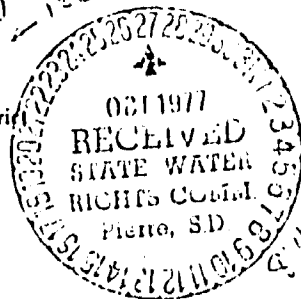


4182-3

1. Considered 1-25 19 78
2. Name of Applicant RE, INA & SCOTT KAHNKE
3. Post Office Address WATERTOWN
4. Amount of Water claimed NO ADDITIONAL
5. Source of Water supply 84' DEEP WELL
6. Water to be used for IRRIGATION
Acres to be irrigated 198
7. Water to be diverted and used in CODINGTON County
about 3N, 6W miles of WATERTOWN
8. Proof of Publication
Received 12-29-77
Not Received _____
9. Application
Approved _____
Subject to _____
Not Approved _____
Action Deferred _____
10. Remarks:

Map No. 3410-3 Water Division No. 3 Big Sioux River District 1
 (Blanks to be Filled by the Engineer for the W. R. C.)



APPLICATION FOR PERMIT

To Appropriately Water within the State of South Dakota

(NOTE--Draw a line through items not applicable)

1. Name of Applicant R. E. Fink & Sons SCOTT
 Postoffice address 405 - 5th Ave NW, Minnetonka, MN State South Dakota

If a corporation show date and place of incorporation _____

2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & Direct Labor3. Name of diversion work Keith Kyrtsoff Irrigation Project #14. Amount of water claimed (cubic feet per second) No. of Inland only 2.83 on original permit5. Source of water supply well6. Location of point of diversion 3600' N 35° W of SE corner Section 12
117-54County Madison7. Annual period or periods during which water is to be used April through October8. Use to be made of water. (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation9. For irrigation use, Total number of acres to be irrigated 198

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>SW 1/4 of NE 1/4 Sec 12 - 117-54</u>	<u>36</u>	<u>N 1/2 of SE 1/4 Sec 12 - 117-54</u>	<u>38</u>
<u>SE 1/4 of NE 1/4 " " " "</u>	<u>21</u>	<u>NE 1/4 " " " "</u>	<u>39</u>
		<u>SW 1/4 " " " "</u>	<u>39</u>
		<u>SE 1/4 " " " "</u>	<u>38</u>

Attach sheet if more space is needed

10. Time required to complete construction of water supply system Fixed years. Additional time required to complete application of water to the proposed beneficial use 4 to 6 years.11. Choice of newspaper for Notice of Intent to Appropriately 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. a deep well turbineB. Works proposed to transport water to place of use. closed conduitC. Works proposed to apply water to beneficial use. center pivot irrigation machineEstimated Total Cost \$ 8,000

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. Fink 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. FinkSubscribed and sworn to before me this 18 day of Oct 1977

Notary Public (or other qualified officer)

This is a request to change point of diversion from a dugout to a well. The original permit # 2363-3 was for a well & pump from a slough. This request would change it to two wells.

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4182-3
R.E., INA & ROSE LAHNKE 405 5TH AVE NW. WATER TOWN
 (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 adequate domestic wells or in irrigation wells having prior water rights.

This Permit is for a change of Diversion from a slough to a well, for Permit No. 2363-3. This would change Permit No. 2363-3 to two wells.

Date of first receipt of application OCTOBER 27, 1977
 Date of return to applicant for correction, amendments or changes required _____, 19____
 Date of receipt of corrected application _____, 19____
 Approved MARCH 28, 1978, Recorded in Book 19 Page 305

WATER RIGHT PERMIT NO. 4182-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4182-3 authorizing the construction of the water use system and the putting of water to beneficial use as stated in the Application and as modified in the Water Right Application approval, subject, however, to the following limitations and conditions:

1. The date from which applicant may claim right is SEPTEMBER 29, 1975
~~SEPTEMBER 27, 1977~~
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before SEPT. 28, 1980
3. The whole of said work is to be completed on or before MARCH 28, 1983
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is MARCH 28, 1986
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 No ADD'L 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 MARCH 28, 1986; said water to be used during the following described annual period: APRIL - OCTOBER

Witness my hand this 1st day of APRIL, 1978

WATER RIGHTS COMMISSION

By:

John Hatch
 Chief Engineer, Executive Officer

Certificate of Construction Issued _____, 19____

Water License Issued _____, 19____



Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Fass Building, Pierre, South Dakota 57501
Phone 605/773-3151

June 21, 1979

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

Dear Mr. Kahnke:

SDCL 46-1-14 authorizes the Water Rights Commission to issue amended permits recognizing the date of priority of the original application if certain conditions are met.

At the May 24, 1979 Commission Meeting, the Commission reviewed the amended permits that had been issued with the later priority, and granted the earlier priority date to such amended permits.

By this action, the priority date for your Permit No. 4182-3 was established as September 29, 1975 instead of October 27, 1977 as now shows on your copy of the Permit.

If you have questions regarding this action, feel free to contact this office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/gy

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 3 1/2", Depth 84'
- (2) Cas'ing, Type Steel Diameter 1 1/2" Thickness 3/16"
(wood, concrete, steel, etc.)
- (3) Perforated Screen.
Type Continuous slot, Diameter 1 1/2", Length 20'
- (4) Gravel Pack, Thickness 5", Length of gravel pack 30'

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' to 6' fine sand; 6' to 17' non
water bearing sand; 17 to 40' mixed gravel and sand;
40' to 55' sand; 55' to 67' clay; 67 to 84' has a layer of
coarse sand then fine sand & then coarse sand; 84' + clay

Depth to top of water bearing material 17'

Depth to bottom of water bearing material 84'

Thickness of water bearing material 55'

Depth to water (ground surface to water level) 18'

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

On same owner's property 160 rds. On property owned by others 180 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 K. K. K.
Signature of Applicant

SEE PERMIT NO 2363-3
FOR WATER QUALITY DATA

Form 6 - Notice of Intent to Appropriate Water
GROUND WATER

No. 4128-3

Publish first publication, on or before January 5, 1978

NOTICE OF HEARING ON
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

December 15, 1977

Notice is hereby given that SCOTT R. E., Ina and ROSS Kahnke whose post office

address is Watertown, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-9 thru 46-2-11, 46-2-13; 46-5-1 thru 46-5-8, 46-5-10 thru 46-5-22, 46-5-41, 46-6-3, 46-6-5, 46-6-6.1, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01:01 thru 52:01:01:13, for a permit for an additional point of diversion to appropriate for beneficial use no additional water per second of time from ground water

through the Keith Kruthoff Irr. Proj. the point of diversion of which is to be located

in the SW 1/4 NE 1/4 #1

of Section 12, Twp. 117N Range 54W. Said water to be used for the purpose of providing irrigation on portions of the following described land:

SE 1/4, SW 1/4 NE 1/4 Section 12 T117N, R54W.

This Application No. 4182-3 will be considered by the Water Rights Commission at

Pierre, South Dakota upon the 25 day of January, 1978 at 10 A.M. The Commission is authorized to make a determination on this application at the hearing. All interested persons may appear and be heard. Any person who may be affected by a Commission decision who desires to present evidence or cross-examine witnesses according to SDCL 1-26 may notify the Commission in writing prior to the hearing or orally at the hearing.

NOTE: Final Proof of Publication must be received by the hearing date for the Commission to take action.

WATER RIGHTS COMMISSION

BETTY WESTLUND
Water Rights Specialist

cc: SCOTT R. E., Ina and ROSS Kahnke, 405 5th Ave NW, Watertown, SD 57201

No. 4182-3

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:

December 20th, 1977

December 27th, 1977

(Signature)

General Manager

(Title)

December 27th, 1977

(Date Signed)

PUBLIC NOTICE

NO. 4182-3
NOTICE OF HEARING
ON APPLICATION TO
APPROPRIATE WATER
Pierre, South Dakota 57201
December 15, 1977
Notice is hereby given that R.E.
Ina and Scott Kahnke, whose post
office address is Watertown, South
Dakota, has made an application in
accordance with the provisions of
SDCL 46-1-1 thru 46-1-8; 46-2-9 thru
46-2-11; 46-2-13; 46-5-1 thru 46-5-8; 46-
5-10 thru 46-5-22; 46-5-41; 46-6-3; 46-6-
5; 46-6-6.1; 46-6-10; 46-6-14 and
Commission Rules ARSD
51:01:01:01 thru 51:01:01:13, for a
permit for an additional point of
diversion to appropriate for
beneficial use no additional water
per second of time from ground
water through the Keith Kruthoff
Irr. Proj., i.e. 1, the point of
diversion of which is to be located in
the SW 1/4 NE 1/4 of Section 12, Twp.
117N, Range 54W. Said water to be
used for the purpose of providing
irrigation on portions of the
following described land: SE 1/4
SW 1/4 NE 1/4 Section 12, T117N, R54W.
This Application No. 4182-3 will be
considered by the Water Rights
Commission at Pierre, South
Dakota, upon the 29th day of
January, 1978 at 10 A.M. The
Commission is authorized to make a
determination on this application at
the hearing. All interested persons
may appear and be heard. Any
person who may be affected by a
Commission decision who desires to
present evidence or cross-examine
witnesses according to SDCL 1-24
may notify the Commission in
writing prior to the hearing or orally
at the hearing.

WATER RIGHTS
COMMISSION
BETTY WESTLUND
Water Rights Specialist
(December 20, 27, 1977)



425-5th Ave. N. W.
Watertown, S. Dak.
Dec. 17, 1977

Attention: Betty Hedlund,
Water Rights Commission
Joe Foss Building
Pierre, South Dakota - 57501

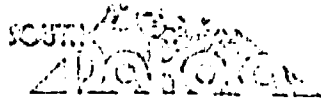


Dear Miss Hedlund:

We are in receipt of carbon copy of Form letter
7- Letter to Publisher - Notice of Intent to appropriate
Water - (Dec 15, 1977 to Kenneth B. May,
Public Opinion - Watertown, S. Dak.) No. 4182-3.

This has: "R.E., Ina + Ross Kahake." The "Ross"
is an error. It should be "Scott." (There is
no Ross Kahake.) I have called the Public
Opinion. They are correcting the error, and
have asked me to write you. Will you
kindly have this error corrected?

Thank you,
Ina Kahake



Department of Natural Resource Development

WATER RIGHTS COMMISSION

Joe Foss Building, Pierre, South Dakota 57501

Phone 605/224-3151

December 23, 1977

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

Dear Mrs. Kahnke:

This is to inform you that your Water Right Application #418--3 has been corrected to read R.E., Ina & Scott Kahnke.

Sincerely,

Betty Westlund
Water Specialist

BW:plh

No. 4180-3, 4181-3, 4182-3,
4183-3 & 4184-3

Department of Natural Resource Development

WATER RIGHTS COMMISSION
Joe Foss Building, Pierre, South Dakota 57501
Phone 605/224-3151

January 30, 1978

R. E. Kahnke
405 5th Ave NW
Aberdeen SD 57401

Dear Mr. Kahnke:

The Water Rights Commission deferred action on your Application
4180-3, 4181-3, 4182-3,
No. 4183-3 & 4184-3 at the January 25-26, 1976

Commission meeting, pending investigation by the Commission Staff.

If you have any questions, feel free to contact this Office.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Commission

JH/bw

REPORT ON
AREA OF CONTROVERSY IN CODINGTON AND GRANT COUNTIES
March 20, 1978

Controversy developed in northern Codington and southern Grant counties during the spring and summer of 1976. This was the beginning of the first full year of irrigation in the area and coincidentally was one of the driest years on record. There are two distinct hydrologic conditions associated with the controversy which are not related. Concern has been expressed regarding the shallow water table glacial outwash sand and gravel deposit under water table conditions associated with the Big Sioux River and its tributaries, and the other problem is associated with a deeper glacial outwash sand and gravel deposit under artesian conditions (see figures A, B, & C).

