

4237-3

1. Considered MARCH 26, 1978
2. Name of Applicant ROBERT KOHNEN
3. Post Office Address HITCHCOCK, S.D.
4. Amount of Water claimed NO ADD'L
5. Source of Water supply 80' DEEP WELL (EXISTING)
6. Water to be used for IRRIGATION
- Acres to be irrigated 60.00
7. Water to be diverted and used in BEADLE County  
about 11 miles WEST of HITCHCOCK
8. Proof of Publication Received 3-27-78  
Not Received \_\_\_\_\_
9. Application Approved 1-31-79  
Subject to well entry  
Not Approved \_\_\_\_\_  
Action Deferred \_\_\_\_\_

10. Remarks:

No. 4237-3Map No. 3458-3 Water Division No. 3 JAMES RIVER District  
(Blanks to be Filled by the Engineer for the W. R. C.)

## APPLICATION FOR PERMIT

## To Appropriate Water within the State of South Dakota

(NOTE--Draw a line through items not applicable) ADD ACREAGE TO  
PERMIT # 3479-3

1. Name of Applicant Robert Kohnen  
Postoffice address Rt. 2 Hitchcock, State South Dakota 57348  
If a corporation show date and place of incorporation \_\_\_\_\_
2. Method of accomplishing work (contract, employment of others, or by direct labor) Contract & direct labor
3. Name of diversion work KOHNEN #2
4. Amount of water claimed (cubic feet per second) NO ADDITIONAL
5. Source of water supply Ground water
6. Location of point of diversion Section 2, 113N-65W NW 4 SE 4  
\_\_\_\_\_ County Beadle
7. Annual period or periods during which water is to be used April - November
8. Use to be made of water, (irrigation, industrial, municipal, commercial, recreation, etc.) Irrigation
9. For irrigation use, \_\_\_\_\_ Total number of acres to be irrigated 60

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>To increase acreage</u> |                | <u>NE 1/4 NW 4</u> | <u>6.0</u>     |
| <u>of previous permit</u>  |                | <u>SW 1/4 NW 4</u> | <u>24.0</u>    |
|                            |                | <u>NE 1/4 SW 4</u> | <u>25.0</u>    |
|                            |                |                    |                |

Attach sheet if more space is needed

10. Time required to complete construction of water supply system 5 years. Additional time required to complete application of water to the proposed beneficial use 2 years.
11. Choice of newspaper for Notice of Intent to Appropriate Water publication \_\_\_\_\_
12. Principal Features of the Proposed Water Supply System.

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

Pump Bowl

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

MAIN LINE

C. Works proposed to apply water to beneficial use.

CENTER PIVOT

Estimated Total Cost \$ \_\_\_\_\_

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

STATE OF SOUTH DAKOTA )

County of Beadle ) ss.I, Robert Kohnen 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 constructionSigned Robert KohnenSubscribed and sworn to before me this 7 day of Feb 19 78

Notary Public (or other qualified officer)

WATER RIGHT APPLICATION APPROVAL

The Water Rights Commission hereby approves Water Right Application No. 4237-3

ROBERT KOHNEN  
(Applicant)

Rt 2 - HITCHCOCK  
(Post Office Address)

SOUTH DAKOTA 57348  
(State)

With the following modifications.

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.

Date of first receipt of application FEBRUARY 8 19 78

Date of return to applicant for correction, amendments or changes required \_\_\_\_\_ 19 \_\_\_\_\_

Date of receipt of corrected application \_\_\_\_\_ 19 \_\_\_\_\_

Approved JANUARY 31 19 79, Recorded in Book 20 Page 164

WATER RIGHT PERMIT NO. 4237-3

The Water Rights Commission hereby grants and issues this Water Right Permit No. 4237-3 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 FEBRUARY 8 19 78
2. The equivalent of at least one-fifth of the work above specified is to be completed on or before JULY 31 19 81
3. The whole of said work is to be completed on or before JANUARY 31 19 84
4. The limit of time from proof of beneficial use of water appropriated in accordance herewith is JANUARY 31 19 86
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 ADDITIONAL 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 JANUARY 31 19 86; said water to be used during the following described annual period: APRIL - NOVEMBER

