

Considered: \_\_\_\_\_

WATER PERMIT NO. 5557-3

Phone: 628-2276

Name of Applicant: James E Knadle

Post Office Address: PO Box 15, Hazel SD 57242

Amount of Water Claimed: 0.14 Total Acres: 10

Source of Water Supply: dugout

Water to be used for: irrigation County: Hamlin

About 6 miles north, 5 east of Hayti

PROOF OF PUBLICATION: Received \_\_\_\_\_ Not Received \_\_\_\_\_

APPLICATION: Approved \_\_\_\_\_ Subject to \_\_\_\_\_

F.F.& C/.L. Adopted \_\_\_\_\_ Not Approved \_\_\_\_\_ Deferred \_\_\_\_\_

PRIORITY Date Received: 5-21-91 Fee: \$150 Remarks \_\_\_\_\_

Corrected Application Received \_\_\_\_\_ Period of Annual Use May 1 - Aug 31

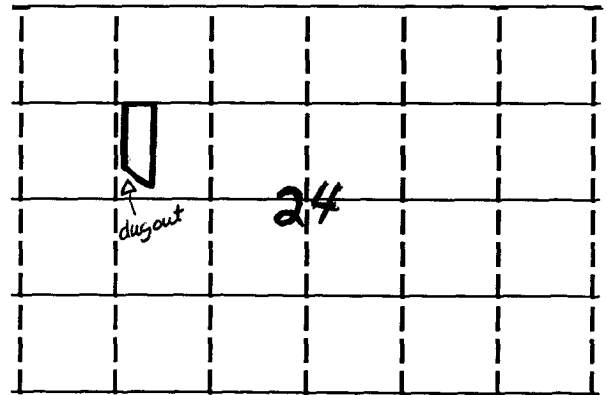
WATER QUALITY APPROVAL RECEIVED 6-6-91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES  NO \_\_\_\_\_ REMARKS \_\_\_\_\_

Diversion Point: SW 1/4 NW 1/4 Sec 24-T115N-R53W

Land to be Irrigated: SW 1/4 NW 1/4 Sec 24-

T115N-R53W

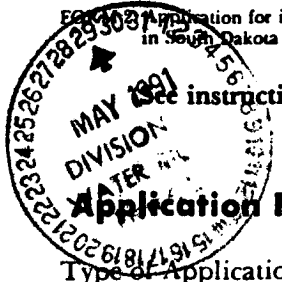


Well Log: Driller: NA Licensed YES \_\_\_\_\_ NO \_\_\_\_\_

Depth of Well: \_\_\_\_\_ REMARKS \_\_\_\_\_

Type of Map: aerial PREPARED BY: Roger Mueller Reviewed and the Number

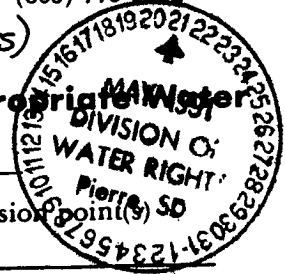
Assigned on 6-7-91 By Karen Schlaak



Mail to: Water Rights Div. 523 E. Capitol Pierre, SD 57501 (605) 773-3352

No. 5557-3 Hydrologic Unit 10170201  
Basin Big Sioux River  
Newspaper Hamlin Co Republican, Box 50

(Thurs)



### Application For Soil/Water Compatibility Permit and Permit To Appropriately Use Water

- Type of Application:
- New
  - Vested Right
  - Amend Permit No. \_\_\_\_\_
  - Change Acreage
  - Change diversion point(s)
  - Add diversion point(s) \_\_\_\_\_
  - Add Acreage
  - Increase diversion rate
  - Other \_\_\_\_\_

- Name of Applicant James E. Knadle Phone No. 628-2276  
Post Office Address P.O. Box 15 Hazel State SD 57242  
(Street, RR or Box) (City) Zip Code
- Amount of water claimed (c.f.s) 1.14 Total acres irrigated 10
- Source of Water supply stockdam (dugout)
- Location of point of diversion NW 1/4 24-115-53; SW 1/4, NW 1/4 Sec 24 T-115 R-53 (from a section corner it is 7 rods E. from SW corner of NW quarter) County Hamlin
- Counties where water will be used Hamlin
- Annual period during which water is to be used May 1 - Aug 31
- 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.
<u>NW 1/4 24-115-53</u>	<u>10</u>
<u>SW 1/4, NW 1/4 Sec 24 T-115 R-53</u>	

Land Description	No. Acres Irr.