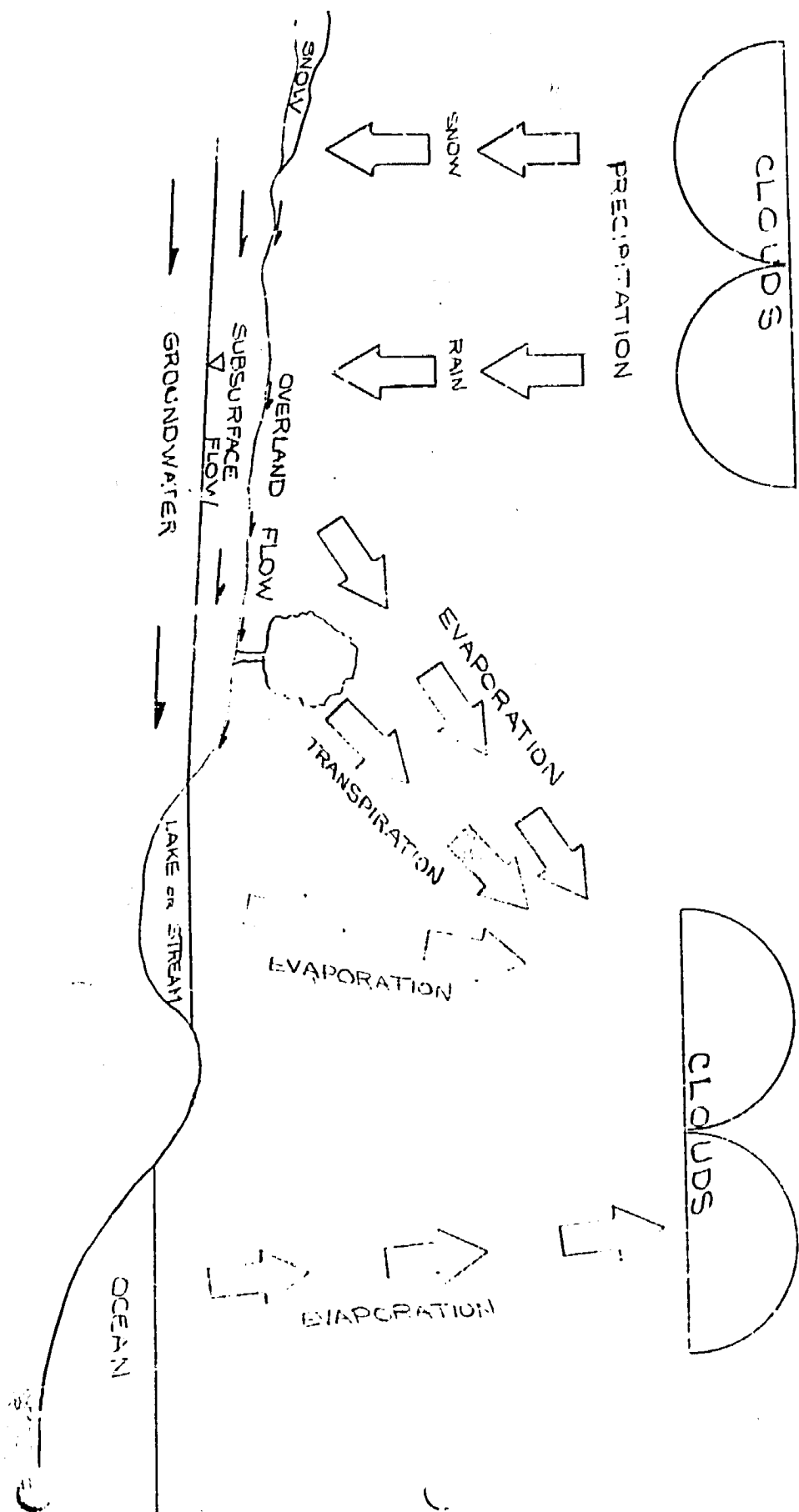
Codington and Grant Counties Water Use
(Sioux River Basin)

	1977 Reported Acreage	1977 CFS Reported	1977 Permits & Acreage	1977 Permit CFS
Irrigation Surface water	135	2.01	4 586.0	5.58
Irrigation Ground water	2926.0	32.42	47 10633.7	114.12
Watertown Municipal				18.12 with 12.85 F/U
Other Municipal Industrial and Commercial uses Rural Water				9.752 With 8.0 F/U

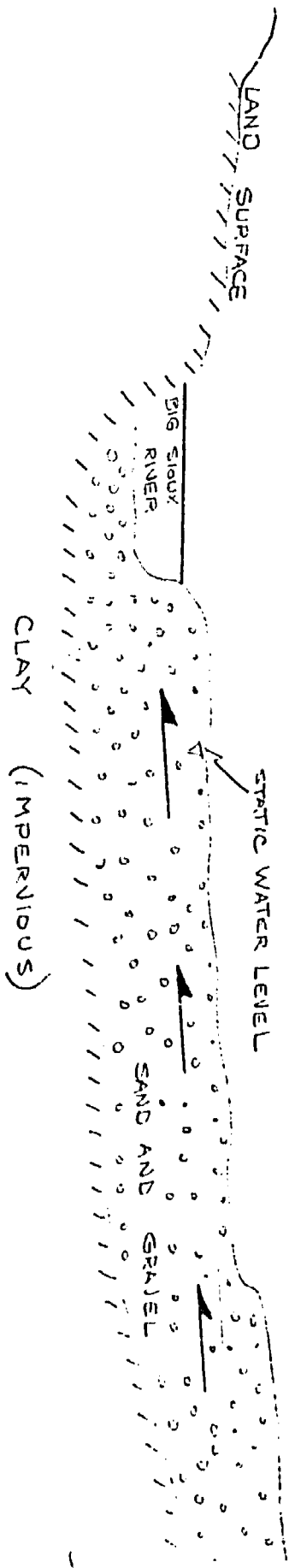
F/U - Future Use

There have been many questions and complaints concerning the Big Sioux River. The Water Rights Commission has adopted a river and well spacing policy which requires that future high capacity wells into a water table aquifer be located at least 660 feet from a river. This policy was adopted all along the Big Sioux River. This helps to diminish the effect of high capacity well pumping

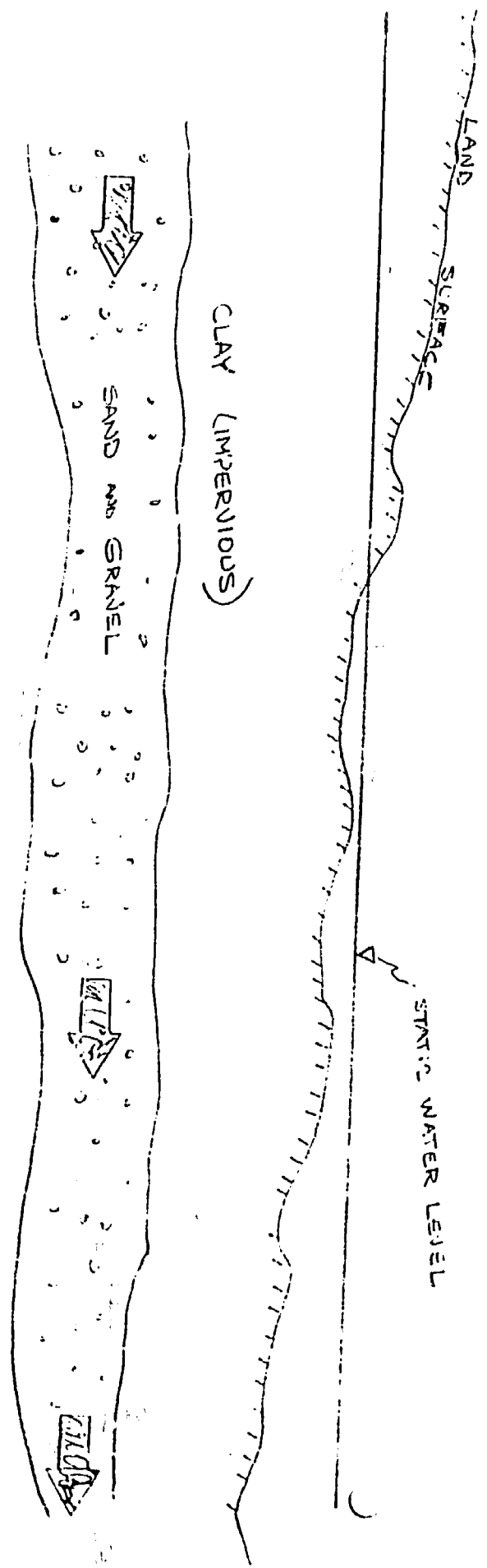
HYDROLOGIC CYCLE



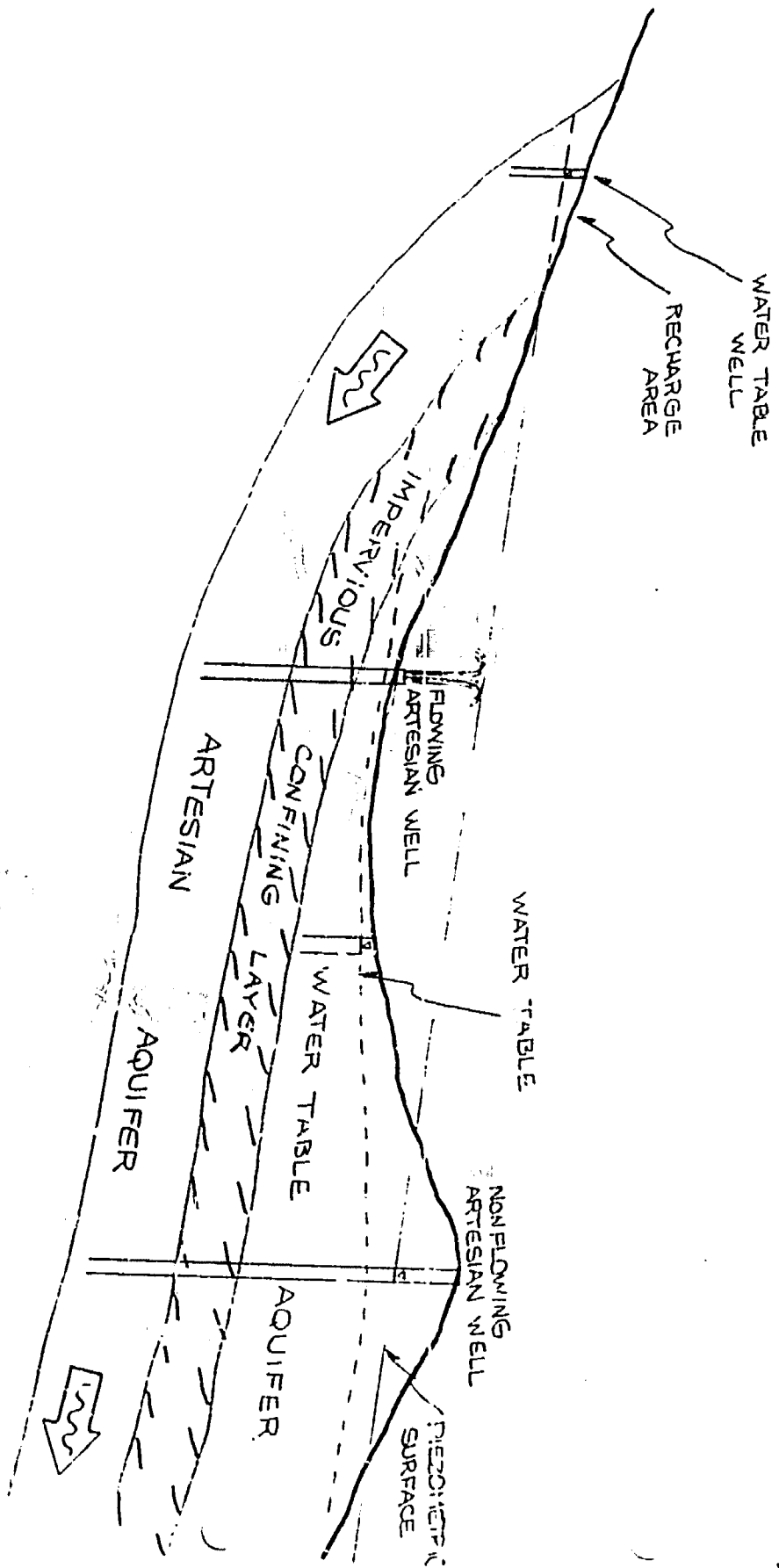
WATER TABLE A CONDITIONS



ARTESIAN CONDITIONS



C



upon the river. There is no doubt that irrigation pumping may affect streamflow; however, the question becomes how much can be attributed to drought and how much to pumping? Under normal conditions, during dry weather, the aquifer discharges water into streams. This action continues whether high capacity pumping is going on or not. The preponderance of information collected, indicates the aquifer levels are being maintained.

WATER LEVEL INFORMATION

During 1976, the Water Rights Commission Staff measured a combination of 18 observation wells and domestic wells. Seven of the wells were in the artesian aquifer and 11 were in the water table aquifer. After reviewing this information, the Commission Staff discontinued the measuring of some of the domestic wells. In addition, the Commission Staff drilled 14 observation wells in 1977 (see figure 1). The new observation wells allow the aquifer water levels to be monitored.

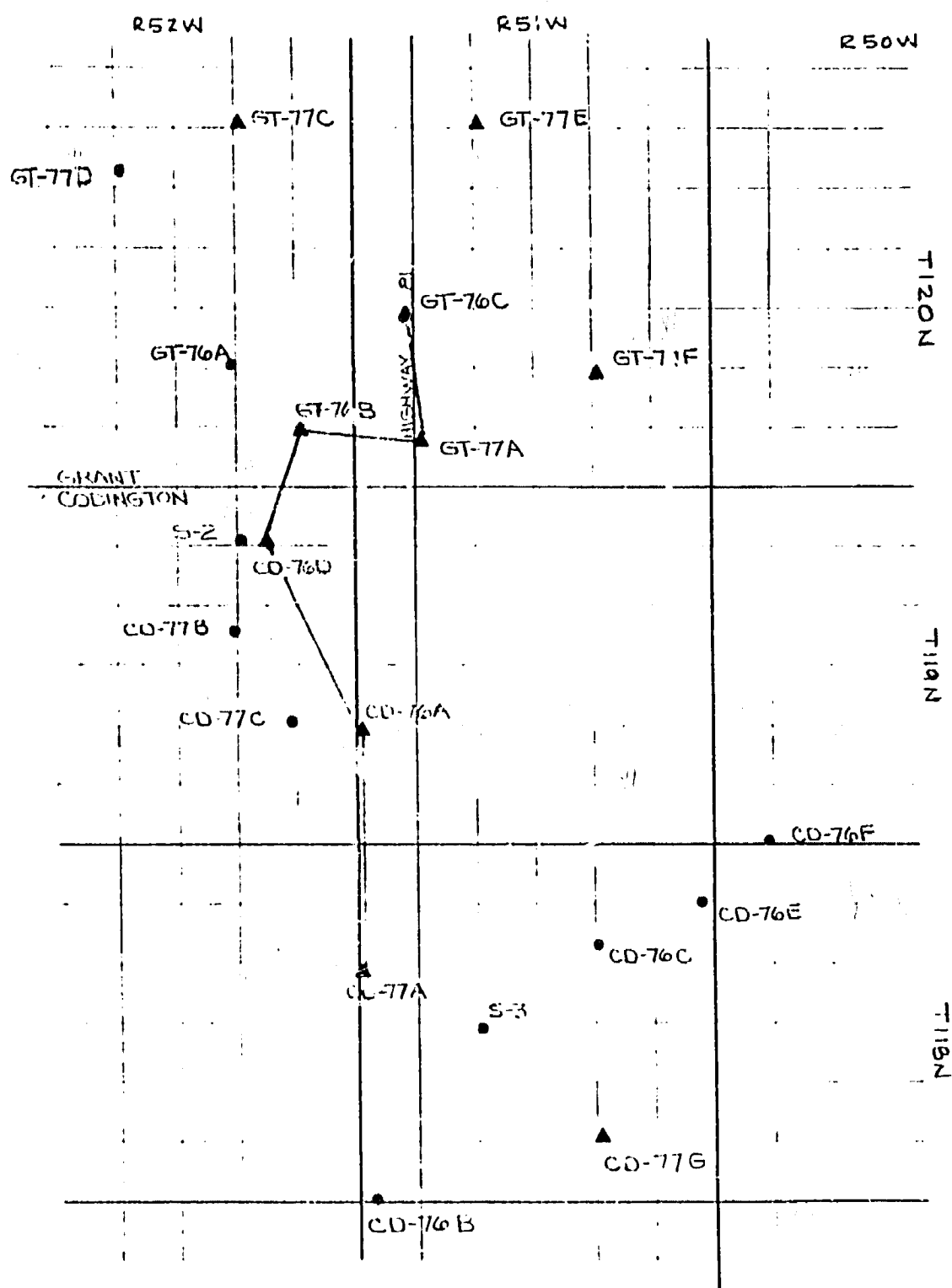
WATER TABLE AQUIFERS

There is historical information available concerning the shallow aquifers. The following chart is a summary of the readings from the shallow aquifer observation wells.