Witness my hand this 20<sup>th</sup> day of FEBRUARY 19 79

WATER RIGHTS COMMISSION

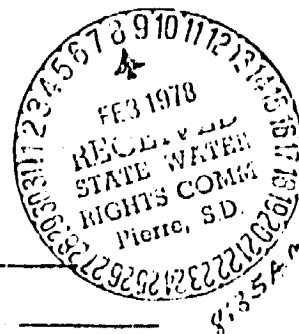
By:

John Hatch  
Chief Engineer, Executive Officer

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

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

[illegible]



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

D. Well Information or Estimates

(1) Drill Hole, Diameter \_\_\_\_\_, Depth \_\_\_\_\_

(2) Casing, Type \_\_\_\_\_, Diameter \_\_\_\_\_, Thickness \_\_\_\_\_  
(wood, concrete, steel, etc)

(3) Perforated Screen.

Type \_\_\_\_\_, Diameter \_\_\_\_\_, Length \_\_\_\_\_

(4) Gravel Pack, Thickness \_\_\_\_\_, Length of gravel pack \_\_\_\_\_

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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Depth to top of water bearing material \_\_\_\_\_

Depth to bottom of water bearing material \_\_\_\_\_

Thickness of water bearing material \_\_\_\_\_

Depth to water (ground surface to water level) \_\_\_\_\_

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

On same owner's property \_\_\_\_\_ rds. On property owned by others \_\_\_\_\_ 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.

Robert Kohonen  
Signature of Applicant

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

NAME Bob Kohlen UNIT #2 11  
ADDRESS Hitchcock, South Dakota 57348  
COUNTY Beadle



LEGAL DESCRIPTION

1. WELL LOCATION NW 1/4 of the SE 1/4 of 2-113-65  
2. LOCATION OF AREA TO BE IRRIGATED East 1/2 of 2-113-65

TYPE OF IRRIGATION

3. GRAVITY \_\_\_\_\_ TOWLINE \_\_\_\_\_ CENTER PIVOT X GUN \_\_\_\_\_  
4. CROPS TO BE IRRIGATED Corn and Alfalfa

WATER QUALITY

5. SAMPLE NUMBER 76-2035  
6. SALINITY (EC X 10<sup>6</sup>) 1402  
7. SODIUM (SAR) 4.12  
8. RESIDUAL SODIUM CARBONATE (meq/l.) 5.47 Danger!

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

Bob Kohlen  
APPLICANT'S SIGNATURE

SUBSCRIBED AND SWORN BEFORE ME THIS  
7 DAY OF December 19 76

Thomas G. O'Leary  
(TITLE OR SEAL)

Alfred J. [Signature]  
APPROVED BY [Signature]



December 20, 1976

Mr. Bob Kohnen  
Hitchcock, SD 57348

Dear Mr. Kohnen:

Your water sample (Lab. No. 76-2035) has been analyzed and the results are reported on the accompanying sheet, which is your copy to keep.

I am also enclosing a copy of AES pamphlet #13 for your use. The quality of your water for irrigation use is plotted approximately by means of the red cross in the chart on the outside back cover.

This water is marginal for use on the soils you intend to irrigate and should be considered for use only under the following conditions:

(1) It will be used no more than 3 times (preferably less) in any growing season.

(2) The soil will be completely filled with water so natural leaching can occur, by irrigating in the late fall just before freeze-up, at least one year out of 3.

(3) Water applications will be made each irrigation to completely re-wet the entire depleted soil within the rooting zone of the crop being grown. This may require 3-5 inches of water each irrigation with fine soils.

(4) If a salt problem or soil dispersion occurs, contact extension personnel or this office for management recommendations.