Attach sheet if more space is needed

- Type of Irrigation: Gravity: \_\_\_\_\_ Towline:  Center Pivot: \_\_\_\_\_ Gun: \_\_\_\_\_ Other: \_\_\_\_\_ (Specify) \_\_\_\_\_
- Crops to be Irrigated: strawberries
- Give a description of proposed project. (Attach sheet if more-space is needed)  
Plan to irrigate strawberry field from stockdam

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)  
County of Codington ss

I, James E. Knadle the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed James E. Knadle

Subscribed and sworn to before me this 17th day of May 1991

[Signature]  
Notary Public  
9-21-94

**SOUTH DAKOTA  
WATER PERMIT No. 5557-3 FOR IRRIGATION**

Date of first receipt of application May 21, 1991.

Date Soil/Water Compatibility Permit received June 6, 1991.

Date of return to applicant for corrections, amendments or changes May 21, 1991.

Date of receipt of corrected application May 29, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5557-3 to James E Knadle, PO Box 15, Hazel SD 57242 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5557-3 appropriates 0.14 cubic feet of water per second from a dugout to irrigate 10 acres all to be located in the SW 1/4 NW 1/4 Section 24-T115N-R53W.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: May 1 - August 31.
3. The date from which applicant may claim right is May 21, 1991.
4. The date of approval of Permit No. 5557-3 is August 28, 1991.
5. One-fifth of the construction is to be completed on or before February 28, 1994.
6. All construction is to be completed on or before August 28, 1996.
7. Water is to be put to beneficial use on or before August 28, 2000.
8. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

**QUALIFICATIONS**

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

**WATER MANAGEMENT BOARD**

By:   
Chief Engineer, Water Rights Division  
Department of Environment and Natural Resources

FEB 27 1992

date

TABLE 1 - SOIL INTERPRETIVE GROUPS

HAMLIN COUNTY, SOUTH DAKOTA



Sec. II-A

Map Symbol	Map Unit Name	% Slope	Cap. Class	Range Site	Fast. Group	Work. Group	WEG(I) K
7, 150	31C Buse-Poinsett complex						
	Buse loam	MN0317 6-9	e IVe2	TU	G	8	4L(86) 0.28
	Poinsett silty clay loam	SD0180 6-9	e IIIe2	Si	F	3	7(38) 0.32
13, 150	31D Buse-Poinsett complex 21D						
	Buse loam	MN0317 9-15	e VIe3	TU	G	8	4L(86) 0.28
	Poinsett silty clay loam	SD0180 9-15	e IVe1	Si	F	3	7(38) 0.32
3, 250	32B Poinsett-Waubay-Buse complex						
	Poinsett silty clay loam	SD0180 2-6	e IIe3	Si	F	3	7(38) 0.32
	Waubay silty clay loam	SD0259 2-4	e I 3	Ov	K	1	7(38) 0.28
	Buse loam	MN0317 3-6	e IIIe6	TU	G	8	4L(86) 0.28
7, 200	33C Renshaw-Branöt complex						
	Renshaw loam	SD0142 6-9	e IVe4	SwG	D2	66	6(48) 0.28
300	36A Hetland silty clay loam	SD0496 0-2	e I 2	Si	F	3	7(38) 0.28
4, 200	36B Hetland silty clay loam	SD0496 2-6	e IIIe3	Si	F	3	7(38) 0.28
1, 100	37A Arvilla sandy loam 37B	ND0007 0-2	e IIIe3	SwG	D2	66	3(86) 0.20
4, 250	40B Egeiland-Emdöen complex 38A, 38B, 39B, 41B						
	Egeiland sandy loam	SD0140 2-6	e IIIe7	Sy	H	5	3(86) 0.20
	Emdöen loam	ND0218 0-2	e IIIIs1	Sy	H	1	5(56) 0.20
1, 150	43 Minnewaukan loamy sand 44	ND0144 0-3	e IVs1	Ss	A	25	2(134) 0.17
1, 150	45 Spotswood loam	SD0008 0-3	c IIIIs2	Ov	F	3	6(48) 0.24
1, 300	46 La Prairie loam 46A, 46B	ND0109 0-2	e I 1	Ov	K	1	6(48) 0.28
1, 100	47 Rauville silty clay loam	SD0177 0-1	e Vv1	KL	B1	10	4L(86) 0.28
1, 250	51 Divide loam	ND0011 0-2	e IIIIs4	LSb	Di	1*	4L(86) 0.28
1, 100	54 Badger silty clay loam	SD0475 0-2	e IIw1	Ov	A	2W	7(38) 0.28
20-200	71E Buse-Barnes loams						
	Buse	MN0317 15-40	e VIIe1	TU	NS	10	4L(86) 0.28

