial use three years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication Water town Public Opinion
12. Principal Features of the Proposed Water Supply System.
- A. Works proposed to divert water from its natural source. Wells with deep well turbines
- B. Works proposed to transport water to place of use. closed conduit
- C. Works proposed to apply water to beneficial use. center pivot irrigation machine

Estimated Total Cost \$ 50,000

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

STATE OF SOUTH DAKOTA

County of Brookings

I, R. E. Kahinke 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 R. E. Kahinke

Subscribed and sworn to before me this 18 day of June 1976

John Sedgewick  
Notary Public (or other qualified officer)  
P.R. H. 1976

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 2827-3  
R.E. KAHNICE 405 5TH AVE NW, WATERTOWN  
(Applicant) (Post Office Address)  
SOUTH DAKOTA 57201 With the following modifications:  
(State)

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

IN APPROVING THIS PERMIT THE COMMISSION RECOGNIZED THE ERROR IN THE ADVERTISING NOTICE

Date of first receipt of application JUNE 22, 1976  
Date of return to applicant for correction, amendments or changes required \_\_\_\_\_, 19\_\_\_\_  
Date of receipt of corrected application JULY 2, 1976  
Approved JULY 22, 1976 Recorded in Book 15 Page 276

WATER RIGHT PERMIT NO. 2827-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 2827-3 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 JUNE 22, 1976
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JANUARY 22, 1979
3. The whole of said work is to be completed on or before JULY 22, 1981
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JULY 22, 1984
5. The water appropriated shall be used for the purpose of IRRIGATION
6. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.
7. The amount of the appropriation herein granted shall not exceed 2.2 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 JULY 22, 1984; said water to be used during the following described annual period: APRIL THRU OCTOBER

Witness my hand this 3RD day of AUGUST, 1976

WATER RIGHTS COMMISSION

By:

John Hales  
Chief Engineer, Executive Officer

Certificate of Construction Issued \_\_\_\_\_, 19\_\_\_\_

Water License Issued \_\_\_\_\_, 19\_\_\_\_

Two identical wells.

Form 2A - Wells, Dugouts or Water Storage Dams (Supplement to form 2)

12. Principal Features of the Proposed Water Supply System (continued.)

D. Well Information or Estimates

- (1) Drill Hole, Diameter 10", Depth 29'  
(2) Casing, Type 2" ~~Struct steel~~ <sup>Steel</sup>, Diameter 14", Thickness 3/16"  
(3) Perforated Screen,  
Type Punched steel, Diameter 14", Length 15'  
(4) Gravel Pack, Thickness 2", Length of gravel pack 15'

E. Dugout Information or Estimates

- (1) Surface dimensions —, Depth —

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

- (1) Water Bearing Materials. (Please attach a copy to test well log if available.)

Character of Water bearing materials 0'-2' - top soil, 2' to 10' mixed clay sand silt, 10' to 29' mixed gravel and boulders.

- Depth to top of water bearing material 10'  
Depth to bottom of water bearing material 29'  
Thickness of water bearing material 19'  
Depth to water (ground surface to water level) 10'

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

On same owner's property 0 rds. On property owned by others 50 rds.

G. Water Storage Dams.

If the proposed water use system contains one or more water storage dams, please show in the space below, the height, maximum water depth, surface area and storage capacity of each storage dam. The location of each water storage dam should be shown on the water right map.

RE Kuhnke  
Signature of Applicant

June 29, 1976

R. E. & Ina Kahnke  
405 5th Ave. NW  
Watertown, SD 57201

Dear Mr. & Mrs. Kahnke:

I am enclosing the original copy of the report of analysis of water sample 076-672 submitted here about a week ago. I have also plotted this water quality on the chart on the outside back cover of AES publication #13 enclosed for your use. As you will see, it is in the moderately high salinity category, but it is low in sodium.

Accordingly, this water is quite well suited to irrigation in the climatic zone which you propose to irrigate. The soils are fairly well suited except that the Lamour soil has occasional high water problems and you would very likely experience difficulty with the center pivot system becoming aired down in that area. I recommend strongly that you keep that area in grass or grass <sup>all the</sup> ~~again~~ next year as well as the areas of Vienna soil on the C slope. This will minimize your traffic problems with the equipment and also prevent erosion of the C slope material down on top of the Lamour. It might also help to avoid the rise in water table which will occur occasionally on the Lamour soils.

A copy of this letter is accompanying the WI-1 form and a copy of the water analysis to the State Conservation Commission for their action.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:ckb  
Enclosures  
cc: State Conservation Commission  
D. Pahl  
Fred Morris, County Extension Agent



CONSERVATION  
COMMISSION  
FORM W1 #1

STATE CONSERVATION COMMISSION  
SUPPORTING INFORMATION  
FOR APPROPRIATION OF GROUND WATER IN ACCORDANCE  
WITH SDCL 46-6-3 AS AMENDED  
(THIS FORM REQUIRED FOR PROPOSED GROUND WATER IRRIGATION ONLY)

NAME RE. & Lina KAHNKE  
ADDRESS 405 5TH AVE. N.W. WATERLOO, S.D.  
COUNTY COPINGTON COUNTY

LEGAL DESCRIPTION

1. WELL LOCATION N.W. 1/4 of S.W. 1/4 of SEC 12-118-52  
2. LOCATION OF AREA TO BE IRRIGATED S.W. 1/4 of SEC 12-118-52

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOW LINE \_\_\_\_\_ CENTER PIVOT  GUN \_\_\_\_\_  
4. CROPS TO BE IRRIGATED Corn & alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-672  
6. SALINITY (EC X 10<sup>6</sup>) 779 (moderately high)  
7. SODIUM (SAR) 0.18 (low)  
8. RESIDUAL SODIUM CARBONATE (meq/l.) \_\_\_\_\_

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

RE Kahnke  
APPLICANT'S SIGNATURE

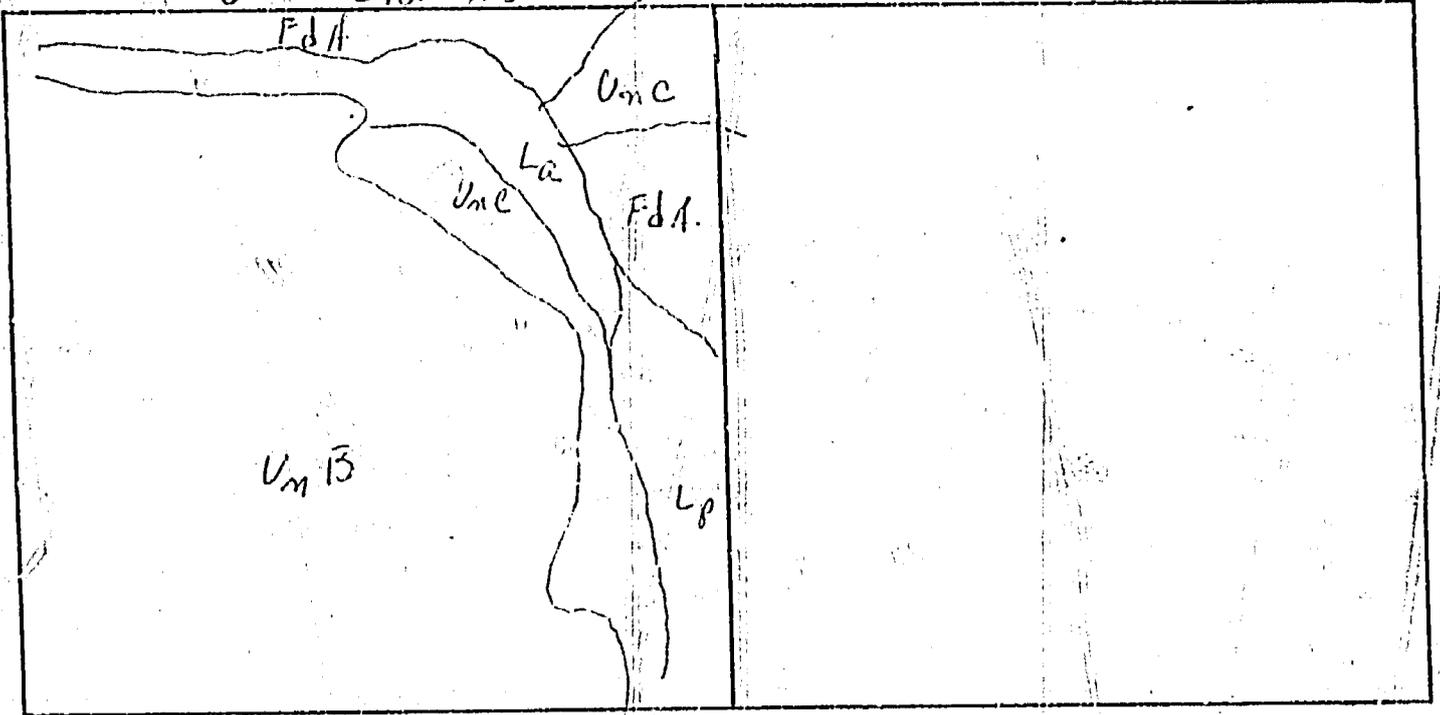
SUBSCRIBED AND SWORN BEFORE ME THIS  
18 DAY OF June 1976.