Sincerely yours,

*L. O. Fine*

L. O. Fine  
Water Quality Lab

LOF:kb  
Enclosures

cc: State Conservation Commission

P.S. The 5 or 6 areas of claypan or poorly drained soils must be either avoided or provided with drainage.

A sodium problem with this water may develop more claypan or gumbo-like soils requiring gypsum in the years to come.

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

Submitted by: Robert Kohonen  
 Address: Hitchcock, SD 57348  
co: Huron Drilling, Inc.  
P.O. Box 1422  
Huron, SD 57350

Date Rec'd: December 16, 1976  
 Sample No. 76-2035  
 Identification # 2 Cell-90'  
SE 1/4, Sec. 2, T 133N, R 65W

**WATER ANALYSIS**

|                                       |       |                             |       |           |
|---------------------------------------|-------|-----------------------------|-------|-----------|
| Calcium (Ca)                          | 60    | ppm*                        | 3.00  | me/l**    |
| Magnesium (Mg)                        | 43    | ppm                         | 3.53  | me/l      |
| Sodium (Na)                           | 171   | ppm                         | 7.44  | me/l      |
| Potassium (K)                         | 16    | ppm                         | 0.42  | me/l      |
| Sulfate (SO <sub>4</sub> )            | 105   | ppm                         | 2.18  | me/l      |
| Nitrate (as N)                        |       | ppm                         |       | me/l      |
| Chloride (Cl)                         | 45    | ppm                         | 1.26  | me/l      |
| Bicarbonate (HCO <sub>3</sub> )       | 732   | ppm                         | 12.00 | me/l      |
| Carbonate (CO <sub>3</sub> )          |       | ppm                         |       | me/l      |
| Iron (Fe)                             |       | ppm                         |       | me/l      |
| Fluoride (F)                          |       | ppm                         |       | me/l      |
| Hardness (EDTA as CaCO <sub>3</sub> ) |       | ppm                         |       | me/l      |
| Alkalinity (Methyl Orange)            | 600   | ppm (as CaCO <sub>3</sub> ) |       | g.p.g.*** |
| Alkalinity (Phenolphthalein)          | 0     | ppm (as CaCO <sub>3</sub> ) |       |           |
| Electrical Conductivity               | 1402  | micromhos per cm at 25° C.  |       |           |
| Sodium Adsorption Ratio               | 4.12  |                             |       |           |
| Sodium                                | 51.70 | % of cations                |       |           |
| Residual sodium carbonate             | 5.47  | me/l                        |       |           |
| pH                                    | 7.45  |                             |       |           |
| Others:                               |       |                             |       |           |

\*ppm=parts per million

\*\*me/l=millequivalents per liter

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

COMMENTS: Total cations 14.20 me/l  
 Total anions 15.44 me/l

By: Shirley Kitten

Service Performed

Amount Due

Irrigation analysis

\$8.00 PAID

Make checks payable to: Water Quality Laboratory

Cut along dotted line and return the lower portion with payment

Sample No. 76-2035

Amount Enclosed \$.....

Glenn

Form 6 - Notice of Application to Appropriate Water  
GROUND WATER

No. 4237-3

Publish first publication, on or before March 10, 1978

NOTICE OF HEARING ON  
APPLICATION TO APPROPRIATE WATER

Pierre, South Dakota 57501

February 28, 1978

Notice is hereby given that \_\_\_\_\_ whose post office

Robert Kohnen

address is \_\_\_\_\_, South Dakota, has made an application in accordance with the provisions of SDCL 46-1-1 thru 46-1-8; 46-2-3 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 to appropriate for beneficial use \_\_\_\_\_ cubic feet of water per second of time from \_\_\_\_\_

through the \_\_\_\_\_, the point of diversion of which is to be located

in the \_\_\_\_\_  
no add'l groundwater (existing well)  
Kohnen #2  
100% SEC

of Section \_\_\_\_\_, Twp. \_\_\_\_\_ Range \_\_\_\_\_. Said water to be used for the purpose of providing irrigation on portions of the following described land:

Sec. 20, 1942 SW1 and NW1 Sec. 2, T11N, R10W

This Application No. 4237-3 will be considered by the Water Rights Commission at

at \_\_\_\_\_ upon the \_\_\_\_\_ day of \_\_\_\_\_  
The Great House Waterbury SD March 1978  
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: The final proof of publication  
must be received before the hearing  
date for the commission to take action.