Well	Seasonal Fluction	High Reading	Low Reading	Present Reading
S-1(1957)	1 - 2'	7.1 7- 9-62	14.6 2- 8-77	11.6 12- 1-77
S-2(1957)	1 - 2'	6.6 7- 9-62	13.1 12- 7-66	10.9 10-18-77
S-3(1957)	1 - 2'	10.9 5- 2-73	18.6 10-29-60	14.8 12- 1-77
S-4(1957)	1 - 2'	2.4 4-22-69	16.9 9- 8-77	16.2 12- 2-77
** S-5(1957)	1 - 2'	15.15 8-29-57	23.8 8-17-77	21.7 12- 2-77
WA-1(1960)	1 - 2'	7.2 7- 9-62	12.2 2- 8-77	10.5 12- 1-77
WA-2(1960)	2 - 3'	2.7 7- 9-62	11.00 7-13-67	5.3 12- 1-77
WA-3(1960)	1 - 2'	3.5 7-18-72	15.8 10-26-60	8.2 12- 2-77
WA-4(1960)	2 - 3'	3.0 7-18-72	10.4 8- 3-76	5.5 12- 2-77

** Well is within 200 feet of rural water system well

Typically water table wells fluctuate only a few feet during a year, declining steadily during summer months; recharge usually occurs during spring snowmelt. Also, drought periods cause a gradual decline and during extended drought periods the decline is compounded by lack of large scale runoff conditions. Any period of heavy runoff recharges water table aquifers.



SCALE 1" = 2 MILE.

- WINTER TABLE OBSERVATION WELL
- ▲ AFTERNOON OBSERVATION WELL

ARTESIAN AQUIFER

There are two years of water level information available from the artesian aquifer. The storage, thickness and extent of the aquifer are unknown, but the addition of 10 observation wells into this aquifer indicates excellent irrigation potential. Thus far, the aquifer has been traced for a distance of 18 - 20 miles, with a width of a few miles and the thickness of the gravel is variable from a few feet up to 60 feet. The following is a summary of the water level data collected thusfar:

OBSERVATION WELL RECORDS (ARTESIAN AQUIFER)

DATE	CD-76D	CD-76A	GT-76B	GT-76C	GT-77A
6-16-76	5.8				
6-24-76	14.9				
7-2-76	16.5				
7-8-76	18.2				
7-14-76	18.8				
7-22-76	18.7				
7-28-76	20.6				
8-3-76	20.6				
8-11-76	24.8				
8-17-76	26.4				
8-26-76	26.6				
9-8-76	27.8				
9-22-76	21.5				
10-21-76	16.0				
11-1-76	12.9				
12-1-76	9.1				
2-8-77	(frozen)				
4-7-77	5.6				
6-16-77	17.0	14.2	29.0	68.7	
6-21-77	12.0	14.4	22.7	66.2	
6-29-77	10.0	13.9	21.7	64.6	
7-6-77	15.9	14.3	35.5	68.5	
7-21-77	20.1	15.5	40.7	72.0	93.3
8-3-77	24.3	17.1	42.8	73.6	96.9
8-17-77	20.3	18.6	34.6	76.0	
9-8-77	12.9	16.4	23.1	67.0	
9-20-77	10.2	15.2	20.2	64.5	90.7
10-18-77	8.5	13.0	18.5	61.8	88.1
12-1-77	5.6	11.5	15.6	60.0	85.0
1-17-78	(frozen)	10.8	14.9	59.1	83.0
					82.2

Note that all water levels have returned to the previous spring levels. Figure 2 and Figure 3 are plots of these same 5 observation wells. Figure 2 is a water level elevation plot showing the fluctuation due to irrigation withdrawals and Figure 3 is a diagrammatic cross-section showing the formation and water level (see figure 1). The slope of the water is generally to the south (this is called the hydraulic gradient) which indicates that the water movement is in that direction. The actual land surface has no influence upon the water levels under artesian conditions as is common under water table conditions.

PUMPING DATA FROM THE ARTESIAN AQUIFER:

The following discussion relates to what happens in and around the irrigation wells during pumping. The data from the area is incomplete and therefore suspect. A comparison between the drawdowns recorded in the observation wells and the computed or anticipated drawdowns do compare favorably with one another. A complete aquifer test would provide better information concerning aquifer characteristics.

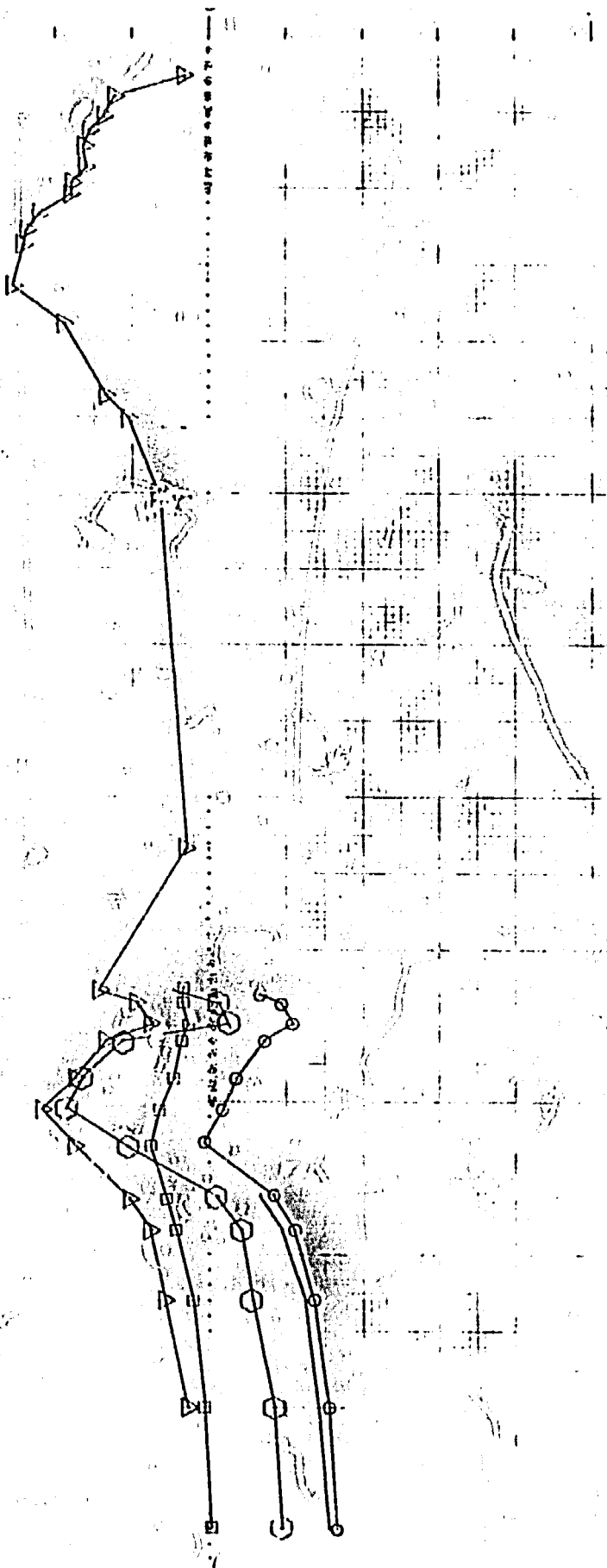
Initially in 1976, there was only one irrigation well pumping and the Commission only had one observation well located approximately $1\frac{1}{4}$ mile to the south of the irrigation well. By plotting the drawdowns which occurred in the observation well (CD-76D) versus the duration of time (figure 4) some of the basic characteristics of the aquifer may be determined. Using the information obtained from the drawdown-time plot, the distance-drawdown curve (figure 5) can be constructed. This step shows how much drawdown can be expected after x number of days pumping at x gallons per minute and how far from the pumping well the drawdown extends. Figure 6, figure 7 and figure 8 are plots showing the effect of the irrigation pumping upon the aquifer with the present number of wells. These plots are simply variations of the same data. Notice that expected drawdowns anywhere around the well field can be predicted.

The plotted data assumes a constant rate of pumping and for a continuous time interval. Under actual field conditions, this never occurs. One system may be off a few days for some reason or another. Therefore, the plots should represent a conservative outlook. Under the present well field configuration pumping of existing irrigation wells continuously for 30 days would produce a drawdown of 30 - 35 feet in observation well CD-76D. This may necessitate the lowering of pumps in domestic wells within this area. A continuation of pumping could begin to affect the output of the irrigation wells themselves. For this reason it is important that standard spacing of high capacity wells be maintained.

SUMMARY OF DOMESTIC WELL QUESTIONNAIRES

Total sent	629	
Total response	232	
Well Types	Bored	216
	Drilled	74
Wells into Artesian Formation	36	