John S. Williams  
(TITLE OR SEAL)

Albert J. [Signature]  
APPROVED/DISAPPROVED

SW<sup>4</sup> Sec 12 - 118-5-2

MAP



NARRATIVE

- Fda - Fordville silt loam nearly level
- Lp - La Prairie silt loam - Upland Swale s. moderately permeable
- La - Lamoure silty clay loam
- Umc B Vienna silt loam 3 to 6% slope
- Umc C Vienna silt loam 6 to 9% slope



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

Submitted by: D. E. Burke  
 Address: 405 5th Ave., N.W.  
Watertown, SD 57201

Date Rec'd: June 18, 1976  
 Sample No. 76-672  
 Identification Well-291  
S&W, Sec. 12, T 118N, R 52W

**WATER ANALYSIS**

Calcium (Ca)	110	ppm*	5.50	me/l**
Magnesium (Mg)	43	ppm	3.53	me/l
Sodium (Na)	9	ppm	0.39	me/l
Potassium (K)	4	ppm	0.10	me/l
Sulfate (SO <sub>4</sub> )	198	ppm	4.11	me/l
Nitrate (as N)		ppm		me/l
Chloride (Cl)	6	ppm	0.16	me/l
Bicarbonate (HCO <sub>3</sub> )	310	ppm	5.08	me/l
Carbonate (CO <sub>3</sub> )		ppm		me/l
Iron (Fe)		ppm		me/l
Fluoride (F)		ppm		me/l
Hardness (EDTA as CaCO <sub>3</sub> )		ppm		g.p.g.***
Alkalinity (Methyl Orange)	254	ppm (as CaCO <sub>3</sub> )		
Alkalinity (Phenolphthalein)	0	ppm (as CaCO <sub>3</sub> )		
Electrical Conductivity	779	micromhos per cm at 25° C.		
Sodium Adsorption Ratio	0.13			
Sodium	4.09	% of cations		
Residual sodium carbonate	0.00	me/l		
pH	7.13			

\*ppm=parts per million

\*\*me/l=millequivalents per liter

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

COMMENTS: Total cations 9.52 me/l  
 Total anions 9.35 me/l

By: Shirley Litten

Service Performed	Amount Due
irrigation analysis	\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment:

Sample No. 76-672

Amount Enclosed \$.....

Signed.....

No. 2827-3

Publish first publication, on or before

July 17, 1976

NOTICE OF INTENT TO APPROPRIATE WATER

Pierre, South Dakota 57501

July 7, 1976

Notice is hereby given that W.E. Kahnke

whose post office address is Watertown, 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 3.2 cubic feet of water per

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

Kahnke #4, the point<sup>s</sup> of diversion of which <sup>are</sup> to

be located in the \_\_\_\_\_

NW 1/4 SW 1/4

of Section 12, Twp. 118N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land:

SW 1/4, Section 12, T118N, R52W

This application No. 2827-3 will be considered by the Water Rights Commission at the Court House in Winner, S.D.

upon the 1st day of July, 1976 at 10:00 A. M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION

By:

BURTON F. JONES, Water Rights Specialist

*See R*

BFJ/bw  
cc:

P.L. Kahnke, Watertown, S.D.  
405 5th Ave. NE

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Codington ) ss.

I, John R. Lowrie hereby  
certify that the annexed printed copy of Notice of Intent to Appropriate  
Water was taken from the Watertown Public Opinion

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 Watertown

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

July 9th, 1976

July 16, 1976

*[Handwritten Signature]*

(Signature)

General Manager

(Title)

July 16th, 1976

(Date Signed)

**PUBLIC NOTICE**

NO. 2827-3

**NOTICE OF INTENT TO APPROPRIATE WATER**

Pierre, South Dakota 57501  
July 15, 1976

Notice is hereby given that R. E. Kahnke whose post office address is Watertown, 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 2.2 cubic feet of water per second of time from ground water through the Kahnke No. 4, the points of diversion of which are to be located in the NW 1/4 SW 1/4 of Section 12, Twp. 118N, Range 52W. Said water to be used for the purpose of providing irrigation on the following described land: SW 1/4, Section 12, T117N, R52W.

This application No. 2827-3 will be considered by the Water Rights Commission of the Court House in Winner, S.D., upon the 21st day of July, 1976, at 10:00 A.M. All interested persons may appear and be heard.

WATER RIGHTS COMMISSION  
By: Burton F. Jones,  
Water Rights Specialist  
(July 9, 1976)



2827-3

the renter: Dale Zemlicka  
R.R. #5  
Watertown, S. Dak. - 57201

Will you kindly send "data sheets" for  
recording irrigation water use to Dale  
Zemlicka at the above address?

for Permit # 4180-3

" # 2827-3

" # 2477-3

RE/Kahnke





# Department of Water & Natural Resources

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

WATER RIGHTS DIVISION  
(605) 773-3352

2427-3  
2827-3  
4180-3

APRIL 7, 1986

R. E. Kahnke  
405 5th Avenue NW  
Watertown, South Dakota 57201

Dear Mr. Kahnke:

I am contacting you in regard to the 1985 irrigation questionnaire pertaining to Water Permit Nos. 2477-3, 2827-3 and 4180-3 listed in your name. These questionnaires were sent to Dale Zemlicka, Watertown, South Dakota as leasor in November, 1985. Mr. Zemlicka returned the data sheet to our office April 4, 1986 indicating he no longer leases the land.

Enclosed are the irrigation questionnaires pertaining to the above permits. If you are able to obtain last year's records for these particular permits, please complete the data sheets and return them to our office. If you have another leasor for 1986 that you would like the 1986 forms sent to, please forward his name and address to our office.

A postage paid envelope is enclosed for your convenience in returning the completed questionnaires. If you have any questions, please advise.

Sincerely,

Genny McMATH  
Natural Resources Analyst

GM:ms  
Enc.

2427-3

I no longer lease  
this ground where there  
are irrigators.



Returned by Dale Zemlicka  
Sr. Permit Nos. 2477-3, 2827-3  
and 4180-3

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

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

January 29, 1988

WARREN FALK, OPERATOR  
 RR 1 BOX 59  
 SOUTH SHORE, SD 57263

NOTICE

Re: Violation of Requirement To Submit 1987 Irrigation  
 Questionnaire

Our records indicate that the 1987 Irrigation Questionnaire has not been submitted for Permit No(s). 4180-3, 2477-3, 2827-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of hearing(s) to be held by the Board to determine if any action is to be taken concerning the violation.

The hearings will be held at 9:00 am, March 2, 1988 in Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

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

1. Amend Permit No(s). 4180-3, 2477-3, 2827-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
2. Postpone any action;
3. Take no action.

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

*John Hatch*

JOHN HATCH, Chief Engineer  
 Water Rights Division  
 505 773-3352

cc: R E Kahnke, 405 5th Ave NW, Watertown, SD 57201

NOTE: If the questionnaire(s) is received in this office before the March 2 hearing date, your name will be deleted from the agenda for the hearing.

**SOUTH DAKOTA**  
**Department of**  
**Water & Natural Resources**

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

February 9, 1988

2477-3	2827-3
4153-3	4180-3
1184-3	4417-3

Warren Falk  
RR 1, Box 59  
South Shore SD 57263

Dear Mr. Falk:

I am writing to acknowledge receipt of your 1987 Irrigation Questionnaire(s). A notice was sent to you January 29, 1988 regarding the requirement to submit the Irrigation Questionnaire(s) for Water Permit No. 2477-3, 2827-3, 4153-3, 4180-3, 4184-3, 4417-3 and the hearing date before the Water Management Board.

Since your questionnaire was received prior to the March 2, 1988 Water Management Board Meeting, your name has been deleted from the Board Meeting agenda. If you have any questions, please contact us.

Very truly yours,



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

cc: R E Kahake  
405 5th Ave NW  
Watertown SD 57201



DEPARTMENT OF WATER & NATURAL RESOURCES

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

2827-3

February 1, 1991

WARREN FALK, OPERATOR  
RR 1 BOX 59  
SOUTH SHORE SD 57263

NOTICE

RE: Violation of Water Permit No(s) 4180-3, 2477-3, 2827-3, 4184-3 and 1990 Irrigation Questionnaire Requirements

Our records indicate that the 1990 Irrigation Questionnaire has not been submitted for Permit No(s) 4180-3, 2477-3, 2827-3, 4184-3. 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) 4184-3 qualification:

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

The hearing will also be to determine if Permit No(s) 4180-3, 2477-3, 2827-3 should be amended with the qualification to require the Questionnaire to be 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 6-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to procedures contained in SECL 1-26. Following the hearing, the Water Management Board can:

1. Suspend Permit No(s) 4184-3 until the 1990 Irrigation Water Use Questionnaire is submitted or for a period of up to one year;
2. Amend Permit No(s) 4180-3, 2477-3, 2827-3 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 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

cc: Ina Kahnke, 405 5th Ave NW, Watertown SD 57201



DEPARTMENT OF WATER & NATURAL RESOURCES  
Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181

February 6, 1991

2827-3

Warren & Eloise Falk  
Falk Farms Inc.  
RR #1 Box 59  
South Shore, SD 57263

Dear Mr. & Mrs. Falk:

I am writing to acknowledge receipt of your 1990 irrigation questionnaires for Water Permit Nos. 2477-3, 2827-3, 4180-3, 4184-3, 4417-3, 4637-3, 5269-3, 5271-3. You may disregard the February 1, 1991, Notice of failure to submit the 1990 irrigation questionnaires and the Notice of failure to report chemical use. 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

cc: Ina Kahnke, 405 5th Ave NW, Watertown, SD 57201

2827-3

*South Dakota*



GREAT FACES. GREAT PLACES.