WATER RIGHTS COMMISSION

Water Rights Specialist

cc: Robert Kohnen  
Rt. 2  
Hitchcock SD 57348

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

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )

) ss.

County \_\_\_\_\_)

I, Brenda Haskett hereby

certify that the annexed printed copy of Notice of Intent to Appropriate

Water was taken from the Daily Newsman

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 Thorn

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

3/16/78

3/17/78

Brenda Haskett  
(Signature)

BOOKKEEPER  
(Title)

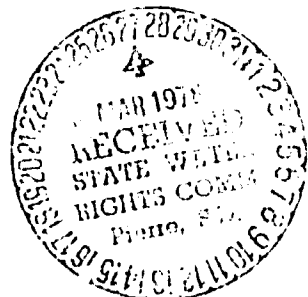
3/17/78  
(Date Signed)

F.P. 3-10-78 L.P. 3-17-78  
NOTICE OF HEARING ON  
APPLICATION TO  
APPROPRIATE WATER  
Pierre, South Dakota 57501  
February 28, 1978

Notice is hereby given that Robert Kohnen whose post office address is Pilchcock, 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, 46-6-10, 46-6-14 and Commission Rules ARSD 52:01:01 thru 52:01:01:13, for a permit to appropriate for beneficial use no add'l. cubic feet of water per second of time from groundwater (existing well) through the Kohnen No. 2, the point of diversion of which is to be located in the NW 1/4 SE 1/4 of Section 2, TWP. 113N Range 65W. Said water to be used for the purpose of providing irrigation on portions of the following described land: NE 1/4, NW 1/4, SW 1/4 NW 1/4 and NE 1/4 SW 1/4 Section 2, T113N, R65W.

This application No. 4237-3 will be considered by the Water Rights Commission at The Guest House, Watertown S.D. upon the 28th day of March, 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.

WATER RIGHTS COMMISSION  
Betty Westlund  
Water Rights Specialist  
No. 150 (Adv.)





## Department of Natural Resource Development

### WATER RIGHTS COMMISSION

Joe Fors Building, Pierre, South Dakota 57501

Phone 605/773-3151

January 16, 1979

TO: Holders of Deferred Applications in Certain Aquifers in Spink, Hand and Beadle Counties

FROM: John Hatch, Chief Engineer, Water Rights Commission

SUBJECT: Reconsideration of Deferred Applications

The Water Rights Commission will reconsider deferred water right applications proposing diversions from the Tulare, Hitchcock, and East James aquifers in Spink, Hand and Beadle counties at 4:00 p.m., January 31, 1979 at the South Dakota Education Association Building, 411 E. Capitol, Pierre, South Dakota.

This reconsideration hearing will be conducted 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.

These applications were deferred by the Water Rights Commission during 1977 and 1978, pending Staff investigation.

After reconsideration of the deferred applications, the Commission can approve, defer, or deny all or part of these applications.

This hearing is an adversary proceeding. Any person has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised at the hearing. Decisions of the Commission may be appealed to the courts as provided by law.

Very truly yours,

A handwritten signature in cursive script that reads "John Hatch".