SOUTH DAKOTA TECHNICAL GUIDE

EASTERN

LRA 102A

Rev. 04-Mar-91

TABLE 1 - SOIL INTERPRETIVE GROUPS  
HAWKIN COUNTY, SOUTH DAKOTA



## Sec. II-A

Map	Symbol	Map Unit Name		% Slope	tg	Cap. Class	Range Site	Past. Group	Wbrk. Group	WEG(I)	K
1, 300	17A	Renshaw loam		SD0142	0-2	e	IIIe3 Sw6	D2	6G	6(48)	0..
4, 200	17B	Renshaw loam		SD0142	2-6	e	IVs2 Sw6	D2	6G	6(48)	0..
7, 150	17C	Renshaw-Sioux complex	42B, 133B								
		Renshaw loam		SD0142	2-9	e	IVs2 Sw6	D2	6G	6(48)	0..
		Sioux gravelly loam		SD0052	3-9	e	VIe3 VSw	NS	10	5(56)	0..
14, 150	18D	Sioux-Renshaw complex	39D								
		Sioux gravelly loam		SD0052	9-25	e	VIe3 VSw	NS	10	5(56)	0..
		Renshaw loam		SD0142	9-25	e	VIe6 Sw6	D2	6G	6(48)	0..
1, 300	20A	Fordville loam		SD0178	0-2	e	IIe3 Si	D1	6G	6(48)	0..
4, 150	20B	Fordville-Renshaw loams									
		Fordville		SD0178	2-6	e	IIe5 Si	D1	6G	6(48)	0..
		Renshaw		SD0142	2-6	e	IVs2 Sw6	D2	6G	6(48)	0..
7, 100	20C	Fordville-Renshaw loams									
		Fordville		SD0178	6-9	e	IIIe10 Si	D1	6G	6(48)	0..
		Renshaw		SD0142	6-9	e	IVe4 Sw6	D2	6G	6(48)	0..
1, 200	21A	Poinsett-Waubay silty clay loams									
		Poinsett		SD0180	0-2	e	I 2 Si	F	3	7(38)	0..
		Waubay		SD0259	0-2	e	I 3 Ov	K	1	7(38)	0..
4, 200	21B	Poinsett-Waubay silty clay loams									
		Poinsett		SD0180	2-6	e	IIe3 Si	F	3	7(38)	0.3
		Waubay		SD0259	1-2	e	I 3 Ov	K	1	7(38)	0.2
4, 200	22B	Poinsett-Buse complex	31B								
		Poinsett silty clay loam		SD0180	2-6	e	IIe3 Si	F	3	7(38)	0.3
		Buse loam		MN0317	3-6	e	IIIe6 TU	G	8	4L(86)	0.2
7, 150	22C	Poinsett-Buse complex	21C								
		Poinsett silty clay loam		SD0180	6-9	e	IIIe2 Si	F	3	7(38)	0.3