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

June 7, 1991

Ina Kahnke  
405 5th Ave NW  
Watertown, SD 57201

Dear Ms. Kahnke:

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 Nos. 2120-3, 2363-3 and 4182-3, has been completed. A Water License for Nos. 2120-3 and 4182-3 can now be issued (the applicable portions of No. 2363-3 will be incorporated into No. 4182-3).

Statutes require that we charge a \$50.00 fee for the inspection and issuance of each Water License. A total of \$100.00 (\$50.00 each) is due before we can begin processing the Licenses. South Dakota Water Law 46-5-30.1 requires that a permit holder may not divert water until the license fees have been paid.

Water Permit Nos. 2120-3, 2363-3, 2477-3, 2827-3, 4180-3, 4181-3, 4182-3 and 4183-3 should be transferred to your name. These are still listed under R.E. Kahnke. Enclosed are partially completed "Notice of Transfer of Ownership" forms. Please complete them and sign in the presence of a notary. Upon completion, return the forms to our office with a total of \$20.00 (\$2.50 each).

The total amount due for license and transfer fees is \$120.00. If you have any questions, please contact me.

Sincerely,

*Genny McMath*

Genny McMath  
Natural Resources Analyst  
(605) 773-3352

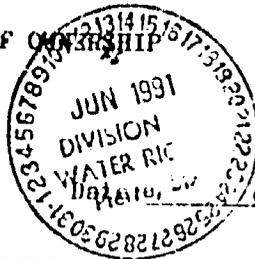
enclosures

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

NOTICE OF TRANSFER OF OWNERSHIP

No. 2827-3

TO: Chief Engineer  
Water Rights Division, DWR  
523 East Capitol  
Pierre, SD 57501-3181



I/We request that Water Permit/Right No. 2827-3

formerly owned by: R. E. Kahnke

be transferred to: (name & address) Ina C. Kahnke  
405-5th Ave N.W. - Watertown, S.D. (telephone No.) 886-3395

Title to the following described land(s)/property has been transferred as described above:  
SW 1/4 Section 12, T113N, R52W

I/We understand that the validity of Water Permit/Right No. 2827-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

STATE OF SOUTH DAKOTA )  
County of Custer )

I/We Ina C. Kahnke 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.

Ina C. Kahnke  
(Signed)

Subscribed and sworn to before me this 11<sup>th</sup> day of June, 19 91.

Rachel Stearns  
(Notary Public) 11-21-92  
Comm. Exp.

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 water 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

Division of Water Rights

612711

South Dakota Department of Water and Natural Resources

Pierre, \_\_\_\_\_ June 17, 19 91

RECEIVED OF Ina C. Kahnke, 405 5th Ave. NW, Watertown, SD 57201

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 _____		
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>2827-3</u>	2	50
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	2 50

By *Robert Hotal*  
Chief Engineer

South Dakota



GREAT FACES. GREAT PLACES.

June 26, 1991

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

No. 2477-3

2827-3

4180-3

4181-3

4183-3

Ina C. Kahnke  
405 5th Ave. NW  
Watertown, SD 57201

Dear Ms. Kahnke:

Enclosed are receipts in the amount of \$2.50 each which you paid for the transfer of Water Permit Nos. 2477-3, 2827-3, 4180-3, 4181-3, and 4183-3.

Our records now show you as the owner of Water Permit Nos. 2477-3, 2827-3, 4180-3, 4181-3, and 4183-3.

Sincerely,

*Cheryl F. Frost*

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

enclosure



28.17-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

WARRIN FALK, OPERATOR  
RR 1 BOX 59  
SOUTH SHORE SD 57263

NOTICE

RE: Violation of Requirement to Submit 1991 Irrigation Questionnaire

Our records indicate that the 1991 Irrigation Questionnaire has not been submitted for Permit No(s) 2477-3, 2827-3 & 4180-3. The request for the Questionnaire was dated October 18, 1991. The Water Management Board has directed that owners of water permits who have not submitted the 1991 Irrigation Questionnaire be given notice of hearing to determine if any Board action is to be taken concerning the violation.

The hearing will be held at 9:15 am, March 4, 1992, 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 SDCL 1-26. Following the hearing, the Water Management Board can:

1. Amend Permit No(s) 2477-3, 2827-3 & 4180-3 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 before the March 4th hearing date, your name will be deleted from the Board agenda.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ron Duvall".

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

cc: Ina Kahnke, 405 5th Ave NW, Watertown, SD 57201

2827-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

February 7, 1992

Warren Falk  
RR #1 Box 59  
South Shore, SD 57263

RE: Irrigation Questionnaires: 2477-3, 2827-3, 4180-3, 4184-3,  
4417-3, 5269-3 and 5271-3

Dear Mr. Falk:

I am writing to acknowledge receipt of your 1991 irrigation questionnaires for Water Permit Nos. 2477-3, 2827-3, 4180-3, 4184-3, 4417-3, 5269-3 and 5271-3. You may disregard the January 27, 1992, Notice of failure to submit the 1991 irrigation questionnaire. The questionnaires were received prior to the Water Management Board meeting and your name was deleted from the agenda.

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

Sincerely,

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

Genny McMATH  
Natural Resources Analyst  
Water Rights Division

cc: Ina Kahnke, 405 5th Ave NW, Watertown, SD 57201

Permit No. 2827-3

Big Sioux River Water District

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

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

I have this day made a thorough examination of the water use system constructed by R.E. Kahnke  
405 - 5th Ave N.W. of Watertown SD 57201-2343 holder of  
Permit No. 2827-3, bearing the priority of June 22 1976 authorizing  
the diversion of 2.2 cu. ft. per second of the waters of groundwater  
for irrigation purposes, in Codington County.

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

- A. Works used to divert the water:  
1- 50 HP Hydraulic Products, Inc Pump - Model # H12 ME-4  
capable of 600 gpm
- B. Works used to transport water to place of use:  
8" steel + PVC pipe to center pivot
- C. Works used to apply water to beneficial use:  
Gifford Hill, 10 tower, 1280' long with end gun with  
a capacity of 600 GPM

The system is in the following condition good

The point of diversion is located 2067' North and 132' east of SW  
corner Section 12-T118N-R52W

The works are capable of diverting and conveying to the place of use 1.46

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: Section 12-T118N-R52W

- NW 1/4 SW 1/4 = 32.5 acres
- NE 1/4 SW 1/4 = 32.5 acres
- SW 1/4 SW 1/4 = 32.5 acres
- SE 1/4 SW 1/4 = 32.5 acres

comprising a total of 130 acres of land and the license should be issued for 6.46 hrs

Applicable permit qualifications have been complied with  Yes  No

Exceptions to compliance are: \_\_\_\_\_ Date 4/17/1991

Norma C. Job  
(signature)

4/17/91

LICENSE FOR PERMIT NUMBER 2827-3

1. Legal location of wells: NW 1/4 NW 1/4 SW 1/4 Section 12-T 118N-R52W

dams & structures: \_\_\_\_\_

2. Well Information: Well Drilling Firm Empire Irrigation

No well log available

Completion Report Yes \_\_\_ No X No. of Wells 1 Depth \_\_\_\_\_

Casing a) diameter 16" Screen a) type \_\_\_\_\_

b) length \_\_\_\_\_ b) length \_\_\_\_\_

c) type Steel Static Water Level \_\_\_\_\_

Pump a) make Hydraulic Products, Inc. Motor a) make U.S. Electrical

b) model H12NE-4 b) model No. 32 1/2 TP

c) size 12" c) horsepower rating 50

d) capacity \_\_\_\_\_ 6000 gpm

e) turbine pump - no. of stages \_\_\_\_\_

f) operating PSI \_\_\_\_\_

130 acres

3. Distribution lines or canals

a) size 8"

b) type Steel + PVC

c) length \_\_\_\_\_

4. Dam Information:

a) height to crest \_\_\_\_\_

m) Outlet tubes:

b) height to primary spillway \_\_\_\_\_

1) diameter \_\_\_\_\_

c) height to secondary spillway \_\_\_\_\_

2) type \_\_\_\_\_

d) crest width \_\_\_\_\_

3) valved (Y/N) \_\_\_\_\_

e) crest length \_\_\_\_\_

4) valve type \_\_\_\_\_

f) spillway length \_\_\_\_\_

5) location on structure \_\_\_\_\_

g) spillway width \_\_\_\_\_

h) approx. storage \_\_\_\_\_

n) Category of Dam \_\_\_\_\_

i) approx. storage to crest \_\_\_\_\_

j) date constructed \_\_\_\_\_

k) inspection sheet completed (Y/N) \_\_\_\_\_

l) Name of Contractor \_\_\_\_\_

5. System Type a) sideroll:

- 1) length \_\_\_\_\_ feet
- 2) diameter of pipe \_\_\_\_\_
- 3) make, model & number of sprinklers \_\_\_\_\_
- 4) spacing of sprinklers \_\_\_\_\_
- 5) nozzle size \_\_\_\_\_

c) gun

- 1) make \_\_\_\_\_
- 2) nozzle size \_\_\_\_\_
- 3) capacity (GPM) \_\_\_\_\_
- 4) hose size \_\_\_\_\_
- 5) hose length \_\_\_\_\_

e) gated pipe

- 1) length \_\_\_\_\_
- 2) diameter \_\_\_\_\_
- 3) spacing of gates \_\_\_\_\_

f) portable boom

- 1) make \_\_\_\_\_
- 2) nozzle size \_\_\_\_\_
- 3) capacity (GPM) \_\_\_\_\_

b) towline:

- 1) length \_\_\_\_\_ feet
- 2) make, model & number of sprinklers \_\_\_\_\_
- 3) spacing of sprinklers \_\_\_\_\_
- 4) nozzle size \_\_\_\_\_

d) center pivot

- 1) make Gifford Hill
- 2) number of towers 10
- 3) distance between towers \_\_\_\_\_
- 4) overall length 1280
- 5) end gun (Y/N) Y
- 6) high or low pressure Low
- 7) make & size of nozzles rainbirds
- 8) capacity (GPM) 660

g) siphons

- 1) size \_\_\_\_\_
- 2) number \_\_\_\_\_

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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Soil and water permit lands agree with lands being irrigated and lands listed on permit?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Special qualifications to permit being abided by?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. All structures, wells and lands on map?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Irrigation Questionnaires checked to determine if permit owner started irrigation by end of construction period?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	5. Is chemigation used?
<input type="checkbox"/>	<input type="checkbox"/>	6. If yes, does equipment comply with chemigation rules?

REMARKS:

REPORT ON WATER PERMIT NO. 2827-3  
INA KAHNKE  
August 30, 1991

Water Permit No. 2827-3 appropriates 2.2 cubic feet of water per second from two wells 29 feet deep located in the SW 1/4 Section 12-T118N-R52W to irrigate 156 acres. Readvertisement of this permit is necessary to correct the location of the lands to be irrigated prior to issuance of the water license. The lands irrigated are located in the SW 1/4 Section 12-T118N-R52W and were incorrectly advertised on July 9 and 16, 1976 in the Watertown Public Opinion as being located in the SW 1/4 Section 12-T117N-R52W. This readvertisement does not authorize any increase in developed water appropriation or irrigated acreage.

Conclusions

1. This is a readvertisement of the Notice of Hearing for Water Permit No. 2827-3
2. This readvertisement is necessary to correct the legal description of the lands being irrigated prior to issuance of a water license.
3. The correct legal description of the lands being irrigated in the SW 1/4 Section 12-T118N-R52W.

*Eric Gronlund*

Eric Gronlund  
Natural Resources Engineer

*Ron Duvall* *(RD)*

Ron Duvall  
Natural Resources Engineer IV

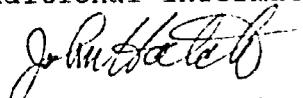
RECOMMENDATION OF CHIEF ENGINEER FOR READVERTISED WATER  
PERMIT NO. 2827-3, Ina Kahnke

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 2827-3, Ina Kahnke, 405 5th Avenue NW, Watertown, SD 57201.

The Chief Engineer is recommending APPROVAL of Readvertised Permit No. 2827-3 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 qualification:

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

See report on application for additional information.



JOHN HATCH, Chief Engineer  
September 9, 1991

*South Dakota*



GREAT FACES. GREAT PLACES.

September 13, 1991

Ina Kahnke  
405 5th Ave NW  
Watertown, SD 57201

Dear Ms. Kahnke:

The original notice of hearing for Water Permit No. 2827-3 was published with an error. Therefore, the notice of hearing needs to be readvertised to correct the error. A notice of hearing has been sent to the Publisher of the Watertown Public Opinion printed at Watertown, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the readvertisement are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

The cost of publication of this notice will be paid by the Division of Water Rights. Please contact us if you have any questions.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

September 13, 1991

Watertown Public Opinion  
PO Box 1C  
Watertown, SD 57201-0010

Attn: Legal Department

Enclosed is a Readvertisement of Notice of Hearing on Permit No. 2827-3 to be published twice. Please publish the first notice on September 20, 1991, with the second publication 7 days later.

Please bill the Water Rights Division for the cost of the advertisement.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. The permit application cannot be considered by the Water Management Board until proof of publication has been received.

Sincerely,

Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund  
Water Rights Division  
Joe Foss Building  
Pierre SD 57501-3181

No. \_\_\_\_\_

Date \_\_\_\_\_

We are in receipt of your letter of \_\_\_\_\_ enclosing Readvertisement of Notice of Hearing to Appropriate Water by Permit No. \_\_\_\_\_ which was first published in our issue of \_\_\_\_\_. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name \_\_\_\_\_

Newspaper \_\_\_\_\_

Instruction to Newspaper - Publish first Notice on September 20, 1991, with the second publication 7 days later.

-----  
Readvertisement of NOTICE OF HEARING on Permit No. 2827-3 to Appropriate Water

Notice is given that Ina Kahnke, 405 5th Ave NW, Watertown, SD 57201 filed an application for a water permit on June 22, 1976. Water Permit No. 2827-3 appropriates 2.2 cubic feet of water per second from two wells 29 feet deep located in the SW 1/4 Section 12-T118N-R52W to irrigate 156 acres. Readvertisement of this permit is necessary to correct the location of the lands being irrigated. The lands being irrigated are located in the SW 1/4 Section 12-T118N-R52W and were incorrectly advertised on July 9 and 16, 1976 in the Watertown Public Opinion as being in the SW 1/4 Section 12-T117N-R52W. This readvertisement does not authorize any increase in the developed water appropriation or irrigated acreage.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Permit No. 2827-3 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. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by October 7, 1991. 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 the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Permit No. 2827-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for October 17, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested the October 17, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The October 17, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by October 7, 1991.

If a hearing is held, 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 hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. 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. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This readvertisement is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 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, 46-6-26; and Board Rules AESD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )
) ss.
County Codington \_\_\_\_\_)

I, Monica K. Saathoff
certify that the attached printed Notice was taken
from the Watertown Public Opinion

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

September 20th, 1991

September 27th, 1991

PERMIT

READVERTISEMENT OF
NOTICE OF HEARING ON
PERMIT NO. 2827-3 TO
APPROPRIATE WATER

Notice is given that Mr. Kahnke,
403 5th Ave. NW, Watertown, SD
57201 has filed an application for a
water permit on June 22, 1976.
Water Permit No. 2827-3
appropriates 2.2 cubic feet of
water per second from two wells
29 feet deep located in the SW 1/4
Section 12-T118N-R52W to
Irrigate 156 acres.

(Signature)

Bookkeeper

(Title)

September 27th, 1991

(Date Signed)

Readvertisement of this permit is
necessary to correct the location of
the lands being irrigated. The
lands being irrigated are located in
the SW 1/4 Section 12-T118N-
R52W and were incorrectly
advertised on July 9 and 16, 1976
in the Watertown Public Opinion as
being in the SW 1/4 Section 12-
T117N-R52W. This
readvertisement does not
authorize any increase in the
developed water appropriation or
irrigated acreage.

Pursuant to SDCL 46-2A-2, the
Chief Engineer recommends
APPROVAL of Permit No. 2827-3
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. Unless a
petition is filed opposing the
application or the applicant files a
petition contesting the chief
engineer's recommendation, the
Water Management Board will
NOT CONDUCT a HEARING to
consider this application and the
chief engineer will issue the permit
as recommended. Petitions filed in
support of the application will NOT
require the Board to hear the
application.

Any person interested in
opposing or supporting this
application must file a written
petition with BOTH the applicant
and Chief Engineer. The applicant
must also file a petition if opposed
to the Chief Engineer's
recommendation. The Chief
Engineer's address is "Water
Rights Division, Foss Building, 523
E. Capitol, Pierre, SD 57501 (605-
773-3352)" and the applicant's
mailing address is given above. A
petition filed by either an interested
person or the applicant must be
filed by October 7, 1991. 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 the petitioner's
legal counsel, if legal counsel is
obtained.

For purposes of publishing 1)
the notice of hearing on Permit No.
2827-3 and 2) the chief engineer's
recommendation, a meeting at the
Division of Water Rights office to
hear this application is scheduled
for October 17, 1991, at 9:00 a.m.
in Room 413, Joe Foss Building
523 E. Capitol, Pierre, SD. If this
application is opposed or the
recommendation is contested, the
October 17, 1991, hearing date will
be rescheduled for a regularly
scheduled Board meeting. Notice
of the time and place of the
rescheduled hearing before the
Board will be given by First Class
Mail to the applicant and persons
filing petitions. Anyone not filing a
petition, but interested in attending
the hearing, may contact the
Division of Water Rights to confirm
a hearing date and location. The
October 17, 1991, hearing date will
be automatically delayed for at
least 20 days upon written request
to the Chief Engineer from the
applicant or any interested person
opposing the application. The
request for an automatic delay
must be filed by October 7, 1991.