JOHN HATCH, Chief Engineer  
Water Rights Commission

JH/gy



# Department of Water & Natural Resources

Joe Foss Building  
523 East Capitol  
Pierre, South Dakota 57501-3181  
March 31, 1986

Bob Kohren  
RR 2, Box 86  
Hitchcock, SD 57348

## Notice

Re: Violation of Requirement to Submit 1985 Irrigation Questionnaire

Our records indicate that the 1985 Irrigation Questionnaire has not been submitted for Water Permit No(s) 4237-3 and 3479-3. The request for the Questionnaire was dated November 13, 1985. The Water Management Board has directed that owners of water permits who have not submitted 1985 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 p.m., May 14, 1986 in Room 216, Joe Foss Building, Pierre, South Dakota.

The hearing(s) 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). 4237-3 and 3479-3 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.

Sincerely,

John Hatch, Chief Engineer  
Water Rights Division  
(605) 773-3352

Note: If the questionnaire(s) is received in this office before the May 14 hearing date, your name will be deleted from the agenda for the hearings.

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

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

May 20, 1986

**NOTICE OF AMENDMENT TO WATER PERMIT(s)**

**To:** Bob Kohnen  
RR 2 Box 86  
Hitchcock SD 57348

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

*John Hatch*

**SUBJECT:** Amendment to Water Permit No(s). 3479-3 & 4237-3

Pursuant to the provisions of the notice dated March 31, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No(s). 3479-3 & 4237-3 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.

*Equal Opportunity Employer*

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

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

Attachment to Water Permit No. 4237-3

Pursuant to the provisions of the notice dated May 20, 1986, and following the Hearing May 14, 1986, the Water Management Board has amended Water Permit No. 4237-3 to add the following qualification:

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

*Equal Opportunity Employer*

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

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

January 29, 1988

BOB KOHNEN  
RR 2 BOX 86  
HITCHCOCK, SD 57348

**NOTICE**

Re: Violation of Water Permit No(s). 3479-3, 4237-3

Our records indicate that the 1987 Irrigation Questionnaire has not been received for Permit No(s). 3479-3, 4237-3. The request for the Questionnaire was dated October 8, 1987. The Water Management Board has directed that owners of water permits who have not submitted 1987 Irrigation Questionnaires be given notice of permit violation and of hearing(s) before the Board. The hearing(s) will be held to determine action to be taken by the Board for violation of Water Permit No(s). 3479-3, 4237-3 qualification:

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

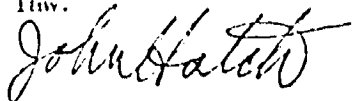
The hearing(s) will be at 9:00 am, March 2, 1988, Room 216, Joe Foss Building, 523 E Capitol, Pierre SD.

The hearing(s) 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. Suspend Permit No(s). 3479-3, 4237-3 until either the 1987 Questionnaire is submitted or for a period of up to one 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 March 2 hearing date, you will no longer be in violation of your permit(s) and your name will be deleted from the agenda pertaining to these hearings.



# Department of Water & Natural Resources

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

March 14, 1988

## NOTICE OF ONE YEAR SUSPENSION OF WATER PERMIT

TO: BOB KOHNEN  
RR 2 BOX 86  
LITCHCOCK, SD 57348

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

SUBJECT: One Year Suspension Of Water Permit No(s). 3479-3,  
4237-3

Pursuant to the provisions of the notice dated January 29, 1988, and following the hearing of March 2, 1988, the Water Management Board has ordered:

That Water Permit No(s). 3479-3, 4237-3 be **SUSPENDED** until December 31, 1988.

Suspension of a permit means water may not be pumped during the 1988 irrigation season. Decisions of the Board may be appealed to the Circuit Court and the Supreme Court as provided by law.

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

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

April 14, 1988

**NOTICE**

TO: Bob Kohnen, RR #2 Box 86, Hitchcock, SD 57348

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

SUBJECT: Notice of Hearing to Consider Request for  
Reconsideration of Suspended Water Permit Nos. 3479-3  
and 4237-3

The hearing on your March 15, 1988, request to the Water Management Board to reconsider suspension of Water Permit Nos. 3479-3 and 4237-3 has been scheduled for 9:15 am, May 11, 1988, in Room 216, Joe Foss Building, 523 E Capitol, Pierre, SD.