10



ΔCD-76D
 □CD-76A
 ○GT-76B
 ○GT-76C
 /GT-77A

1977
1978

16.3

ST-100

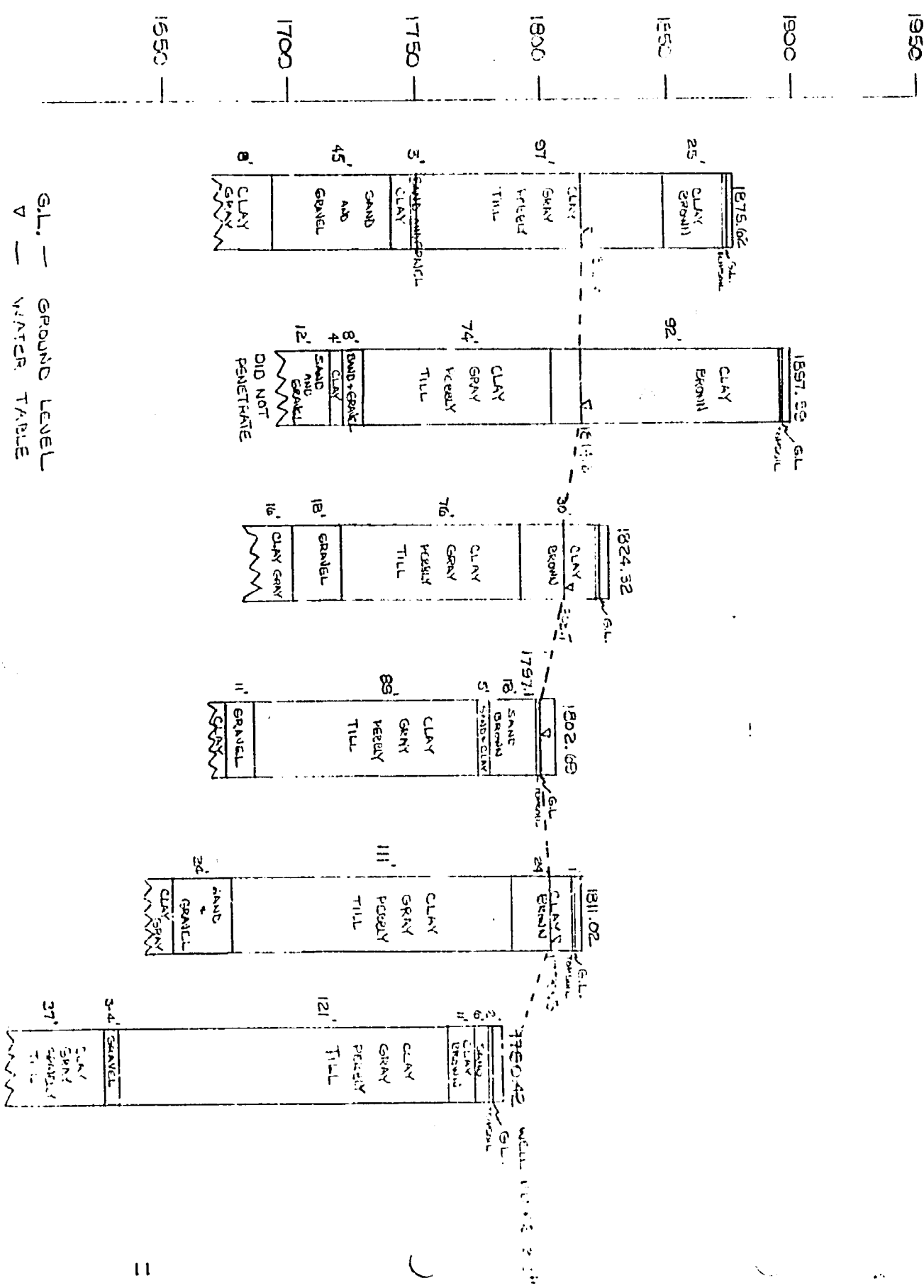
ST-7A

ST-16E

CC-76L

CC-76H

CC-77E



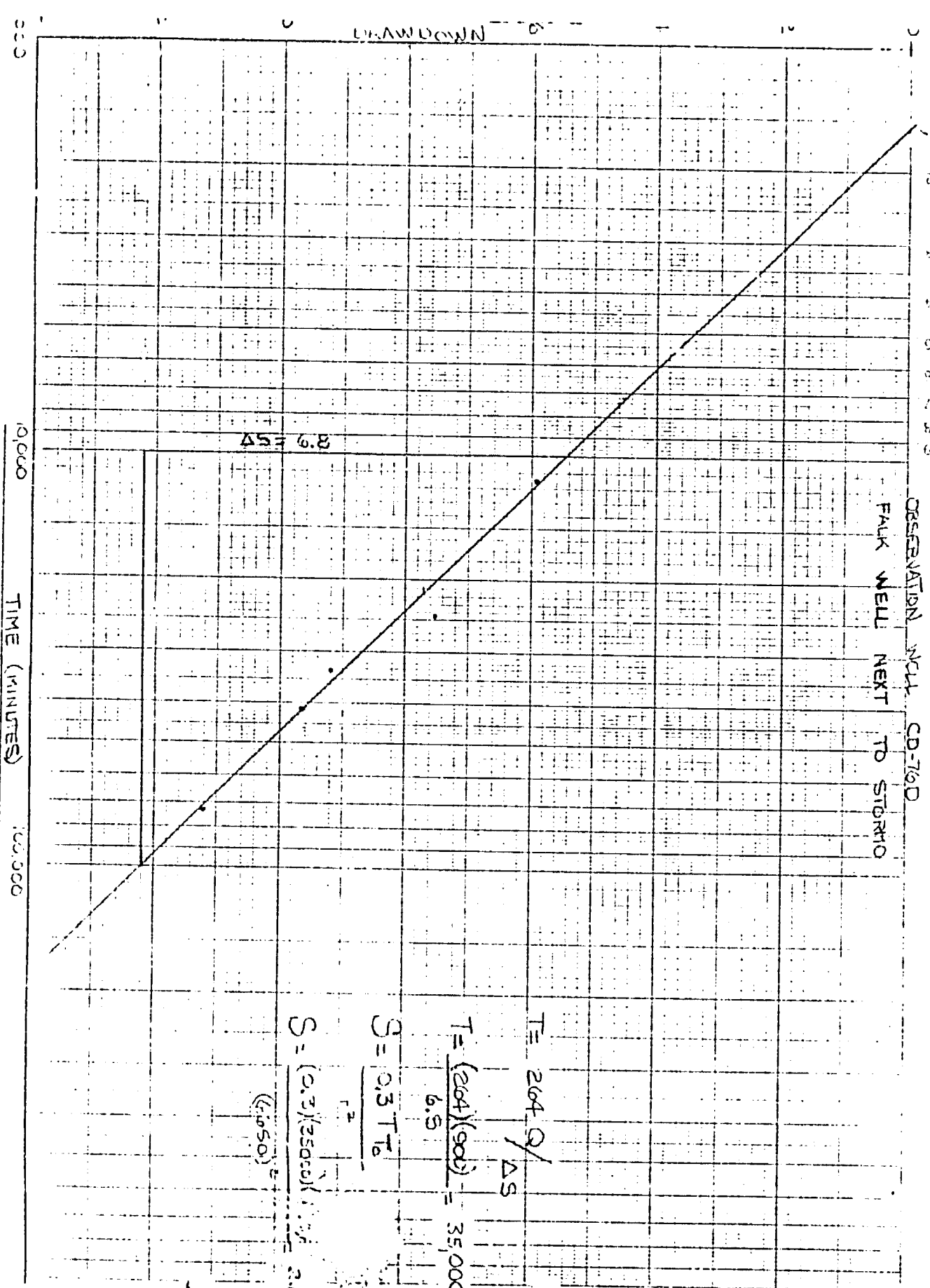
$T_0 = 150 \text{ min}$
 $T_0 = 1.9 \text{ days}$

1000
 100
 10
 1

FIG 4

1000
 100
 10
 1

OBSERVATION WELL CD-76D
 FALK WELL NEXT TO STORM



$$T = \frac{264 \text{ Q}}{\Delta S}$$

$$T = \frac{(264)(900)}{6.5} = 35,000$$

$$S = 0.3 T T_0$$

$$S = \frac{(0.3)(25000)(1.9)}{(4.050)^2} = 2.6 \times 10^{-4}$$

FIG. 5
DISTANCE-DRAWDOWN CURVE FROM TIME-DRAWDOWN CURVE

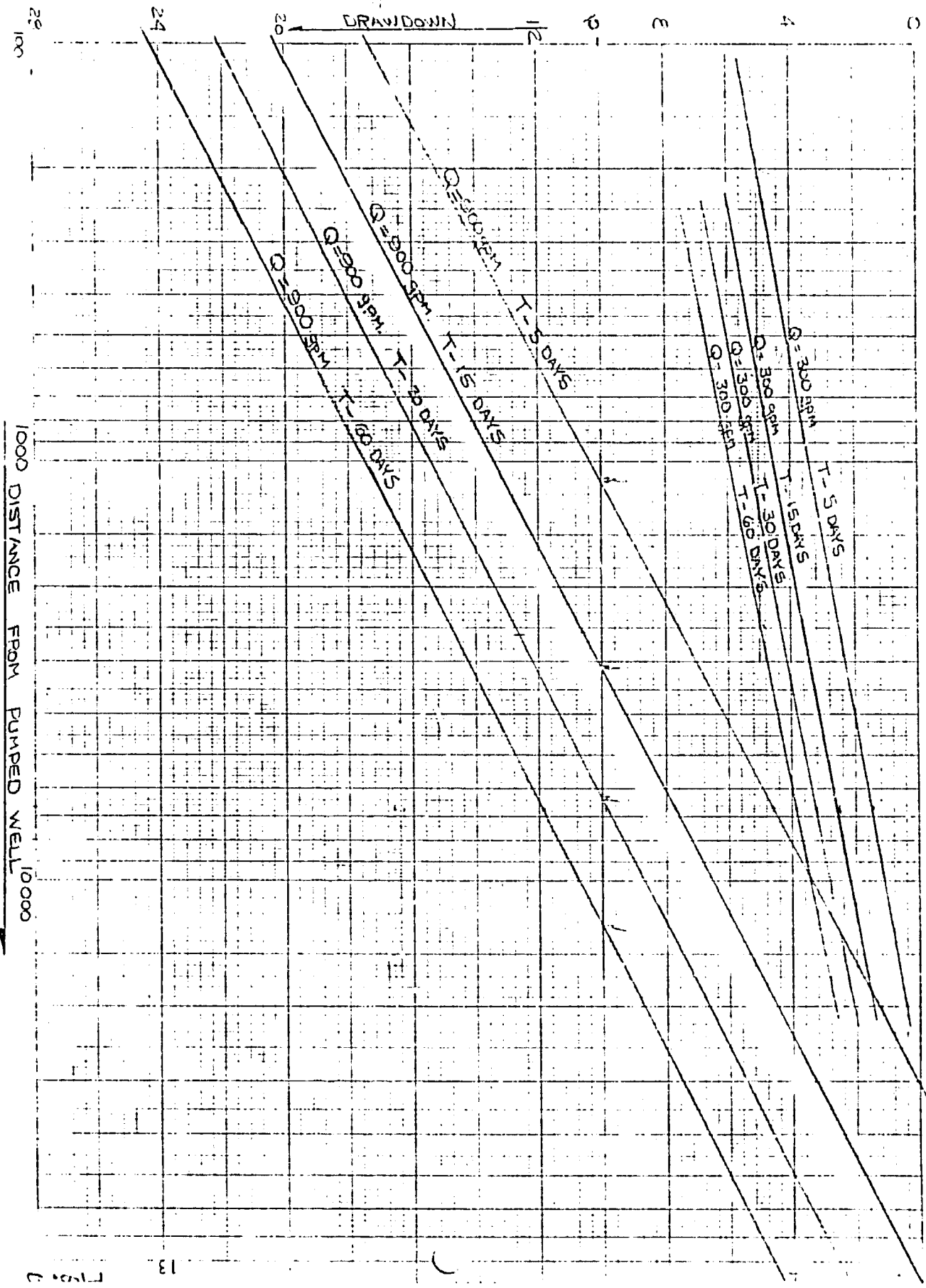
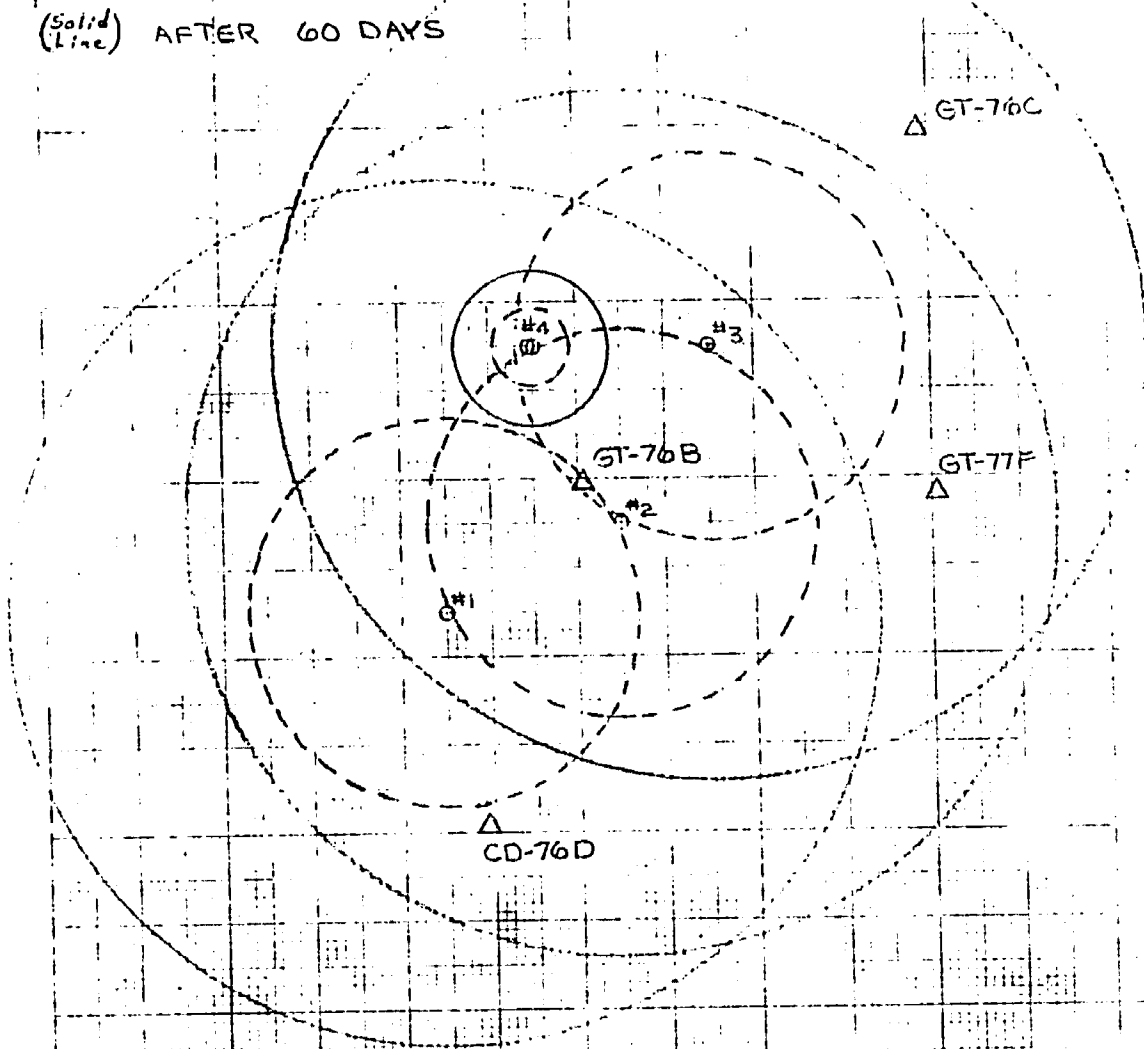


FIG. 6

14 EXTENT OF 10 FEET DRAWDOWN CONTOUR AFTER 20 DAYS (Broken line)
 PUMPING WELLS #1, #2, #3 WELL #4 SHOWS 5 FEET CONTOUR
 (Solid line) AFTER 60 DAYS



CD-76A

(BROKEN
LINE)

FIG 7.