If a hearing is held, 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 hearing will be an adversary
proceeding. Any person filing a
petition and/or the applicant have

the right to be represented by a
lawyer and may present evidence
or cross-examine witnesses
according to SDCL 1-26. 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. Contact the Water Rights
Division to request copies of
information pertaining to this
application or to assure access to
the hearing by the handicapped.

This application is made
pursuant to SDCL 46-1-1 thru 46-
1-9, 46-1-12 thru 46-1-16; 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-
5-1, 46-6-8-1, 46-6-10, 46-6-13,
46-6-14, 46-6-26; and Board Rules
ARSD 74:02:01:01 thru
74:02:01:15.

(September 20, 27, 1991)

Cost of Printing: \$142.40





DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE SOUTH DAKOTA 57501-3181

June 23, 1992

2827-3

Ina Kahnke  
405 5th Ave. NW  
Watertown, SD 57202

Dear Ms. Kahnke:

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. 2827-3, 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.

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,

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

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

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

**RECEIPT**  
 Division of Water Rights  
 South Dakota Department of Water and Natural Resources

418277

Pierre, \_\_\_\_\_ July 1, 1992

RECEIVED OF Ina C Kahnke, 405 5th Ave NW, Watertown, SD 57201

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 _____		
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>2827-3</u>	50	00
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)	<b>Total</b>	50 00

By *John H. White*  
 Chief Engineer

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY  
 THIS IS TO CERTIFY THAT THE MICROPHOTGRAPHIC IMAGE APPEARING ON THIS SLIDE OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER AND ON MICROFILM WHICH MEET THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTGRAPHIC REPRODUCTIONS. REDUCTION 25:1 ROLL NO. 11-24 DATE MICROFILMED 10-16-92 CAMERA OPERATOR Ina C. Kahnke

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 2827-3

(1) R. E. Kahnke of 405 5th Ave. NW, Watertown, SD 57201-2343 made Application No. 2827-3, June 22, 1976 for a water permit to appropriate 2.20 cubic feet of water per second from groundwater (two wells), Codington County, South Dakota for irrigation purposes. Permit No. 2827-3 with a priority date of June 22, 1976 was approved July 22, 1976 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before July 22, 1981 and for the application to beneficial use of said water on or before July 22, 1984.

(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 1.46 cubic feet of water per second for beneficial use. The location of the diversion point is: 2067'N and 132'E of the SW corner Section 12, T118N, R52W (NW 1/4 SW 1/4).

(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:

T118N, R52W Section 12	NW 1/4 SW 1/4	32.5 Acres
	NE 1/4 SW 1/4	32.5 Acres
	SW 1/4 SW 1/4	32.5 Acres
	SE 1/4 SW 1/4	32.5 Acres
	Total-----	130 Acres

(4) Pursuant to Section 46-5-30.1 Ina Kahnke of 405 5th Ave. NW, Watertown, SD 57201-2343 the holder(s) and/or owner(s) of Water Permit No. 2827-3 is issued a license to appropriate water, the right to use 1.46 cubic feet of water per second from groundwater (one well) with a priority date of June 22, 1976 from the location specified in (2) of this license. The water is to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 2827-3 and subject to South Dakota State Law.



AUG 7 1992

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

AUG 7 1992

2827-3

Ina Kahnke  
405 5th Ave. NW  
Watertown, SD 57201-2343

Dear Ms. Kahnke:

Enclosed is Water License No. 2827-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413277 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. 2827-3, 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,

A handwritten signature in black ink, appearing to read "John Hatch", written in a cursive style.

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

enclosures



2827-3

2827-3  
4184-3

**WATER RIGHTS PROGRAM  
FILE DOCUMENTATION**

**NAME OF PERSON OR FILE:** Jabe Kahnke

**DATE:** July 16, 1998      **TELEPHONE:** (310) 534-6210 or (310) 541-8113

**RE:** ownership/operator status of Water Right Nos. 2827-3 & 4184-3

**COMMENTS:**

Warren Falk notified us that he did not rent Ina Kahnke's land in 1997. Mr. Falk said Ina still owned the land but was living with her son in California.

On July 16<sup>th</sup>, I was able to reach Jabe Kahnke (Ina's son) concerning the water rights. He indicated that his mother still owned the land, however she had a different leasor last year and this year because Mr. Falk had sold off all his equipment.

Jabe indicated his mother had spent the winter with him and was now back in Watertown for the summer. He said the land was now leased or operated by: James Wohlleber, dba Blooming Valley Grain Farms. He suggested I call Ina Kahnke at (605) 886-3395. He wanted me to also be aware that his mother was in poor health and he was not sure how much longer she could take care of things.

address :      James Wohlleber, 1305 N Broadway, Watertown, SD 57201  
                 Phone: 886-4388      Cell Phone: 881-3796

I contacted James Wohlleber and he said he needed me to check further with Ina Kahnke before sending him anything. I tried reaching Mrs. Kahnke at her Watertown phone number several times, no answer.

On October 7, 1998, I called and spoke with Jabe Kahnke again, he said his mother had spoke with Mr. Wohlleber this summer and told him the questionnaires would be forwarded to him. They would work with him to complete the forms. Mrs. Kahnke is now living with Jabe for the winter.



Genny McMath  
Environmental Scientist



2827-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

October 7, 1998

2827-3  
4184-3

James Wohlleber  
1305 N Broadway  
Watertown, SD 57201

Dear Mr. Wohlleber:

I am writing in regard to Water Rights held by Ina Kahnke of Watertown, SD. I spoke with you earlier this summer about the water rights and you confirmed that you did rent the land from Mrs. Kahnke; however, requested that I get in touch with her prior to sending you any correspondence.

I spoke with Jabe Kahnke this morning and he indicated that his mother has visited with you about the water rights and the annual irrigation questionnaires. By the end of next week, we will be mailing the questionnaires to irrigators in South Dakota. The forms request information on the amount of water pumped during this specific crop season.

Prior to sending them out, I wanted to send you a copy of the water rights to assist you in completing the forms. Each form pertains to a specific water right and corresponds to a specific legal description. I am also including a "sample" copy of the questionnaire. You do not need to return the sample copy or the copies of the water rights. You may keep them for your records.

If after receiving the irrigation questionnaires, you have any questions or concerns, please get in touch with me.

Sincerely,

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

encl

2827-3



DEPARTMENT of ENVIRONMENT and NATURAL RESOURCES

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

January 22, 1999

NOTICE

TO: JAMES WOHLLEBER, OPERATOR, 1305 N BROADWAY, WATERTOWN, SD 57201

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

SUBJECT: Reporting Requirement for 1998 Irrigation Questionnaires

Our records indicate that the 1998 Irrigation Questionnaires have not been submitted for Permit Nos. 4184-3, 2827-3. The request for the Questionnaires was dated October 16, 1998. The Water Management Board has directed that owners of water permits who have not submitted the 1998 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) 2827-3 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) 4184-3 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, March 3, 1999 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) 4184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2827-3 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 March 1, 1999, 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.

c: INA C KAHNKE, PO BOX 694, WATERTOWN, SD 57201-0694

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

August 24, 1999

Jabe Kahnke  
4003 Palos Verdes Dr S  
Rancho Palos Verdes, CA 90275-6065

Dear Mr. Kahnke:

The purpose of my letter is to obtain information from you regarding your mother's water rights. We have six water rights listed in Ina's name. Below is a chart describing each water right.

No.	Priority date	Use	Legal Description
2827-3	June 22, 1976	irrigation	130 acres - SW 1/4 Section 12, T118N, R52W
4180A-3	Dec. 15, 1975	irrigation	392 acres - E 1/2 SW 1/4, W 1/2 SE 1/4 Section 36, T119N, R52W; NE 1/4, S 1/2 NW 1/4, SW 1/4, N 1/2 SE 1/4 Section 1, T118N, R52W
4181-3	Oct. 16, 1974	irrigation	156 acres - N 1/2 Section 3, T116N, R53W
4182-3	Sept. 29, 1975	irrigation	132 acres - S 1/2 NE 1/4, SE 1/4 Section 12, T117N, R54W
4183A-3	Oct. 27, 1977	commercial	4 wells - N 1/2 NE 1/4 Section 3, T116N, R53W (used for trailer court)
4184-3	Oct. 27, 1977	irrigation	243 acres - E 1/2 Section 11, T120N, R52W

I am in the process of trying to update the water rights as far as ownership and operator status is concerned. Do you wish to have the ownership of these water rights transferred to your name or into that of an estate? If the land has been sold, I can forward the appropriate transfer forms to the new owner(s).

With regard to operator status for each water right, I have CSS Farms, Watertown, SD operating all the land except the portion covered under Nos. 2827-3 and 4184-3. I have James Wohleber, Watertown, SD listed as operating the land in Sections 11 & 12 (2827-3 & 4184-3). If this has changed, please let me know.

Please take a few minutes and review the chart above and then get in touch with me concerning ownership and/or operator status for the water rights. If you would, please respond by September 10<sup>th</sup>. You may call, write or email me with the information. My email address is: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

Thank you in advance for your help.