As stated in the notice to you dated January 29, 1988, 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 the suspension of your permits, defer action or taken 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.

cc: Harold Deering, Assistant Attorney General

March 15, 1988



Bob Kohn  
RR2 Box 86  
Hitchcock, S.D.

57348

Upon receiving your letter, I called and spoke  
to Dale Shaw. He said, the correct procedure for  
me is to write and get an appointment to appear  
before the Water Rights Diver Board on May 11.  
I would like to do this, it is necessary for  
me to irrigate. I understand the  
papers were very late, you probably received  
them the same day I received this notice  
I hope you can consider this request.

Thanks  
Bob Kohn

Bob Kohnen  
Water Permit Nos. 3479-3 & 4237-3

#### GENERAL

Water Permit No. 3479-3 submitted by: Bob Kohnen  
Hitchcock, SD 57348

Permit Approved: February 24, 1977

Water Permit No. 4237-3 submitted by: Robert Kohnen  
RR #2  
Hitchcock, SD 57348

Permit Approved: January 31, 1979

Water Permit Nos. 3479-3 and 4237-3 were Amended May 14, 1986 to include the "irrigation questionnaire" qualification for violation of the requirement to submit the 1985 questionnaires.

#### FIVE YEAR HISTORY OF IRRIGATION QUESTIONNAIRE RETURNS

| <u>Year</u> | <u>Date Request Mailed</u> | <u>Date Irrigation Questionnaires Returned</u> | <u>Date of Any Board Action</u> |
|-------------|----------------------------|------------------------------------------------|---------------------------------|
| *1983       | November, 1983             | August 6, 1984                                 | none                            |
| 1984        | October, 1984              | October 22, 1984                               | none                            |
| 1985        | November, 1985             | no report filed                                | May 14, 1986                    |
| 1986        | November, 1986             | November 25, 1986                              | none                            |
| 1987        | October, 1987              | March 15, 1988                                 | March 2, 1988                   |

\* In 1983, the address was corrected to add "RR #2 Box 86" to Hitchcock, SD

#### PAST VIOLATIONS

1. Violation of Requirement to Submit 1985 Irrigation Questionnaire:

March 31, 1986, Mr. Kohnen was given notice of violation of requirement to submit his 1985 irrigation questionnaires for Water Permit Nos. 3479-3 and 4237-3 and of the hearing scheduled before the Water Management Board to be held May 14, 1986.

May 14, 1986, The Water Management Board amended Water Permit Nos. 3479-3 and 4237-3 to require the irrigation water use questionnaire to be submitted each year.

May 20, 1986, Mr. Kohnen was notified of the Board action to amend his permits.

3. 1987 Irrigation Questionnaire Violation

January 29, 1988, Mr. Kohnen was given notice of permit violation for non-return of his 1987 irrigation questionnaires and of the hearing scheduled before the Water Management Board to be held March 2, 1988.

March 2, 1988, The Water Management Board suspended Water Permit Nos. 3479-3 and 4237-3 until December 31, 1988.

March 14, 1988, Mr. Kohnen was notified of the Board action to suspend his permits.

March 15, 1988, the 1987 irrigation questionnaires for Water Permit Nos. 3479-3 and 4237-3 were received.

March 21, 1988, a letter was received from Bob Kohnen requesting to appear before the Water Management Board May 11, 1988.

April 14, 1988, Mr. Kohnen was sent a Notice of Hearing to Consider Request for Reconsideration of Suspended Water Permit Nos. 3479-3 and 4237-3.