SOUTH DAKOTA TECHNICAL GUIDE

EASTERN

LRA 102A

Rev. 04-Mar-91

ENVIRONMENTAL EVALUATION FOR NEW CONSTRUCTION IN WETLAND AREAS

Landowner James Knadle Legal Description NW 1/4 24-115-53 Date 7-11-90

1. List dates during which area is generally flooded, or the average duration of flooding if flooding is intermittent:  
Mar - June
2. List the primary wetland plant species present on the area:  
Native grasss
3. What is the soil? Busc - Barnes
4. What is the wetland type according to USFWS Circular 39? If it is not a wetland answer yes on question 14 and proceed with planning. Type 2
5. What is the proposed action?  
Dugout for livestock
6. List and explain any practical alternatives to the proposed action. If there is a practical alternative proceed with planning the alternative, if not, continue the evaluation. No practical alternative
7. Indicate current conditions and the expected impacts of the proposed action and all practicable alternatives on the following environmental values. If additional space is needed, attach your comments.



Resource	Existing Conditions	With Proposed Action
Wildlife habitat (quality & quantity)	<u>Slight</u>	<u>Provide year around water</u>
Fish habitat (quality & quantity)	<u>None</u>	<u>No Change</u>
Soil Erosion	<u>None</u>	<u>No Change</u>
Water quality	<u>good</u>	<u>No Change</u>
Ground water recharge	<u>Slight</u>	<u>No Change</u>
Flood water retention	<u>Slight</u>	<u>No Change</u>
Recreation opportunities	<u>None</u>	<u>No Change</u>

If there are no negative impacts from the proposed action, planning may proceed.



- 8. Have the economics of the proposed action been discussed with the landowner? *No*
- 9. Has the area been cropped 3 of the last 5 years? *No*
- 10. Is the area in native hay or pasture? *yes*
- 11. Will the landowner complete the proposed activity in this area without SCS technical or financial assistance? *unknown*
- 12. Without SCS technical or financial assistance, would there likely be adverse effects on the soil resource base or offsite receiving waters? Explain.

*No*

- 13. Is the landowner under any contract with USDA to implement and maintain a soil and water conservation plan? If not, is the landowner interested in developing a conservation plan?