Sincerely,

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

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME/:** Jabe Kahnke, 4003 Palos Verdes Dr S, Rancho Palos Verdes, CA 90275-6065

**DATE:** October 8, 1999

**TELEPHONE:** (310) 541-8113 (home)  
(310) 534-6209 (work)  
(310) 841-3098 (pager)

**RE:** ownership and operator status for Water Permit & Right Nos. 2827-3, 4180A-3, 4181-3, 4182-3, 4183A-3 and 4184-3 (listed in the name of Ina Kahnke)

**COMMENTS:**

Mr. Kahnke called in response to my letter of August 24<sup>th</sup> asking for information on the ownership and operator status of his mothers water permits and rights. He said that for the time being, they should all be placed in the "estate" name. Somewhere down the road, they would be transferred to a trust as soon as a trust is established and the estate settled.

The following are the operator changes for the water permits/rights:

2827-3	James Wohlleber, 1305 N Broadway, Watertown, SD 57201 (605) 881-3795 - cell; (605) 886-4773 - phone
4180A-3	"
4184-3	"

4181-3	Virgil Borns, 1218 34 <sup>th</sup> St SW, Watertown, SD 57201 (home) (605) 882-4931 13 2 <sup>nd</sup> St SE, Watertown, SD 57201 (office) (605) 882-3365
4182-3	"

4183A-3	Henry Niemann, PO Box 694, Watertown, SD 57201-0694 (operator for trailer park) (605) 886-6990
---------	---------------------------------------------------------------------------------------------------

**RECOMMENDED ACTION:**

Send transfer forms to Jabe for transferring water permits/rights to the estate name. Get in touch with the operators to straighten out the irrigation questionnaire mailing.

*Genny McMath*

Genny McMath  
Environmental Scientist

2827-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3181  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 13, 1999

Jabe Kahnke  
4003 Palos Verdes Dr S  
Rancho Palos Verdes, CA 90275-6065

Dear Mr. Kahnke:

Thank you for contacting me in regard to Water Rights listed in the name of Ina Kahnke. Enclosed, as we discussed are partially completed "Notice of Transfer of Ownership" forms for use in filing an ownership change with the water rights.

It is my understanding that the water rights will be transferred to a "trust" for the time being. I left that part of the forms blank to allow you to fill in how you wish the water right(s) to read. Please review the forms and complete as needed. Upon completion, please sign the forms in the presence of a notary and return them to us with a required filing fee of \$2.50 each (total of \$15.00).

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

Sincerely,

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

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

enclosures



2827-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 14, 2000

NOTICE

TO: JAMES WOHLLEBER, OPERATOR, 1305 N BROADWAY, WATERTOWN, SD 57201  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program  
SUBJECT: Reporting Requirement for 1999 Irrigation Questionnaires

Our records indicate that the 1999 Irrigation Questionnaires have not been submitted for Permit Nos. 4180A-3 & 4184-3, 2827-3. The request for the Questionnaires was dated October 7, 1999. The Water Management Board has directed that owners of water permits who have not submitted the 1999 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) 2827-3 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) 4180A-3 & 4184-3 qualification:

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

The hearing will be held at 1:30 pm, March 1, 2000 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) 4180A-3 & 4184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2827-3 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 28, 2000, 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.

c: JABE KAHNKE, 4003 PALOS VERDES DR S, RANCHO PALOS VERDES, CA 90275

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.

2821-3

DATE 2-15-00

To - Ron Duvall  
Subject - Water Reporting Requirements

In Sept. of 1999 I contacted your office by phone. I discussed our situation with a lady in your office. At that time, I filled out the Questionnaires the best I could and returned them to your office. If you didn't receive them please Advise me what to do.



Glooming Valley Grain Farm  
Gene Wohlbe Sr.  
605-881-3795

File No. 2827-3  
4180A-3  
4184-3

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** James Wohlleber, Blooming Valley Grain Farms

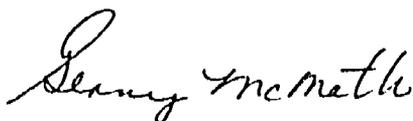
**DATE:** February 15, 2000

**TELEPHONE:** 605 881-3795

**RE:** 1999 irrigation questionnaires

**COMMENTS:**

In response to a letter received from Mr. Wohlleber concerning his irrigation questionnaires, I called him to obtain the information over the phone. He gave me the figures for Water Right Nos. 4180A-3 and 4184-3. The land described in No. 2827-3 was not irrigated in 1999. He said the system needed work before he could start using it again.



Genny McMath  
Environmental Scientist

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JAMES WOHLLEBER, OPERATOR  
1305 N BROADWAY  
WATERTOWN SD 57201



A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

*[Handwritten Signature]*

Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)

7099 3220 0004 5201 0776

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

PLACE STICKER AT TOP OF ENVELOPE TO INDICATE RETURN ADDRESS

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jabe Kahnke  
4003 Palos Verdes Dr S  
Rancho Palos Verdes CA 90275

THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

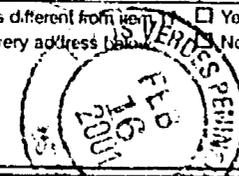
Jabe Kahnke

C. Signature

*[Handwritten Signature]*

Agent  
 Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No



3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Copy from service label)

7099 3220 0004 5201 0783

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

2827-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
www.state.sd.us/denr

January 19, 2001

NOTICE

TO: JAMES WOHLLEBER, OPERATOR, 1305 N BROADWAY, WATERTOWN, SD 57201  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2000 Irrigation Questionnaires

Our records indicate that the 2000 Irrigation Questionnaires have not been submitted for Permit Nos. 4180A-3, 4184-3 & 2827-3. The request for the Questionnaires was dated October 20, 2000. The Water Management Board has directed that owners of water permits who have not submitted the 2000 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. 2827-3 should be amended to require the Questionnaire to be submitted each year and to determine action to be taken for violation of Water Permit Nos. 4180A-3 & 4184-3 qualification:

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

The hearing will be held at 10:00 am, March 7, 2001 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 Nos. 4180A-3 & 4184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 2827-3 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 March 2, 2001, 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.

c: JABE KAHNKE, 4003 PALOS VERDES DR S, RANCHO PALOS VERDES, CA 90275

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

March 8, 2001

2827-3  
4180A-3  
4184-3

James Wohlleber  
1305 N Broadway  
Watertown, SD 57201

Dear Mr. Wohlleber:

I am writing to acknowledge receipt of your 2000 irrigation questionnaires. You may disregard the January 19, 2001, "Notice" concerning reporting requirements for Water Right Nos. 2827-3, 4180A-3 and 4184-3.

I completed questionnaires for you based on our March 7<sup>th</sup> telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you for calling and if you have any questions, please contact me.

Sincerely,

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

c: Jabe Kahnke

2827-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

January 16, 2002

**NOTICE**

**TO:** JAMES WOHLLEBER, OPERATOR, 1305 N BROADWAY, WATERTOWN, SD 57201  
**FROM:** Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

**SUBJECT:** Reporting Requirement for 2001 Irrigation Questionnaires

Our records indicate that the 2001 Irrigation Questionnaires have not been submitted for Permit Nos. 4180A-3 & 4184-3, 2827-3. The request for the Questionnaires was dated October 12, 2001. The Water Management Board has directed that owners of water permits who have not submitted the 2001 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) 2827-3 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) 4180A-3 & 4184-3 qualification:

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

The hearing will be held at 10:00 am, March 13, 2002 in the Visitor Center (west side of Capitol Lake), 650 F. Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4180A-3 & 4184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2827-3 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 March 8, 2002, 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.

c: JABE KAHNKE, 4003 PALOS VERDES DR S, RANCHO PALOS VERDES, CA 90275

**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.

2827-3

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**JAMES WOHLLEBER, OPERATOR  
1305 N BROADWAY  
WATERTOWN SD 57201**

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

*JERARDIS* *1-12-02*

C. Signature *Wohlleber*

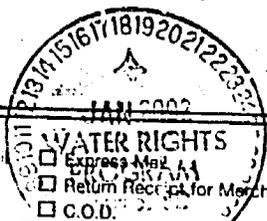
Agent  
 Addressee

D. Is delivery address different from item 1?  Yes

If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  
 Registered  
 Insured Mail  
 Express Mail AA  
 Return Receipt for Merchandise  
 C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes



7001 2510 0004 4797 5583



2827-3  
DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

March 6, 2002

2827-3  
4184-3  
4180A-3

Jim Wohlleber  
1305 N Broadway  
Watertown, SD 57201

Dear Mr. Wohlleber:

I am writing to acknowledge receipt of your 2001 irrigation questionnaires. You may disregard the January 16, 2002, "Notice" concerning reporting requirements for Water Right Nos. 2827-3, 4180A-3 and 4184-3.

I completed questionnaires for you based on our telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

Thank you and if you have any questions, please contact me

Sincerely,

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



2827-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

JOE FOSS BUILDING  
523 EAST CAPITOL  
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www.state.sd.us/denr

November 14, 2002

Mark Kienast, Farm Manager  
1308 10<sup>th</sup> Ave SW  
Watertown SD 57201

RE: Water Right Nos. 2827-3, 4180A-3, 4181-3, 4182-3 & 4184-3

Dear Mr. Kienast:

Thank you for calling to let us know that you are the new farm manager for the Kahnke property. Enclosed are copies of the water rights we have in Ina Kahnke's name.