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

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

May 13, 1988

**NOTICE**

**TO:** Bob Kohnen  
 RR 2, Box 26  
 Hitchcock SD 57348

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

**SUBJECT:** Reinstatement of Suspended Water Permits and Notice of  
 One Year Suspension Without Reinstatement for Future  
 Irrigation Questionnaire Violations

The Water Management Board, following the May 11, 1988, hearing passed the following motion:

"That the owners of Water Permits No. 1372-2 (Earl Sonnenschein & Sons); 1731-2 (Duckles Ranch); 235-3 (Russell Doolittle); 2171-3, 2497-3, 3229-3 (Harlan Stadheim); 2174-3, 2175-3, 2413-3, 3223-3, 4353-3, 5026-3, 5038-3 (Poinsett Hutterian Brethern); 3264-3 (John Heber); 3479-3, 4237-3 (Bob Kohnen) 3825-3 (Rod Page, operator); 4017-3 (Martin Ronning); 4257-3 (Patricia Ronning & Jeanette Hurrell); 4521-3 (Tom/William Maher & Harvey Buhl); 4564-3, 4611-3 (Wendell Bishop); 4660-3 (Dihl Grohs); 4732-3 (Gerald Benjamin); 4741-3 (Lois J Elsinger); 4827-3 (Gary Smith); 4844-3 (Gerald Goetsch); 4966-3 (Delano Hofer); 4985-3, 4992-3, 5043-3, 5044-3 (Ray & David Hanson); 4754-3 (Richard Beare); and 375-2 (Rhea Brill), have now submitted the 1987 irrigation questionnaires for these permits, that a 60 day suspension period has been completed and that these permits are reinstated effective immediately. The owners of the permits are also NOTIFIED that failure to submit future required irrigation questionnaires will result in a one year suspension without reinstatement."

If you have any questions, please contact us.

cc: Water Management Board



4237-3



DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

January 7, 1992

Robert Kohnen  
RR 2 Box 86  
Hitchcock, SD 57348-9250

RE: Corrections to Permit

Dear Mr. Kohnen:

I conducted a licensing inspection of Permit Nos. 3479-3 and 4237-3 on September 24, 1991. At that time, you informed me that Peter B. Jahraus of the South Dakota Division of Conservation had inspected the lands irrigated under Permit Nos. 3479-3 and 4237-3. Mr. Jahraus found items to be corrected and sent you a new permit to fill out. This was done prior to my inspection in which I found an additional 52 acres being irrigated in the E1/2 Sec. 2 T113N-R65W. Another change to the permit is required, and this office will make the changes. A \$100.00 fee is required for the additional acreage. I am sending you a copy of the permit with the changes, and the map for your files.

I apologize for any inconvenience this may have caused you, and if you have further questions, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lynn Beck".

Lynn Beck  
Natural Resource Engineer  
Water Rights Division  
(605) 773-3352

encl



4237-3

DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES

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

NOV 14 1994

5634-3

Robert Kohnen  
RR 2, Box 86  
Hitchcock, SD 57348-9250

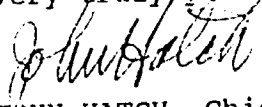
Dear Mr. Kohnen:

Enclosed is Water License No. 5634-3. This is the final water right document completing your process of obtaining a Water Right. Enclosed is Receipt No. 413390 in the amount of \$50.00 which you paid for the inspection and issuance of the Water License.

For your information SDCL 46-6-27 requires that if the owner of an existing well, such as the well authorized by Water Right No. 5634-3, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

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

Very truly yours,

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

gm  
enclosures

NOTE: The applicable portions of Water Permit Nos. 3479-3 and 4237-3 have been incorporated into this Water License No. 5634-3.

83X235  
122

12.6

Y

26.0

ROBERT  
KOWAL

2149

101.3  
12.6  
313.8  
35.6  
149.4

NE  $\frac{1}{4}$  NW  $\frac{1}{4}$

4-980

6.0

~~2.5~~ acres inside circle

SE  $\frac{1}{4}$  NW  $\frac{1}{4}$

29.0

C.L.-68

NE  $\frac{1}{4}$  SW  $\frac{1}{4}$

25.0 AC.

657

113-65

Y

57.8

FRANK Gilby, Est.

4-980

MAP# 3458-3 APPL # 4237-3