EXTENT OF 10 FEET CONTOUR OF DRAWDOWN AFTER 5 DAYS
PUMPING WELLS #1, #2, #3. WELL #4 SHOWS 5 FEET CONTOUR
(SOLID) AFTER 15 DAYS

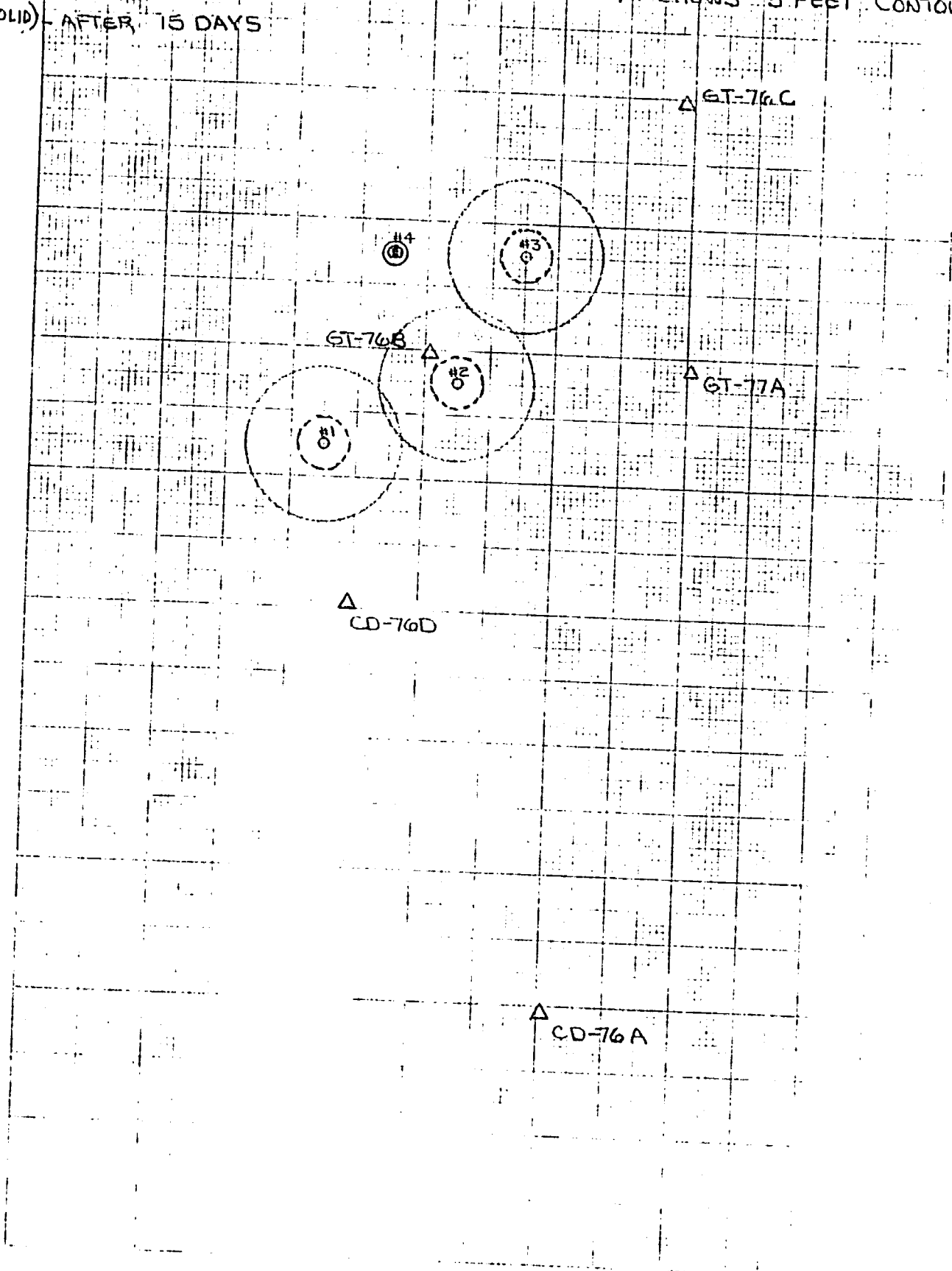
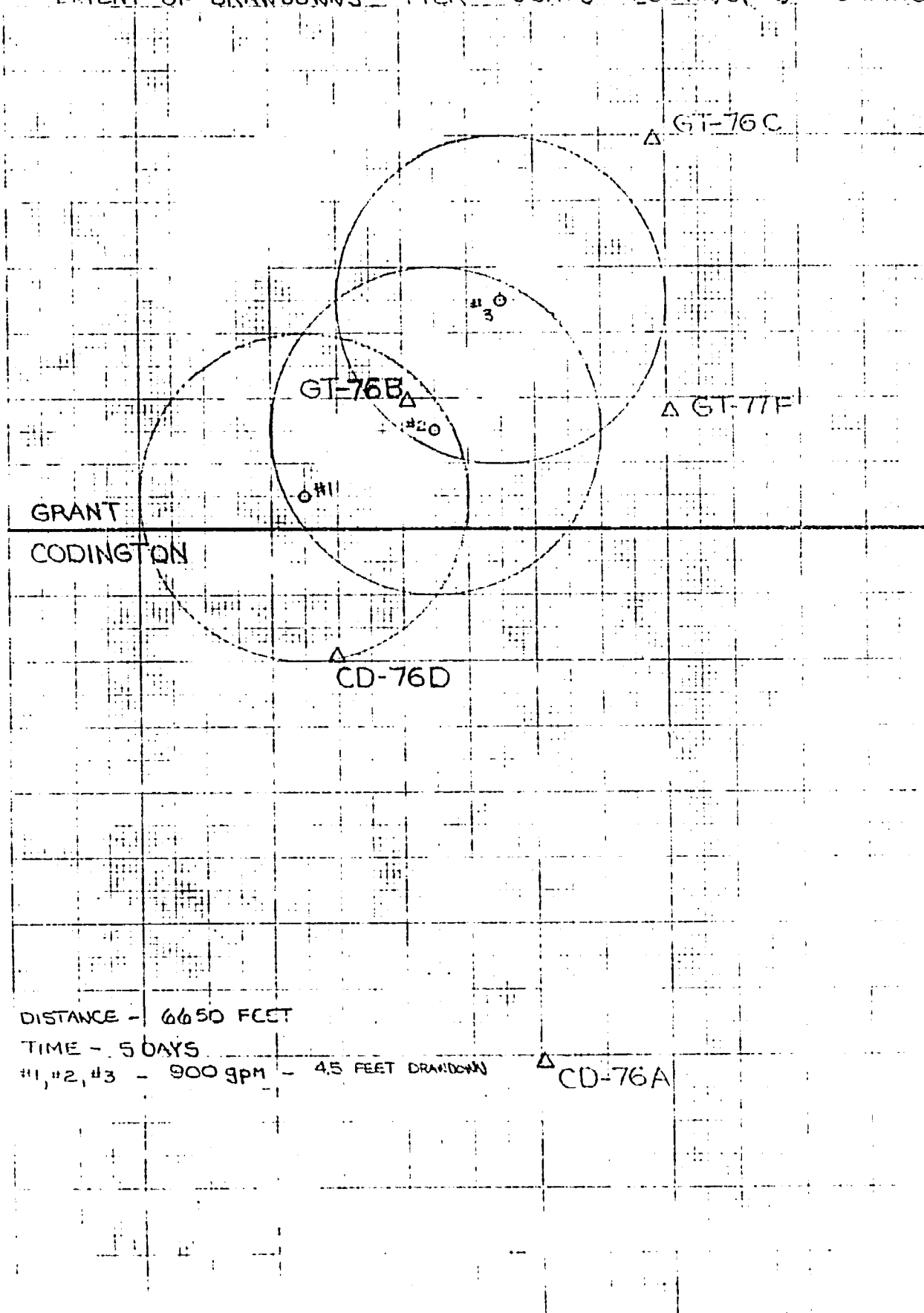


FIG. 8.

EXTENT OF DRAWDOWNS AFTER 5 DAYS CONTINUOUS PUMPING



Generally the information obtained from the questionnaire was helpful, although there were few people who actually knew much about their wells. Even so, there are approximately 36 domestic wells which are located in the artesian aquifer. These wells may be affected if further irrigation permits are granted. Many of these wells are adequate and the pumps can be lowered, but a few are inadequate. The inadequate wells may need to be replaced.

Many of the wells reported appear to be seepage wells. That is, no aquifer is penetrated and the water is obtained from leakage from the surrounding material. These wells are not affected by high capacity well pumping. Probably the best indication of a seepage well is if that well can be pumped dry in a few hours. The owner is depending upon the storage capacity of the well for a water supply. Typically these wells give the owners problems during dry weather.

Listing of Deferred Applications:

Permit No.	County	For	CFS Amount	Wells	Acreage	Priority Date
3229-3	CD	Harlan Stadhiem	3.90	1	270	8-20-76
* 3225-3	GT	Clifford Grinols	2.28	1	160	10- 5-76
* 3226-3	GT	Clifford Grinols	2.28	1	160	10- 5-76
3227-3	CD	Falk Farms	2.28	1	160	10- 5-76
** 3231-3	CD	David McElhany	4.10	2	289	9- 9-76
3342-3	GT	Joseph P. Amdahl	5.0	2	468	12- 7-76
3745-3	CD	Owen Thacker	2.20	1	160	12-27-76
3502-3	GT	John LaBarr	2.0	1	135	12-28-76
3503-3	GT	Bernard L. Lee	4.9	3	345	12-28-76
4153-3	GT	Falk Farms	4.0	2	312	9-15-77
4184-3	GT	R.E., Ina, Scott Kahnke	4.4	2	312	10-27-77
3941-3	CD	Gary Zemlicka	.57	Dugout ***	40	
4180-3	CD	R.E. Kahnke	additional diversion points			(2)
4181-3	CD	R.E. Kahnke	additional diversion point			(1)
4182-3	CD	R.E., Ina, Scott Kahnke	additional diversion point			(1)
4183-3	CD	R.E., Ina, Scott Kahnke	.15	Trailer Cou t Well		

* No test hole - Logs are not available

** Already has a permit for shallow water for same land.

*** Dugout located in stream bed - intermitten flows in stream

DISCUSSION OF APPLICATIONS:

1. Applications 3941-3, 4180-3, 4181-3, and 4183-3 are all for water table wells. The historical water level data indicates there is water available in the shallow water table aquifers. There should be no noticeable effect upon domestic water supplies, if these applications are approved.

2. The water level data from the deeper artesian aquifer indicates there is water available for appropriation. Problems do exist, however, as to the correct high capacity well spacing in order to prevent excessive well interference. Until an aquifer pump test is conducted, the Commission Staff will recommend at least $1\frac{1}{2}$ mile spacing between the high capacity wells. In fact, under intensive development this spacing may prove inadequate. There is a maximum number of wells that can be allowed in any aquifer even though this spacing could be maintained. The Commission Staff is not able to determine the total number of high capacity wells which can be allowed at this time.
- A. The well for Application No. 3229-3 is more than $3\frac{1}{2}$ miles from the nearest existing irrigation well. This acreage is also covered under Permit No. 2171-3.
- B. The wells for Applications 3225-3 and 3226-3 are located $\frac{1}{2}$ mile and 1 mile respectively from an existing irrigation well.
- C. The well for Application No. 3227-3 is approximately $1\frac{1}{2}$ miles from an existing irrigation well.
- D. The wells for Application No. 3231-3 are more than 10 miles from an existing irrigation well. This land is already covered under Water Right No. 2203-3 for shallow wells. Also the proposed irrigation wells are less than $\frac{1}{2}$ mile apart.
- E. The wells for Application No. 3342-3 are 3 miles from the nearest existing irrigation well. The individual wells are $\frac{1}{2}$ mile apart.
- F. The well for Application No. 3745-3 is more than 3 miles from a location with a priority right.
- G. The well for Application No. 3502-3 is approximately 1 mile from an existing irrigation well.
- H. The wells for Application No. 3503-3 are more than 3 miles from an existing irrigation well and less than 1 mile apart individually.
- I. The wells for Application No. 4153-3 are approximately $\frac{1}{2}$ mile from an existing well and $\frac{1}{2}$ mile apart.
- J. The wells for Application No. 4184-3 are approximately $\frac{1}{2}$ mile from an existing irrigation well and only $\frac{1}{2}$ mile apart.

RECOMMENDATIONS:

1. The Water Rights Commission Staff recommends approval of Water Right Application Nos. 3941-3, 4180-3, 4181-3, 4182-3, and 4183-3 with the following qualifications:

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

2. The Commission Staff recommends approval of Application No. 3229-3 from the artesian aquifer with the following qualifications:

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

That the location of the irrigation well be moved to the west and north of the proposed location to eliminate a potential flowing well.

Because of the improper spacing, the Commission Staff recommends the continued deferral of Application Nos. 3225-3 and 3226-3. These applications have priority to any of the following Application Nos. 3227-3, 3231-3, 3342-3, 3745-3, 3502-3, 3503-3, 4153-3, and 4184-3 even though spacing is not a problem with some of these applications.

Until information is available to confirm the spacing recommendation, the Commission Staff does not believe the Commission should pass over the prior rights. For this reason, the Commission Staff recommends continued deferral of these applications.

James Goodman
Hydrologist

**South Dakota Department of
Water & Natural Resources**

Joa Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

November 29, 1983

2120-3

2363-3

4182-3

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

Dear Mr. Kahnke:

In regard to our telephone conversation of November 28, 1983, enclosed are copies of your Water Permit Nos. 2827-3 and 2120-3. Also enclosed are partially completed transfer forms for change of ownership on Water Permit Nos. 2120-3, 2363-3 and 4182-3.

The transfer forms should be dated, signed before a notary by the new owner(s) and returned to this office with a \$2.50 filing fee for each. The permits will then be transferred to the proper owners.

South Dakota Water Law 46-5-30.3 require Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

During our phone conversation, you indicated some of your permits are still owned by you but are operated by someone else. If it is satisfactory to you, the yearly irrigation questionnaire could be mailed directly to the operator with your name still remaining on the permit as owner.

If you have any questions, please contact this office.

Sincerely,

GENNY MCMATH
Natural Resources Analyst

GM:ks

enclosures

NO. 4182-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: June 28 - 83

This is to notify you that the title to the lands described as follows:
198 acres - S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 12, T117N, R54W

formerly owned by R.E., Ina & Scott Kahnke

has been transferred to DEAN IRBAN RR#2, Box 138, Watertown, SD
(please include complete mailing address) 57201
together with any rights to the beneficial use of water thereon as evidenced by

Water Right Permit No. 4182-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Codington) ss.