*No*

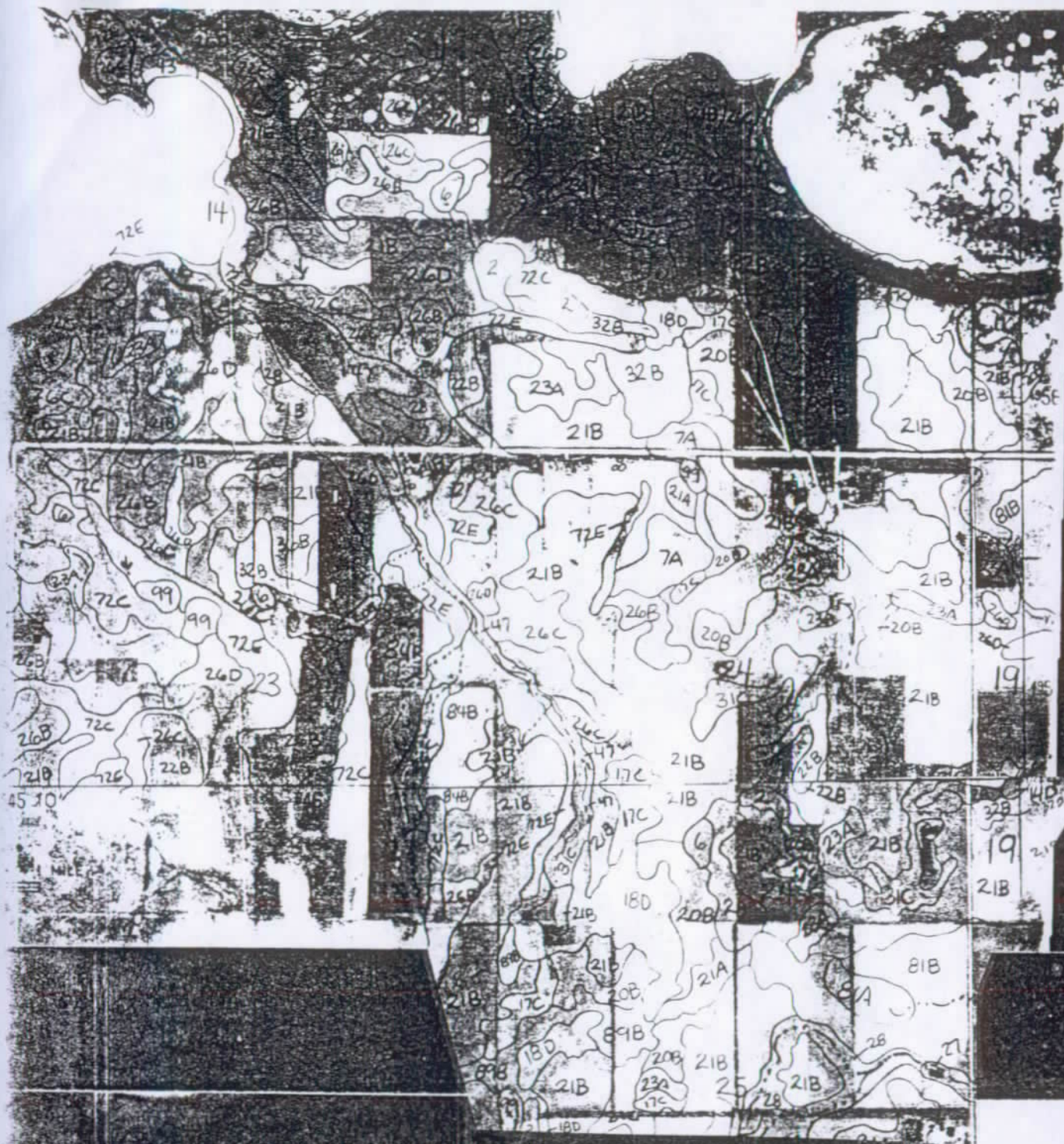
- 14. Has landowner obtained necessary permits?
  - 404 permit (see 450-GM, Part 405, Section SD405.03(c) *Landowner to*
  - USFWS concurrence if land is under perpetual easement *apply for permit*

- 15. Are USFWS Referral Sheets (PL87-732) enclosed for transmittal?  
*No*

- 16. Is an exemption required? If so, request approval of the state conservationist. *No*

*R Muelly SC*  
District Conservationist





TAMM COUNTY SOUTH

45 10' MILE





United States Department of Agriculture  
Soil Conservation Service

SD-ENG-52a  
Rev. 4/82

EXCAVATED POND (DUGOUT) INSTALLATION AND CHECK DATA

\*OWNER: Jim Kinadle

\*LOCATION: \_\_\_\_\_

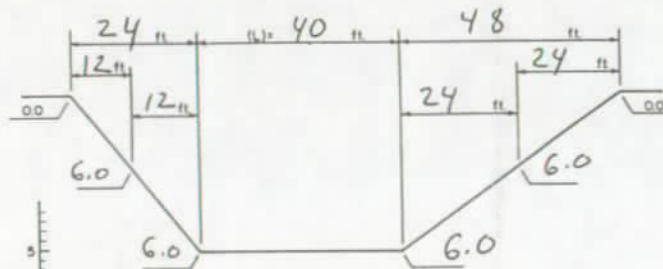
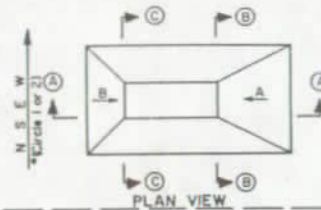
DESIGN:  
 \*Bottom (W) 18 (L) 40  
 \*Side slopes 2 to 1  
 \*End slope (A) 2 to 1  
 \*End slope (B) 2 to 1  
 \*Minimum depth 12.0  
 \*Spoil placement \_\_\_\_\_