I included some of the most recent correspondence. Most of the correspondence actually relates to more than one of the water rights.

As you requested, I will list your name with the files as that of farm manager and send all further correspondence to you until notified otherwise. The only thing we are currently waiting on is the irrigation questionnaires for Water Right Nos. 2827-3, 4180A-3 and 4184-3.

If I can answer any questions for you, please get in touch with me.

Sincerely,

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

enclosures

2827-3



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 15, 2003

Mark Kienast  
1308 10<sup>th</sup> Ave SW  
Watertown SD 57201

Dear Mr. Kienast:

Enclosed are the 2003 irrigation questionnaires for Water Rights for the Ina Kahnke Estate.

You may submit them by regular mail or electronically over the internet. Here is a link to the page:

<https://www.state.sd.us/eforms/secure/eforms/E0455V2-IQ.pdf>

If you need any help in completing the forms or assistance with the on-line forms, please give me a call.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
(605) 773-3352  
email: [genny.mcrnath@state.sd.us](mailto:genny.mcrnath@state.sd.us)

enclosures

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www.state.sd.us/denr



January 20, 2005

NOTICE

TO: MARK KIENAST, FARM MGR, 1308 10TH AVE SW, WATERTOWN, SD 57201  
FROM: Ron Duvall, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
Water Rights Program

SUBJECT: Reporting Requirement for 2004 Irrigation Questionnaires

Our records indicate that the 2004 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 22, 2004. The Water Management Board has directed that owners of water permits who have not submitted the 2004 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) 2827-3 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) 4180A-3, 4181-3, 4182-3 & 4184-3 qualification:

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

The hearing will be held at 8:30 am, March 2, 2005 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 4180A-3, 4181-3, 4182-3 & 4184-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2827-3 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 25, 2005, 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.

c: JABE KAHNKE, 4003 PALOS VERDS DR S, RANCHO PALOS VERDES, CA 90275

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.

2827-3

**ROBERTSON CROP INSURANCE AGENCY, INC.**  
**P. O. BOX 114, PROFESSIONAL PLAZA**  
**WATERTOWN, SD 57201**

Office 605-882-2261 Fax 605-882-2394 Watts 1-800-658-2265

DATE: 2-17-05

FROM: Mark Kienast

TO: Genny McMath

SUBJECT: TRR Permits & Questionnaire

DESTINATION FAX NUMBER: 605 773-4068

NUMBER OF PAGES EXCLUDING COVER PAGE: 9

RECEIVED  
FEB 17 2005  
WATER RIGHTS  
PROGRAM

2827-3



**DEPARTMENT of ENVIRONMENT  
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[www.state.sd.us/denr](http://www.state.sd.us/denr)

February 18, 2005

Mark Kienast, Farm Mgr  
1308 10<sup>th</sup> Ave SW  
Watertown SD 57201

RE: Water Right Nos. 2827-3, 4180A-3, 4181-3, 4182-3 and 4184-3

Dear Mr. Kienast:

I am writing to acknowledge receipt of your 2004 irrigation questionnaires. You may disregard the January 20, 2005, "Notice" concerning reporting requirements for Water Right Nos. 2827-3, 4180A-3, 4181-3, 4182-3 and 4184-3.

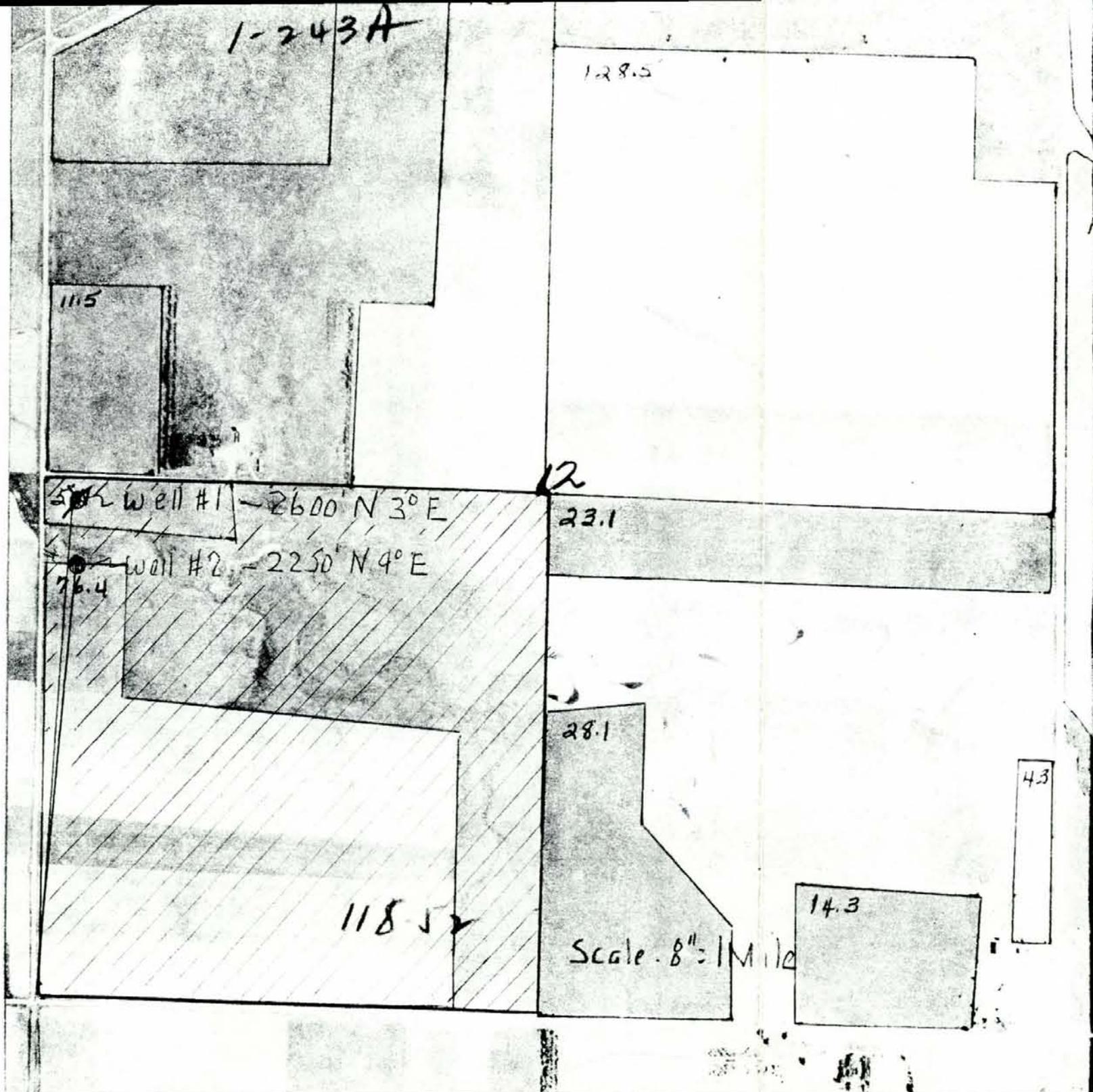
The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

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

c: Jabe Kahnke



R.E. KAHNKE

Irrigation Project # 4  
 Watertown S. Dakota  
 Codington County  
 SW<sup>9</sup> Sec 12-118-52

Acres Irrigated - 156  
 Water Claimed - 2.2 cfs

Points of Diversion:

Well #1 - 2600' N 3° E

Well #2 - 2250' N 4° E

at SW corner sec 12-118-52

Surveyor's Certificate

I, John L. Wiersma, do hereby certify  
 that this map identifies a reasonably  
 accurate record of the land of

R.E. Kahnke

405 - 5<sup>th</sup> Ave. NW, Watertown S.D.

Codington Co.

Drawn by blue

John L. Wiersma

6-18-76

P.E. # 116

Brookings

S.S.

~~MAP NO 2163~~ APPL NO 2827-3

NOT TO SCALE

APPL  
2827-3

Map 21633A



# NOT TO SCALE

28.2  
~~T1151~~  
T20165

35.5

145.5  
T20166

I 13

prepared by  
Norma C. Poth  
Natural Resources Eng I  
Division of Water Rights  
5/22/91

11.5

7.3

12.5

26.4  
Well

T860

123.1

T1973

97.1 NW 1/4 SW 1/4

32.5 acres

NE 1/4 SW 1/4

32.5 acres

SW 1/4 SW 1/4

32.5 acres

SE 1/4 SW 1/4

32.5 acres

118.52

3.5

28.1

4.3

14.3

2827-3

2827-3

# 2005 Water Management Board Irrigation Questionnaire

Please fill out and return before December 2, 2005

**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/E0455V4-IQ.pdf>

Permit No. 2827-3

MARK KIENAST, FARM MGR.  
1308 10TH AVE SW  
WATERTOWN SD 57201

Any address/ownership corrections?