I, Dean Urban 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 I know of my own personal knowledge that the information herein stated is true.

Dean Urban
(Signed)

Subscribed and sworn to before me this 28 Day of June, 1983

[Signature]
(Notary Public)

Commission Expires 8-1-87

WNR-820-9/83
Notice of Transfer of Water Permit



RECEIPT

Division of Water Rights

No 4 9527

South Dakota Department of Water and Natural Resources

Pierre, February 2, 19 84

RECEIVED OF Dean Urban, RR#2, Box 138, 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 for WR# 4162-3 _____	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 John Hatch
Chief Engineer JOHN HATCH/ms



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501

Water Rights Division
605 773-3352

March 1, 1984

2363-3
4182-3

Dean Urban
KR #2, Box 138
Watertown SD 57201

Dear Mr. Urban:

Enclosed are receipt Nos. 4 9526 and 4 9527 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 2363-3 and 4182-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Karen Schlaak

KAREN SCHLAAK
Administrative Aide

enclosures

Jim Goodman (handwritten)
State Selman

Water Rights Division - DWR

CS 62-2
File No. 4182-3

NAME OF PERSON OR FILE: Conversation or File Documentation
Jay Goff from Waterbury DWR Called

ADDRESS: _____ COUNTY Codington

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS: Refer

8-605-1390 882-1992 Called to tell us of a complaint submitted to
filed against Dean Urban, RR-2, Watertown, 882-2268.
The complaint was filed with the SCS Office
Meritt Partlow, Watershed Coordinator, Codington Co
Conservation District Office, SCS., 882-1992.

I call Mr Partlow. He said the Damage Complaint
was filed by R.E. Ellis and Tom Partlow, who
claim the the irrigation wells of Mr. Urban are
causing their wells to go dry and causing the
lake to be 3 to 4 feet lower than normal. Mr.
Partlow is sending a copy of the complaint to us.

The Well location of Mr. Urban was described as
being in the NW 1/4 of Sec 12, T117, R.54N. W.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: James E. Hamilton

Water Rights Division - DWNR
Conversation or File Documentation

2363-5
File No. 4/82-3

NAME OF PERSON OR FILE: _____

ADDRESS: _____ COUNTY _____

DATE: _____ TELEPHONE _____

RE: _____

COMMENTS:

I investigated the complaint on Thursday March 21, 1985. I talked with Tom Popham, Jack Thomas, Gene Jengeling & his son. The major concern was the lower lake levels on 4 or 5 of the lakes and if the irrigation was causing this. Mr. Popham also mentioned his well located in the NW 1/4 Section 3 - T117N-R54W. The irrigation is in the SE 1/4 and the wells are located in the SW 1/4 NE 1/4 of Section 12 - T117N-R54W. Mr. Popham's well was a 24" bored concrete well, 100 feet deep with a water level of 45 feet. I told them the irrigation wells should not be affecting the lakes or Popham's well, and the South Dakota Geological Survey was doing a county study. Also told Popham that we have had problems before with bored concrete wells. Sent Popham a letter stating the same on March 28, 1985.

File in Permit or other file as necessary. Use to document conversations and what the other party was told; why action or decision was made.

NAME: _____

Terri Schaal

CODINGTON CONSERVATION DISTRICT

BOX 943

PHONE 885-2123

WATERTOWN, SOUTH DAKOTA 57201

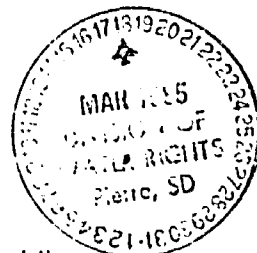
DATE: March 15, 1985

TO: South Dakota Department of Water and Natural Resources
Department of Water Rights
Att: John Hatch:

Attached is the Damage Complaints as per my conversation
with your office this date. Any question you may have
please feel free to contact me.

Sincerely

Merritt Lentlow
Coordinator
Upper Sioux Watershed



"Use each acre within its capabilities and treat it according to its needs"

DAMAGE COMPLAINT FORM
FOR LAND DISTURBING ACTIVITIES, CODINGTON COUNTY

I Tom P. Johnson of 117-16, 2d Ave 111.E - Waterloo
do hereby allege that the land disturbing activity of

Dean Urban of Richland Section 12
(Name) (Legal Description)

Codington County, is causing (on-site or off-site) damage.

Brief description of damage: causing the wells to dry up
& lakes to become low

Location of damage: T 117 N R 24 W Section 2-3
(Legal Description)

SIGNED:

Tom P. Johnson
John Schudnot Sec. 13-11 117-54
John Schudnot Sec. 24-14 117-54
John Schudnot Sec. 6 117-54

(Complainant)

(Date)

NOTARIZED:

Thomas E. Butler
expires 11-27-92

COPIES PROVIDED TO: Codington Conservation District
Units of Government
Complainant
Alleged Violator



DAMAGE COMPLAINT FORM
FOR LAND DISTURBING ACTIVITIES, CODINGTON COUNTY

I Robert E. Ellis of N 1/2 of Hwt Lot 6-20 acres
 to 15 14-4 1 117 54 1 TB RNG DUP

do hereby allege that the land disturbing activity of

Dean V. V. V. of Rushland Section 12
 (Name) (Legal Description)

Codington County, is causing (~~on-site~~ or off-site) damage.

Brief description of damage:

Pump for farming
is taken surface water away
therefore takes from short on water

Location of damage:

N 1/2 of Hwt Lot 6-20 acres
 (Legal Description)
15 14-4 1 117 54 1 TB RNG DUP
Larry Borkhuis
Gyle & Chomoueth

SIGNED:

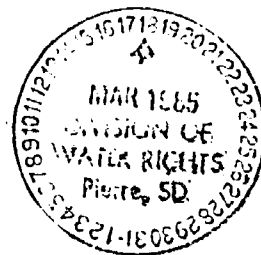
Robert E. Ellis
 (Complainant)

9 March 85
 (Date)

NOTARIZED:

James Paul Lick
 My Commission Expires November 12, 1984

COPIES PROVIDED TO: Codington Conservation District
 Units of Government
 Complainant
 Alleged Violator





4/82.3

Department of Water & Natural Resources

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

Water Rights Division
605 773-3352

March 28, 1985

Tom Popham
117 NE 10 Ave
Watertown SD 57201

Dear Mr. Popham:

This letter is in reference to my visit with you last week and my investigation concerning the Damage Complaints filed with the Codington County Conservation District. It seemed that the major concern with the people I talked with was the lower lake levels that have occurred in your area and the question if this problem was associated with the irrigation occurring in the SE 1/4 of Section 12, T117N, R54W. You were the only one that also mentioned a concern with your well which is located approximately 2 miles to the north-east of the irrigation wells.

I have discussed this with the other staff members and we do not believe the irrigation withdrawals should have an effect on the lake levels or your well. The South Dakota Geological Survey is doing a study for Codington County and we will ask them to install additional observation wells in the area. This should provide us with some additional information and help us make a more precise determination.

Sincerely,

TIMOTHY G SCHAAL
Water Resources Engineer

TGS:ks

cc: Merritt Partlow
Codington County Conservation District
Box 943
Watertown SD 57201

L



Department of Water & Natural Resources

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

March 23, 1987

DEAN URBAN
RR 2 BOX 138
WATERTOWN, SD 57201

NOTICE

Re: Violation of Requirement To Submit 1986 Irrigation
Questionnaire

Our records indicate that the 1986 Irrigation Questionnaire has not been submitted for Permit No(s) 4182-3, 2363-3. The request for the Questionnaire was dated November 3, 1986. The Water Management Board has directed that owners of water permits who have not submitted 1986 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 2:00 pm, May 6, 1987 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). 4182-3, 2363-3 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, Chief Engineer
Water Rights Division
605 773-3352

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

 **Department of
Water & Natural Resources**

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

May 13, 1987

NOTICE OF AMENDMENT TO WATER PERMIT(s)

TO: DEAN URBAN
RR 2 BOX 138
WATERTOWN, SD 57201

FROM: John Hatch, Chief Engineer
Water Rights Division
605 773-3352



SUBJECT: Amendment to Water Permit No(s). 4182-3, 2363-3

Pursuant to the provisions of the notice dated March 23, 1987, and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No(s). 4182-3, 2363-3 to add the following qualification:

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

The addition of this qualification to your Permit means that failure to submit the required irrigation questionnaire in the future could result in **SUSPENSION** of the water permit and no use of water for up to one year for the first violation. Please include the enclosed attachment with your permit.

Attachment to Water Permit No. 4182-3

Pursuant to the provisions of the notice dated March 23, 1987 and following the Hearing May 6, 1987, the Water Management Board has amended Water Permit No. 4182-3 to add the following qualification:

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

4182-3

SOUTH DAKOTA
Department of
Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

December 9, 1987

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

Dear Mr. & Mrs. Kahnke:

Please find enclosed copies of Notice of Transfer of Water Permit forms. These forms must be signed by the owner before a notary and returned to this office with a filing fee of \$2.50 for each, total of \$5.00.

Upon receipt of the enclosed forms and the \$2.50 filing fee for each permit, the permits will be transferred to the proper name. South Dakota Water Law 46-5-30.3 requires Notice of any sale, grant, lease, conveyance or other transfer of a Water Permit or Water Right to appropriate water to be filed with this office within ninety days.

Please advise if you have any questions.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.

NO. 4182-3

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: Dec. 14, 1987

This is to notify you that the title to the lands described as follows:

198 acres - S1/4, SE1/4 Section 12, T117N R54W

formerly owned by Dean Urban

has been transferred to R.E. Kahnke & Ina C. Kahnke
405-5th Ave. N.W. - Watertown, S.D. - 57201
(please include complete mailing address)
together with any rights to the beneficial use of water thereon as evidenced by

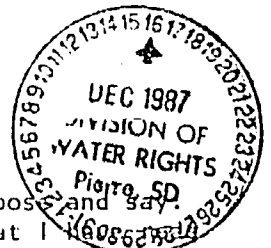
Water Right Permit No. 4182-3 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Div. of Water Rights, Water Management Board as evidence of the change of ownership.

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

STATE OF SOUTH DAKOTA)
County of Codington) ss.

I, R. E. Kahnke and 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 know the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.



R.E. Kahnke & Ina C. Kahnke
(Signed)

Subscribed and sworn to before me this 14th Day of December, 19 87.

[Signature]
(Notary Public)

WNR-820-9/83

Notice of Transfer of Water Permit

RECEIPT

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

444433

Pierre, December 16, 1927

RECEIVED OF R.E. Kahke, 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 4132-5 _____	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 John Hatch
Chief Engineer JOHN HATCH (aps)

Department of Water & Natural Resources

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

WATER RIGHTS DIVISION
(605) 773-3352

December 22, 1987

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

Dear Mr. Kahnke:

Enclosed are receipt Nos. 411103 and 411104 in the amount of \$2.50 each which you paid for transfer of Water Right Nos. 4182-3 and 2363-3.

Our records now show you as the owner of these Water Rights.

Sincerely,

Maxine Stirling
Secretary

ms/
Enc.



Department of Water & Natural Resources

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

#2365-3-
#4182-3

February 17, 1989

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

Dear Mr. and Mrs. Kahnke:

On October 6, 1988, the Water Management Board adopted rules to implement a 1988 law for application of chemicals through irrigation systems. The rules establish equipment standards, performance standards and installation requirements for irrigation systems that apply chemicals (fertilizers, insecticides, or herbicides) with irrigation water.

You have indicated on your 1988 Water Management Board Irrigation Questionnaire that you do apply chemicals with irrigation water. A copy of the new rules for chemigation are enclosed for your information.

The new standards include:

- * a check valve between the irrigation pump and the point of chemical injection;
- * a vacuum relief valve on top of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a low-pressure drain on the bottom of the pipeline between the irrigation pump and the irrigation pipeline check valve;
- * a chemical injection line check valve between the chemical injection pump and the point at which the chemical is injected into the irrigation line; a second check valve is required if the chemical injection pump is not a positive displacement pump;
- * an interlock system which ensures that the chemical injection pump will stop whenever the irrigation pump stops;
- * an inspection port between the irrigation pump and the check valve on the irrigation line;



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

The equipment must be installed according to the manufacturer's specifications, calibrated, and maintained in good working condition. All chemical product labels must be followed and warning signs must be posted. These rules also require reporting of all spills, accidents, and system malfunctions. A 24-hour telephone number is provided.

The chemigation rules contain notification and record keeping requirements. Prior to using chemigation, notification must be given to the Chief Engineer on the enclosed Form 1C. Information that must be provided in this notification includes the water permit or right number, the name, address, and telephone number of the water permit or right holder and of the system operator, and the legal description of the lands on which the system is located. A record of the name, quantity, dates and hours of each chemical applied must be provided to the Chief Engineer on Form 2C. A copy of this form is also enclosed for your information. It will be mailed with the annual irrigation questionnaire and must be returned with the questionnaire by the date specified. If you have any questions regarding these rules or need additional copies of the forms, please contact Susan Bowar, Water Rights Engineer (605-773-3352).