\*Berm width 19.0'  
 \*Other \_\_\_\_\_

AS BUILT: \_\_\_\_\_

\*SPECIFICATIONS: \_\_\_\_\_

\*JOB APPROVAL: \_\_\_\_\_  
 SCS



\*LOG OF BORING

LENGTH SECTION  
 A - A



Department of Agriculture  
WI#1  
5/87

SOIL/WATER COMPATIBILITY PERMIT  
Division of Conservation



Office Use Only

4615

WR#

OWNERS NAME: KNADLE, JAMES E. OWNERS ADDRESS: PO BOX 15  
HAZEL SD 57242

COUNTY LAND LOCATED IN: HAMLIN PHONE: 628-2276

LEGAL DESCRIPTION:  Well  Surface  
1. LOCATION: SW 1/4 NW 1/4 24-T115N-R53W (from a section corner, it is 7 rods East from  
Depth: SW corner of NW quarter)

Legal Description	Acres	Legal Description	Acres
<u>SW 1/4 NW 1/4 24-T115N-R53W</u>	<u>10</u>		

2. TYPE OF IRRIGATION: GRAVITY: \_\_\_\_\_ TOWLINE: XXX CENTER PIVOT: \_\_\_\_\_ GUN: \_\_\_\_\_ OTHER: (Specify) \_\_\_\_\_  
3. CROPS TO BE IRRIGATED: STRAWBERRIES

WATER QUALITY:

4. WATER SAMPLE NUMBER: <u>91-0176</u>	7. ADJUSTED (SAR): <u>0.38</u>
5. SALINITY (EC X 10 <sup>6</sup> ): <u>700</u>	8. PERCENT SODIUM: <u>4.22</u>
6. SODIUM (SAR): <u>0.17</u>	

Requirements:

The area mapped as Rauville silty clay loam (47) is subject to wetness and a seasonal high water table. This area shall not be irrigated. Due to the wetness, clay content and salts naturally occurring in this soil, I would not recommend that strawberries be attempted on this area.

[Signature]  
Director, Division of Conservation

XXX APPROVED XXX REQUIREMENTS  
 DISAPPROVED  
 WAIVER

JUNE 3, 1991  
Date

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

# RECEIPT

Division of Water Rights

South Dakota Department of Water and Natural Resources

412688

Pierre, \_\_\_\_\_, May 22, 1991

RECEIVED OF James E. Knadle, Box 15, Hazel, SD 57242-9998

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

Fee for Application for Permit No. <u>5557-3</u> to Appropriate Water, to construct works and to put water to beneficial use _____	150	00
Fee for Application for Permit No. _____ to Appropriate Water for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for Certified Copy of _____		
Fee for Print Copy of Map _____		
Fee for Certifying _____		
Fee for _____		
(Any Other Work Provided by Law)	<b>Total</b>	150 00

By J. H. Hatcher  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

May 21, 1991

James E. Knadle  
PO Box 15  
Hazel SD 57242

Dear Mr. Knadle:

In regard to your water permit application received on May 21, 1991, the following information needs to be submitted and/or clarified in order to process your application.

1. On Item No. 4 of the application, please indicate the quarter-quarter (40 acre parcel) of the NW 1/4 Section 24, where the dugout will be located. This same information is needed on Item No. 7 also.
2. On the map, outline the lands to be irrigated and show the location of the diversion point (place where the dugout is to be located) in relation to a government section corner or quarter corner by direction and distance.
3. On Item No. 2, you indicated the amount of water claimed to be 0.25 cfs. Under State Statutes you are allowed 1 cubic feet of water per second (cfs) for each 70 acres irrigated. This would mean that you are allowed 0.14 cfs for the 10 acres to be irrigated. Please let us know if you concur with this change.

The water permit application can not be considered until the application is complete and a soil/water permit is obtained from the Department of Agriculture. Upon receipt of the above, further processing of your application will continue.

If you have any questions, please contact this office.