Telephone No. \_\_\_\_\_

1. Is the system constructed? \*yes \_\_\_\_\_ no

\*Type of system used (check all that apply):

center pivots \_\_\_\_\_ towlines \_\_\_\_\_ big gun \_\_\_\_\_  
flood \_\_\_\_\_ sprinklers \_\_\_\_\_ other \_\_\_\_\_

3. Is the land enrolled in CRP? \*yes \_\_\_\_\_ no

\*If yes, through what year? \_\_\_\_\_

4. Did you apply chemicals or fertilizer through the system in 2005? yes \_\_\_\_\_ no \_\_\_\_\_

2. Did you irrigate in 2005? \*yes \_\_\_\_\_ \*\*no

\*If yes, number of acres irrigated \_\_\_\_\_

\*\*If no, list reason(s) in comment box and answer No. 3:

5. If more than one water source is listed below, circle each source used. A. GROUNDWATER

Comment Box

well does not work &  
moved system



BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

1 square mile

Office use only

RECEIVED

JAN - 4 2006

WATER RIGHTS PROGRAM

**Acreage permitted for irrigation under No. 2827-3** (see above section map for help reading legal descriptions)

- sec 12-T118N-R52W, CB -- 32.50 acres
- sec 12-T118N-R52W, CA -- 32.50 acres
- sec 12-T118N-R52W, CC -- 32.50 acres
- sec 12-T118N-R52W, CD -- 32.50 acres

Please provide your 2005 water use to irrigate the above acreage on the REVERSE side of this form.

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

# Reported Water Use

05/11/2006

Permit No	Year	Name	Not Irrig	Not Constr
2827-3	1983	R EKAHNKE		
2827-3	1984	R EKAHNKE		
2827-3	1985	DALEZEMLICKA/LEASOR	X	
2827-3	1986	WARRENFALK, OPERATOR		
2827-3	1987	WARRENFALK, OPERATOR		
2827-3	1988	WARRENFALK, OPERATOR		
2827-3	1989	WARRENFALK, OPERATOR		
2827-3	1990	WARRENFALK, OPERATOR		
2827-3	1991	WARRENFALK, OPERATOR	X	
2827-3	1992	WARRENFALK, OPERATOR	X	
2827-3	1993	WARRENFALK, OPERATOR	X	
2827-3	1994	WARRENFALK, OPERATOR	X	
2827-3	1995	WARRENFALK, OPERATOR	X	
2827-3	1996	WARRENFALK, OPERATOR	X	
2827-3	1997	WARRENFALK, OPERATOR	X	
2827-3	1998	JAMESWOHLLEBER, OPERATOR	X	
2827-3	1999	JAMESWOHLLEBER, OPERATOR	X	
2827-3	2000	JAMESWOHLLEBER, OPERATOR	X	
2827-3	2001	JAMESWOHLLEBER, OPERATOR	X	
2827-3	2002	MARKKIENAST, FARM MGR	X	
2827-3	2003	MARKKIENAST, FARM MGR	X	
2827-3	2004	MARKKIENAST, FARM MGR	X	



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

May 15, 2006

2827-3

Mark Kienast, Farm Mgr  
1308 10<sup>th</sup> St SW  
Watertown SD 57201

Jabe Kahnke  
4003 Palos Verdes Dr S  
Rancho Palos Verdes CA 90275

Dear Mr. Kienast and Mr. Kahnke:

I am writing in follow-up to the 2005 irrigation questionnaire submitted for Water Right No. 2827-3. The water right, listed in the name of Ina Kahnke, covers irrigation of the SW ¼ Section 12, T118N, R52W. Enclosed is a map showing the area described in the water right.

On the questionnaire, you indicated that the well does not work and the irrigation system was moved. I reviewed the files and found the land was last irrigated in 1990. 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 the water right. The three year period may be waived if legal excuse exists for the years of non-use. Enclosed are excerpts of water laws and rules dealing with these issues. If the land is no longer being irrigated, the water right may be subject to cancellation consideration due to abandonment and/or forfeiture.

Another issue (for Mr. Kahnke) is that all of Ina's water rights are still listed in her name and need to be transferred to you. I forwarded the appropriate forms to you some time ago and have not yet received them back. The forms titled "Notice of Transfer of Ownership of a Water Use Permit/Right" are also available through our website at: <http://www.state.sd.us/denr/des/waterrights/watrightsapps.htm>

Please contact me by May 31<sup>st</sup> concerning Water Right No. 2827-3 and if you agree that the water right is subject to cancellation. I am enclosing a postage paid envelope for your reply or if you prefer, you can give me a call at (605) 773-3352. Thank you in advance for your help.

Sincerely,

Genny McMath  
Environmental Scientist  
Water Rights Program  
email: [genny.mcmath@state.sd.us](mailto:genny.mcmath@state.sd.us)

enclosures

**WATER RIGHTS PROGRAM -- FILE DOCUMENTATION**

**NAME & ADDRESS:** Mark Kienast, Farm Manager, 1308 10<sup>th</sup> St SW, Watertown SD 57201

**DATE:** May 22, 2006

**TELEPHONE:** 881-0927

**RE:** status of Water Right No. 2827-3

**COMMENTS:**

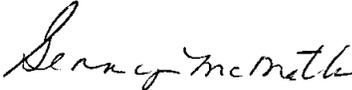
Mr. Kienast called in response to a letter I had written to him and Jabe Kahnke concerning Water Right No. 2827-3. Mr. Kienast confirmed that the system had been removed on the SW ¼ Section 12, T118N, R52W. The well is no longer functional. He agreed that the water right could be cancelled because the land was not going to be irrigated.

We discussed ownership of the land and he said Jabe Kahnke owns the land but prefers the water rights remain in Ina Kahnke's name. Other water rights are listed in Ina's name (she is deceased), however Jabe still wishes to have all listed in her name.

Mr. Kienast indicated that Mr. Kahnke has given him full control of the irrigation and anything to do with the water rights. He indicated that all correspondence concerning any of the water rights should be sent to him.

**RECOMMENDED ACTION:**

Schedule Water Right No. 2827-3 for cancellation consideration at the July, WMB meeting.

  
Genny McMath  
Environmental Scientist



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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May 31, 2006

NOTICE OF CANCELLATION

TO: Mark Kienast, 1308 10<sup>th</sup> St SW, Watertown SD 57201  
Jabe Kahnke, 4003 Palos Verdes Dr S, Rancho Palos Verdes, CA 90275

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

SUBJECT: Cancellation of Water Right No. 2827-3

Water Right No. 2827-3, listed in the name of Ina Kahnke, authorizes diversion of ground water for irrigation of the SW ¼ Section 12, T118N, R52W in Codington County. On May 22, 2006, Genny McMath visited with Mr. Kienast about the water right. It is our understanding that the irrigation system has been removed and the land no longer being irrigated. The Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 2827-3 due to abandonment and/or forfeiture.

The Water Management Board will consider cancellation of Water Right No. 2827-3 at 10:00 a.m., July 12, 2006 in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD (*the agenda time is an estimate and the actual time of hearing may be later than 10:00 am*).

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 2827-3 based upon facts presented at the public hearing. Our records show Jabe Kahnke to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by June 30, 2006. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

The hearing will be conducted pursuant to the provisions of SDCL 46-1-1 thru 46-1-10, 46-1-14 thru 46-1-15; 46-2-3.1, 46-2-9, 46-2-11, 46-2-17; 46-5-36, 46-5-37, 46-5-37.1; 46-2A-1 thru 46-2A-7; and Board Rules ARSD 74:02:01:36 thru 74:02:01:41. These are contested cases pursuant to procedures contained in SDCL 1-26.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER  
FOR WATER RIGHT NO. 2827-3, INA KAHNKE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 2827-3.

The Chief Engineer is recommending cancellation of the above water right due to abandonment and/or forfeiture. Records on file with the Water Rights Program indicate the land has not been irrigated since 1990. During a May 22, 2006 phone conversation with Genny McMath, Mark Kienast confirmed the land is not being irrigated. The irrigation well is no longer functional and the irrigation system has been removed.

RON DUVALL, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
May 31, 2006

**Note:**

Cancellation of the water permit/right does not prohibit a new application for this project in the future.

Cancellation consideration of Water Right Nos. 2827-3 does not pertain to other water rights listed in the name of Ina Kahnke.





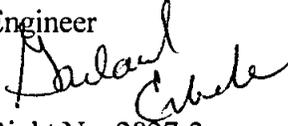
**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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[www.state.sd.us/denr](http://www.state.sd.us/denr)

July 13, 2006

**NOTICE**

**TO:** Mark Kienast, 1308 10<sup>th</sup> St SW, Watertown SD 57201  
Jabe Kahnke, 4003 Palos Verdes Dr S, Rancho Palos Verdes, CA 90275

**FROM:** Garland Erbele, Chief Engineer  
Water Rights Program 

**SUBJECT:** Cancellation of Water Right No. 2827-3

This will notify you that the Water Management Board cancelled Water Right No. 2827-3 on July 12, 2006. Water Right No. 2827-3 authorized diversion of ground water to irrigate the SW ¼ Section 12, T118N, R52W in Codington County. The action to cancel was taken under the conditions outlined in our notice to you dated May 31, 2006.

SDCL 46-6-27 states that if the owner of an existing well, such as the well authorized by cancelled Water Right No. 2827-3, has no plans to use the well (i.e., for domestic purposes such as livestock watering or household use) then the existing well is considered abandoned and must be plugged. Any well that is being used or is not abandoned shall be sealed or capped at the ground surface to prevent contamination of the groundwater. If you intend to use your well for domestic purposes (such as livestock watering or household use), the well does not need to be plugged.

If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