Very truly yours,

John Hatch
JOHN HATCH, Chief Engineer
Water Rights Division

Permit No. 2363-3 + 4182-3Big Sioux River Water District**Report Of Examination Of Works And/Or Application Of Water To Beneficial Use**

TO: Chief Engineer, Division of Water Rights, DWNR, 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 holder of
 Permit No. 2363-3 4182-3, bearing the priority of September 29 1975 authorizing
 the diversion of 2.83 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- 12" Fairbanks Morse pump Model # 7000

1- 4" Grundfos Submersible pump Model # SP4

both pumps together capacity = 1200 gpm

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

8" steel to PVC to the center-pivot

C. Works used to apply water to beneficial use:

Gifford Hill center Pivot with 8 towers and end gun.
800 gpm capacityThe system is in the following condition good

The point of diversion is located Well #1 2610' South and 2640' West of NE
 corner Well #2 2570' South and 2500' West of NE corner
both in Section 12-T117N-R54W

The works are capable of diverting and conveying to the place of use 2.66 (center pivot capable)
 cu. ft. per second of water which is to be used for irrigation

Water has been put to beneficial use to the maximum extent as follows: All in Section 12-T117N-R54WSE 1/4 NE 1/4 = 2 acresSE 1/4 SE 1/4 = 33 acresSW 1/4 NE 1/4 = 1 acresSW 1/4 SE 1/4 = 30 acresNE 1/4 SE 1/4 = 34 acresNW 1/4 SE 1/4 = 32 acrescomprising a total of 132 acres of land and the license should be issued for 1.76 isApplicable permit qualifications have been complied with X Yes NoExceptions to compliance are: Date 4/17/1991Norma C. Pab
(Signature)

4182-3

2363-34

LICENSE FOR PERMIT NUMBER 4182-3

1. Legal location of wells: SW 1/4 NE 1/4 Section 12-T11N-R11E
both wells
dams & structures:

2. Well Information: Well Drilling Firm Riverside Drilling

Completion Report Yes	No ☒	No. of Wells	2	Depth	
Casing	a) diameter	10 1/2"	8"	Screen	a) type
	b) length				b) length
	c) type	Steel	PVC	Static Water Level	
Pump	a) make	Fairbanks Morse	submersible	Motor	a) make
	b) model				b) model No.
	c) size	12"	4"		c) horsepower rating
	d) capacity	1000	gpm		
	e) turbine pump - no. of stages	turbine			
	f) operating PSI	60			

132 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 8
- 3) distance between towers _____
- 4) overall length _____
- 5) end gun (Y/N) Y
- 6) high or low pressure _____
- 7) make & size of nozzles _____
- 8) capacity (GPM) 800

g) siphons

- 1) size _____
- 2) number _____

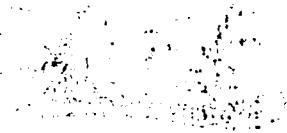
NOTE: For Permits with additional wells or changes in well locations, record the following for each well: pumping capacity, date constructed, well driller and if a well log is available.

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

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

REMARKS:

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. 4182-3

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

Date: _____

I/We request that Water Permit/Right No. 4182-3formerly owned by: R.E., Ina & Scott Kahnkebe transferred to: (name & address) Ina C. Kahnke
405-5th Ave. NW - Watertown, SD (telephone No.) 886-3395

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

S $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 12, T11N, R54W

I/We understand that the validity of Water Permit/Right No. 4182-3 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 Sioux)

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 11th day of June, 19 91.Richard Stearns
(Notary Public)11-21-91Comm 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.
2. For a third violation of a condition of a water permit/right.

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

Pierre, _____, 19____

RECEIVED OF _____

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 _____		
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	\$ 5.00

By _____
Chief Engineer

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 4182-3

(1) R. E., Ina and Scott Kahnke of Watertown, SD 57201 made Application No. 4182-3, October 27, 1977 for a water permit to appropriate no additional cubic feet of water per second from groundwater (one well), Codington County, South Dakota for irrigation purposes. Permit No. 4182-3 with a priority date of September 29, 1975 was approved March 28, 1978 and issued to applicant(s) for diversion of water with construction of the described water supply system to be completed on or before March 23, 1983 and for the application to beneficial use of said water on or before March 28, 1986.

On July 13, 1991, Water Permit No. 4182-3 was transferred to Ina C. Kahnke.

Water Permit No. 4182-3 was approved for a change in diversion from a slough to a well. The slough was originally authorized under Water Permit No. 2363-3. No. 4182-3 did not allow for an increase in the diversion rate or acres irrigated under Permit No. 2363-3.

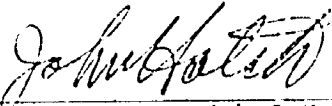
The applicable portions of Water Permit No. 2363-3 are incorporated into Water License No. 4182-3. A priority date of September 29, 1975 (as established under Water Permit No. 2363-3) is retained.

(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 1.78 cubic feet of water per second for beneficial use. The location of the diversion points are: Well #1 - 2610'S and 2640'W of the NE corner; Well #2 - 2570'S and 2500'W of the NE corner; both in Section 12, T117N, R54W (SW 1/4 NE 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:

T117N, R54W Section 12	SE 1/4 NE 1/4	2 Acres
	SW 1/4 NE 1/4	1 Acre
	NE 1/4 SE 1/4	34 Acres
	NW 1/4 SE 1/4	32 Acres
	SE 1/4 SE 1/4	33 Acres
	SW 1/4 SE 1/4	30 Acres
	Total-----	132 Acres

(4) Pursuant to Section 46-5-30.1 Ina C. Kahnke of 405 5th Ave. NW, Watertown, SD 57201 the holder(s) and/or owner(s) of Incorporated Water Permit No. 4162-2 is issued a license to appropriate water, the right to use 1.78 cubic feet of water per second from groundwater (two wells) with a priority date of September 29, 1975 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 Incorporated Water Permit No. 4162-3 and subject to South Dakota State Law.

 AUG 5 1992

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



4182-3

DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

AUG 5 1992

4182-3

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

Dear Ms. Kahnke:

Enclosed is Water License No. 4182-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 412714 in the amount of \$52.50 which you paid for the inspection and issuance of the Water License and the "Notice of Transfer of Ownership."

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. 4182-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

enclosures

NOTE: The applicable portions of Water Permit No. 2363-3 are incorporated into Water License No. 4182-3.

2363-3
4182-3

Continued from

NOTICE OF WELL CONSTRUCTION

(1) WELL CONSTRUCTION

Location of well: 1/4 1/4 Section 16 Township 117N Range 54W
Well owner: H. E. Nelson (Name) S. Dak.
Date well drilling completed: 4-1-77 Purpose of well: Irrigation
(domestic, irrigation, municipal, industrial, other)

WELL LOG

Layers, top to top in feet	Description of layer	Depth to top of water producing layer	ft.
0 - 2	top soil	12	30
2 - 20	yellow clay		
20 - 30	blue clay		
30 - 40	hard		
40 - 45	blue clay		
45 - 77	good sand	70	

Casing information: In the space below show kind, size, weight, length per diameter, etc., for production casing and surface casing, if used.
16" black 10 gage casing

Screen information: In the space below show length of screen below bottom of casing, diameter and kind of screen or casing perforations.

16" black 10 gage screen

If a flowing well, flow of completed well _____ G.P.M.

Riverside Drilling
Name of Drilling Contractor

(2) PUMP INSTALLATION

Company name and size of pump: H. P. E. HP: 75
Type of pump: turbine Capacity of installed pump: 750 G.P.M.
Depth of pump placement: 76 ft. Date of pump installation: April 30-77

(3) WATER SURFACE MEASURING TUBE

On some wells an a-tight water surface measuring tube is required: See Section 46.408 of Chapter 46.4, MINIMUM WELL CONSTRUCTION STANDARDS.

Show exact vertical length of water surface measuring tube, when installed _____ ft., tube diameter _____, tube material _____



Riverside Drilling
Name of Pump Installation Contractor



4182-3

February 4, 1997

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181**NOTICE****TO:** CSS FARMS, MILT CARTER, 3334 9TH AVE SW, WATERTOWN, SD 57201**FROM:** Ron Duvall, Natural Resources Engineer
for John Hatch, Chief Engineer
Water Rights Program**SUBJECT:** Violation of Water Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3 and 1996 Irrigation Questionnaire Requirements

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3, 2120-3, 3672-3, 4041-3 & 4181-3. The request for the Questionnaires was dated October 24, 1996. The Water Management Board has directed that owners of water permits who have not submitted the 1996 Irrigation Questionnaire be given notice of permit violation and a hearing to be held by the Board. The hearing held by the Board will be to determine if Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 qualification:

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

The hearing will be held at 2:30 pm, March 5, 1997 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) 3229-3, 3782-3, 4180A-3, 4182-3, 4588-3A, 4604-3, 5166-3, 5173-3, 5174-3, 5338A-3, 5376-3, 5377-3, 5378-3, 5379-3, 5586-3, 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2120-3, 3672-3, 4041-3 & 4181-3 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, 1997, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. If you have questions or need assistance in completion of the irrigation questionnaire(s), please contact Genny McMath (605) 773-3352.

Note: Please contact the Water Right 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.

41.2-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

February 4, 1997

NOTICE

TO: MILT CARTER
CSS FARMS
3334 9TH AVE SW
WATERTOWN SD 57201

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

RE: Failure to Report Chemical Use under Water Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3;
4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-
3; 5379-3; 5586-3; 5723-3 & 5724-3

The first notice to file chemigation report(s) for Permit No(s) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 was dated 10/24/96. Our records indicate that we have not received the 1996 chemigation report for any of the above listed permits. The Water Management Board has directed that owners of water permits who have not submitted the 1996 chemigation report(s) be given notice of violation and hearing before the board. The hearing held by the board is to determine what action is to be taken concerning violation of Administrative Rule 74:02:09:02(3). This rule requires chemigation users to report the type of chemical applied, the dates, hours and amount of chemical applied.

The hearing will be held at 2:30 PM on March 5, 1997, in the Floyd Matthew Training Center, Joe Foss Building, 523 East Capitol, Pierre, SD and will be conducted pursuant to SDCL 34A-2A through 34A-2A-5; 46-1-12, 46-1-14, 46-2-11, 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 or up to three years for the 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) 2120-3; 3229-3; 3672-3; 3782-3; 4041-3; 4181-3; 4182-3; 4588-3A; 4604-3; 5166-3; 5173-3; 5174-3; 5332-3; 5338A-3; 5376-3; 5377-3; 5378-3; 5379-3; 5586-3; 5723-3 & 5724-3 in accordance with applicable provisions of SDCL 46-1-12;
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 chemigation report(s) is(are) received by this office on/or before February 28, 1997 your name will be deleted from the board agenda.

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 East Capitol, Pierre, SD (505-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



4182-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 12, 1997

Milt Carter
CSS Farms
3334 9th Ave SW
Watertown, SD 57201

Dear Mr. Carter:

I am writing to acknowledge receipt of your 1996 irrigation questionnaires and chemical reporting forms. You may disregard the February 4, 1997, Notices of Violation.

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



4182-3

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 Wohlleber, 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 10th. You may call, write or email me with the information. My email address is: 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 24th 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:

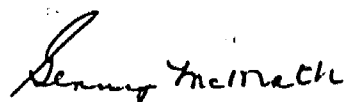
2827-3	James Wohleber, 1305 N Broadway, Watertown, SD 57201 (605) 881-3795 - cell; (605) 886-4773 - phone
4180A-3	"
4184-3	"

4181-3	Virgil Borns, 1218 34 th St SW, Watertown, SD 57201 (home) (605) 882-4931 13 2 nd 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
Environmental Scientist



4182-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

October 13, 1999

Jabe Kahnke
4093 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,

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

enclosures



4182-3

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: VIRGIL BORNES, OPERATOR, 1218 34TH ST SW, 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. 4182-3 and 4181-3. 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. 4181-3 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. 4182-3 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 No. 4182-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No. 4181-3 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.

- 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:

VIRGIL BORN, OPERATOR
 1218 34TH ST SW
 WATERTOWN SD 57201

Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ 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 0684

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-14-0862

- 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 Palas Verdes Dr S
 Rancho Palos Verdes CA 90275

A. Received by (Please Print Clearly)

Jabe Kahnke

B. Date of Delivery

C. Signature

X

☐ 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)

7000 0600 0026 9814 4014

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-14-0862

4182-3



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

March 9, 2001

NOTICE

TO: Virgil Borns, 1218 34th 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 *Garland Erbele*

SUBJECT: Amendment of Water Right No. 4181-3 & One Year Suspension of Water Right No. 4182-3

Pursuant to the provisions of the notice dated January 19, 2001, and following the hearing March 7, 2001, the Water Management Board took the following actions:

- 1) Water Right No. 4181-3, authorizing irrigation of land in the N ½ Section 3, T116N, R53W, was **AMENDED** to add the following qualification:

"This water right is subject to the Irrigation Water Use Questionnaire being submitted each year."

The addition of this qualification to your water right means that failure to submit the required irrigation questionnaire in the future could result in suspension of the water right with no use of water for up to one year for the first violation.

- 2) Water Right No. 4182-3, authorizing irrigation of land in the E ½ Section 12, T111'N, R54W was **SUSPENDED**:

The Water Management Board has ordered:

That Water Right No. 4182-3 be suspended until December 31, 2001, for failure to submit the 2000 irrigation questionnaire.

Suspension of a water right means water may not be pumped during the 2001 irrigation season. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

If you wish to petition the Water Management Board to rescind the suspension, you will need to submit the 2000 irrigation questionnaires and a letter to our office requesting time on the agenda for the Water Management Board meeting scheduled for May 2, 2001 in Pierre, SD. The letter should include your reasons for not completing the 2000 irrigation questionnaires.

Please contact Genny McMath (605) 773-3352, if you have any questions.

Virgil Borns Jr

PO BOX 757
WATERTOWN, SOUTH DAKOTA

Phone 605-882-3365

March 19, 2001

Garland Erbele
Dept of Environment & Natural Resources
524 East Capitol
Pierre, South Dakota 57501



Dear Sir:

We are writing back concerning you're March 9, 2001 NOTICE OF SUSPENDED WATER USE. We we're not aware it was our responsibility to register with the state. We have always rented the land as a third party. We didn't realize this was our responsibility. This was not done out of malous intentions, we would appreciate it very much if you would reconsider lifting this suspension. Thank you very much. Any questions call Virgil home 605-882-4931 or 605-882-3365.

Sincerely,

Virgil Borns, Jr



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

March 28, 2001

NOTICE

TO: Virgil Boins, 1218 34th St SW, Watertown, SD 57201
Jahe 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: Notice of Hearing to Consider Request to Rescind Suspension of Water Right No. 4182-3

On March 20, 2001, a letter was received from you explaining the reason your 2000 irrigation questionnaire was not returned in a timely manner. The questionnaire information was received by phone on March 12, 2001.

Your request to have the suspension of Water Right No. 4182-3 reconsidered by the Water Management Board has been scheduled for 10:00 am, May 2, 2001, in the Floyd Matthew Training Center, 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.

After all evidence is taken at the hearing, the Board may issue a decision to rescind either the suspension of the water right, defer action or take no action. The hearing is an adversary proceeding and any party has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Any decision rendered by the Board may be appealed to the Circuit Court or to the State Supreme Court as provided by law.

If you have any questions concerning this notice or the hearing process, please contact Genny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General

Note: Prior to April 27, 2001, please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

**IRRIGATION QUESTIONNAIRE VIOLATION
WATER RIGHT NO. 4182-3
INA KAHNKE (ESTATE)**

BRIEF DESCRIPTION AND HISTORY:

Water Right No. 4182-3, Ina Kahnke (Estate) authorizes diversion of 1.78 cubic feet of water per second from ground water to irrigate 132 acres in Section 12, T117N, R54W in Codington County.

The water right has not yet been transferred to Mrs. Kahnke's estate, however her son Jabe Kahnke is managing the estate and receives copies of any notices that go out concerning the water right. Jabe Kahnke notified us in October, 1999, that the operator/renter for his mother's property had changed.

Past irrigation questionnaires have been submitted by CSS Farms in Watertown, SD. The "2000" irrigation season was the first year that irrigation questionnaires were mailed to Virgil Borns for this water right.

.....
October, 2000: Irrigation questionnaires for Water Right Nos. 4181-3 and 4182-3 were sent to Virgil Borns, operator, 1218 34th St SW, Watertown, SD.

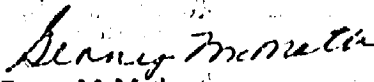
January 19, 2001: A certified letter was sent to Virgil Borns, operator (see above address) and to Jabe Kahnke, 4003 Palos Verdes Dr S, Rancho Palos Verdes, CA, requesting the 2000 irrigation questionnaires be returned prior to the March 7, 2001. hearing date. The notice outlined what action the Board could take concerning the past due questionnaires.

March 7, 2001: The Board suspended Water Right No. 4182-3 for one year for failure to submit the 2000 irrigation questionnaire. The Board also amended Water Right No. 4181-3 to include the mandatory irrigation questionnaire qualification.

March 12, 2001: Mr. Borns called with the irrigation questionnaire information.

March 20, 2001: A letter was received from Mr. Borns (see attached copy) requesting the Board reconsider suspending Water Right No. 4182-3.

March 28, 2001: A Notice was sent to Virgil Borns and Jabe Kahnke scheduling a hearing before the Water Management Board.


Genny McMath
Water Rights Program
April 25, 2001



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

May 7, 2001

NOTICE

TO: Virgil Borns, 1218 34th 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 *Garland Erbele*

SUBJECT: Reinstatement of Water Right No. 4182-3

On May 2, 2001, the Water Management Board passed a motion to reinstate Water Right No. 4182-3, effective immediately. The Board's motion included the following statement:

- Failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement, or the possibility of cancellation.

The Board took into consideration that the irrigation questionnaire was now on file with the Water Rights Program and that this was the first violation. Violations of any qualifications on irrigation rights and the subsequent Board action become part of the permanent record. Failure to submit future irrigation questionnaires will result in past violations being reviewed by the Water Management Board.

If you have any questions concerning your water right or the Board's action, please contact Jenny McMath at (605) 773-3352.

c: Diane Best, Assistant Attorney General



4182-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

November 14, 2002

Mark Kienast, Farm Manager
1308 10th 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

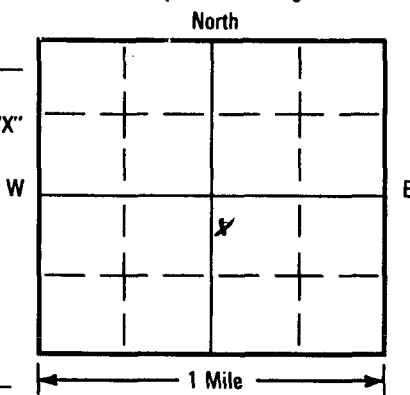
SOUTH DAKOTA WATER WELL COMPLETION REPORT

4182-3
07-92

Location NW 1/4 SE 1/4 Sec 12 Twp 117N Rg 54W

County Cod

Please mark well location with an "X"



Well Completion Date

5-5-03

LOCATION:

Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? None ft. from None (identify source).

PROPOSED USE:

- ☐ Domestic/Stock ☐ Municipal ☐ Business ☐ Test Holes
☒ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:

Boring Machine

CASING DATA:

- ☐ Steel ☒ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>1/2" LB/FT</u>	<u>16 IN</u>	<u>0 FT</u>	<u>70 FT</u>	<u>24 IN</u>
<u>1/2" LB/FT</u>	<u>16 IN</u>	<u>82 FT</u>	<u>85 FT</u>	<u>IN</u>
<u>LB/FT</u>	<u>IN</u>	<u>FT</u>	<u>FT</u>	<u>IN</u>

GROUTING DATA

Grout Type Delivered by No. of Sacks _____ Grout Weight lb./gal From 0 ft. To 35 ft.
Ready Mix Truck lb./gal _____ ft. _____ ft.
 Describe grouting procedure Pressure Grouted
Through Tremie Pipe

SCREEN:

☐ Perforated pipe ☐ Manufactured
 Diameter 16" IN Length 12 FEET
 Material STainless Steel
 Slot Size .100 Set From 70 Feet to 82 Feet
 Other information _____

WAS A PACKER OR SEAL USED?

☐ YES ☒ NO

If so, what material? _____

Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?

☒ YES, How: Heavily Chlorinated
before during Gravel
Packing
☐ NO, Why Not? _____
 Laboratory sent to for water quality analysis _____

Well Owner: Ina Kzhnke Estate
 Business Name: C/O Mark Kienast
 Address: 1308 10th Ave S.W.
W2terTown, S.D. 57201

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Top Soil</u>	<u>0</u>	<u>2</u>
<u>Brown Clay</u>	<u>2</u>	<u>4</u>
<u>yellow Sand + Gravel</u>	<u>4</u>	<u>10</u>
<u>Red + Black Gravel</u>	<u>10</u>	<u>20</u>
<u>Blue Clay (Firm)</u>	<u>20</u>	<u>35</u>
<u>Dirty Sand + Gravel</u>		
<u>Clay lenses</u>	<u>35</u>	<u>70</u>
<u>Course Grzy Sand</u>	<u>70</u>	<u>81</u>
<u>Blue Clay Firm</u>	<u>81</u>	<u>85</u>

STATIC WATER LEVEL 8 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: _____
☐ Bailed _____
☐ Other _____
 Pumping Level Below Land Surface
 _____ ft. After _____ Hrs. pumped 600 GPM
 _____ ft. After _____ Hrs. pumped _____ GPM
 If pump installed, pump rate _____ GPM

REMARKS

Well was Drilled To
Replace Existing well. Hole
in screen of old well. Filled
w/ Gravel (Well Grouted Shut)

This well was drilled under license # 4 **RECEIVED**

And this report is true and accurate.

Drilling firm Bullis Bros **FEB - 2 2004**

Signature of License Representative:

Seely Bullis

WATER RIGHTS PROGRAM

Signature of Well Owner or Equitable Property Holder:

Mark Kienast **OK**

Date: 5-5-03

2-3-4



4182-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 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.



4182-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 18, 2005

Mark Kienast, Farm Mgr
1308 10th 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

117-54

1-1980

R.E. Ina, & Ross Kahnke
405-5th Ave & W Waterfowl
Keith Kruthoff Irrigation Project #1
Requests for additional point
of Diversion
No additional water

Existing water

3300'
N128°W

New Well

12

120.7

Fence

95.0

3600'
N35°W

10-18-77

certified correct

117-54

John Swanson

117-54-153 APR 20 4 182.3

NOT TO SCALE

No. 4182-3



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

October 25, 2007

4180A-3
4181-3
4182-3
4184-3

Mark Kienast, Farm Mgr
1326 42nd ST SW
Watertown SD 57201

Dear Mr. Kienast:

Enclosed is a "Notice" dated October 19, 2007 concerning your 2007 irrigation questionnaires. The notice was originally mailed to 1308 10th Ave SW, Watertown SD. The post office notified us that your address has changed and I will update our records accordingly.

If you have any questions, please contact me.

Sincerely,

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

enclosures



4182-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 23, 2009

NOTICE

TO: MARK KIENAST, FARM MGR, 1326 42nd ST SW, WATERTOWN, SD 57201 7036
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2008 Irrigation Questionnaire(s)

Our records indicate that the 2008 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4180A-3, 4181-3, 4182-3 & 4184-3. The request for the Questionnaire was dated October 24, 2008. The Water Management Board has directed that owners of water permits who have not submitted the 2008 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is 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 **10:00 am, March 11, 2009** 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. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 6, 2009**, you will no longer be in violation of your permit and your name will be deleted from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352. If you prefer, you can complete the questionnaire on-line at the following link:

<https://www.state.sd.us/eforms/secure/eforms/E0455V7-IQ.pdf>

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

February 19, 2009

4180A-3
4181-3
4182-3
4184-3

Mark Kienast, Farm Mgr
1326 42nd St SW
Watertown SD 57201-7036

Dear Mr. Kienast:

I am writing to acknowledge receipt of your 2008 irrigation questionnaires. You may disregard the January 23, 2009, "Notice" concerning reporting requirements for Water Right Nos. 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,

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

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



4182-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

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

January 21, 2011

NOTICE

TO: MARK KIENAST, FARM MGR, 1326 42nd ST SW, WATERTOWN, SD 57201 7036
FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2010 Irrigation Questionnaire(s)

Our records indicate that the 2010 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 4180A-3, 4181-3, 4182-3 & 4184-3. The request for the Questionnaire was dated October 15, 2010. The Water Management Board has directed that owners of water permits who have not submitted the 2010 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is 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 **10:00 am, March 9, 2011** 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. Postpone any action; or
3. Take no action.

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

If the questionnaire(s) is (are) received in this office on/or before **March 4, 2011**, you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

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

February 16, 2011

Mark Kienast
1326 42nd St SW
Watertown SD 57201 7036

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

Dear Mr. Kienast:

I am writing to acknowledge receipt of the 2010 irrigation questionnaires for the Kahnke land.

You may disregard the January 21, 2011, "Notice" concerning reporting requirements for Water Right Nos. 4180A-3, 4181-3, 4182-3 and 4184-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

(via email)

February 17, 2011

Mark Kienast
1326 42nd St SW
Watertown SD 57201 7036

Dear Mr. Kienast:

I am forwarding you partially completed "Notice of Transfer of Ownership" forms for filing the ownership changes on Water Right Nos. 4180A-3, 4181-3, 4182-3, 4184-3 and 4183A-3. No. 4183A-3 is the water right for the trailer park.

Please complete the forms and return them to us with a required filing fee of \$50.00 each (\$250 total). The check or money order for the fee can be made payable to the Water Rights Program.

If you would like copies of the water rights, you can actually download them from our website at: <http://denr.sd.gov/des/wr/wr.aspx> Once you get to this link, go to the left side of the page and scroll down until you see "databases". The first database listed will be water rights. Follow that link and you can look up any of the water rights and print them off.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

RECEIVED
JAN - 7 2014
WATER RIGHTS
PROGRAM

NOTICE OF TRANSFER OF OWNERSHIP

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

No. 4182-3

Date: 1-5-14

I/We request that Water Right No. 4182-3

formerly owned by: Ina C Kahnke

be transferred to: (name & address) Jabe Kahnke

1326 42nd St. S.W. Watertown S.D. 57201

Telephone No. 605 881-0927

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

132 acres - S 1/2 NE 1/4 and SE 1/4 Section 12, T117N, R54W

I/We understand that the validity of Water Right No. 4182-3 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

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

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

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

Jabe Kahnke By [Signature] P.O.A.
(Signed by new owner)

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

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

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 1/7, 20 14

RECEIVED OF Kahnke Farms 1326 42nd St SW 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 and to put water to beneficial use	50	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form <u>4182-3</u>		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	50 00

No. **06600**

By Jimmie Goodman
Chief Engineer



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

January 15, 2014

Mark Kienast
1326 42nd St SW
Watertown SD 57201

RE: Water Right Nos. 4180A-3, 4181-3, 4182-3, 4183A-3 & 4184-3

Dear Mr. Kienast:

Thank you for following up on the ownership changes for the above listed water rights. The ownership changes have been completed.

The water rights formerly held by Ina C Kahnke are now listed as follows:

- No. 4181-3 & 4183A-3: Pelican Plaza, PO Box 694, Watertown SD 57201, and
- Nos. 4180A-3, 4182-3 and 4184-3: Jabe Kahnke, 1326 42nd St SW, Watertown SD 57201

As noted on the transfer forms, since you have power of attorney for Jabe Kahnke, I listed you as the contact person for all of the water rights.

Enclosed for your records are the receipts for the filing fees you paid. If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Genny McMath". The signature is written in a cursive, flowing style.

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

enclosures