Sincerely,

Karen Schlaak  
Natural Resources Analyst  
605 773-3352

enclosure



REPORT ON WATER PERMIT APPLICATION NO. 5557-3  
JAMES E. KNADLE  
JUNE 12, 1991

Application No. 5557-3, James E. Knadle, proposes to appropriate 0.14 cubic feet of water per second (cfs) from a dugout fed by an unnamed stream which discharges into Clear Lake. The diversion point is located in the SW 1/4 NW 1/4 Section 24-T115N-R53W in Hamlin County. The land to be irrigated is located in the SW 1/4 NW 1/4 Section 24-T115N-R53W. The water is to be used to irrigate 10 acres of strawberries.

Review of Existing Water Rights/Permits

Game, Fish, and Parks has Vested Water Right Claim No. 1591-3 on Clear Lake. The lake is located in Sections 14 & 15-T115N-R53W and has a surface area of 600 acres and is 10' deep. The proposed diversion point for Water Permit Application No. 5557-3 is located approximately one mile upstream from Clear Lake. There are no other water rights/permits between the proposed diversion and Clear Lake.

Water Source

The proposed diversion of water is from a dugout which is fed by an unnamed stream which discharges into Clear Lake. The dugout is 12' deep and obtains water from the glacial till and from runoff. No aquifer exists that would contribute water to the dam.

Conclusions

1. Runoff and glacial till groundwater will supply water to the dugout.
2. The unnamed stream discharges into Clear Lake. Due to the small amount of water to be appropriated, the impact of this application on Clear Lake should be minimal.
3. If Application No. 5557-3 is approved, it should have the following qualifications:
  - A. Subject to the irrigation water use questionnaire being submitted each year.
  - B. Low flows as needed for downstream domestic use, including livestock water must be by-passed.

*Norma C. Job*  
Norma C. Job  
Natural Resources Engineer I

Approved by:

*Delvin D. Brosz*  
Delvin D. Brosz, PE  
Natural Resources Engineer IV

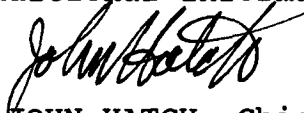
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT  
APPLICATION NO. 5557-3, James E. Knadle

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5557-3, James E. Knadle, PO Box 15, Hazel, SD 57242.

The Chief Engineer is recommending APPROVAL of Application No. 5557-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. Low flows as needed for downstream domestic use, including livestock water and prior water rights must be by-passed.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

  
JOHN HATCH, Chief Engineer  
July 22, 1991



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

NOTE: TO BE SURE OF PUBLICATION ON  
THE CORRECT DATES, CONTACT  
THE NEWSPAPER RIGHT AWAY.

July 24, 1991

James E Knadle  
PO Box 15  
Hazel, SD 57242

Dear Mr. Knadle:

Water Permit Application No. 5557-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Hamlin Co. Republican printed at Castlewood, SD. For your information, a copy of the notice, the recommendation of the Chief Engineer and a report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

*for Karen Schlaak*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

GREAT FACES. GREAT PLACES.

July 24, 1991

Hamlin Co. Republican  
Box 50  
Castlewood, SD 57223

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application No. 5557-3 to be published twice. Please publish the first notice on August 1, 1991, with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is James E Knadle, PO Box 15, Hazel, SD 57242.

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

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

*for Karm Schlaak*  
Eric Gronlund  
Natural Resources Engineer  
605 773-3352

enclosures

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

FIRST TRANSMITTAL NOTICE

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

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

Date \_\_\_\_\_

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

\_\_\_\_\_  
Name Newspaper

Instruction to Newspaper - Publish first Notice on August 1, 1991, with the second publication 7 days later. The applicant is responsible for payment.

---

NOTICE OF HEARING on Application No. 5557-3 to Appropriate Water

Notice is given that James E Knadle, PO Box 15, Hazel SD 57242 has filed an application for a water permit to appropriate 0.14 cubic feet of water per second from a dugout to irrigate 10 acres all to be located in the SW 1/4 NW 1/4 Section 24, T115N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5557-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application No. 5557-3 and 2) the chief engineer's recommendation, a meeting at the Division of Water Rights office to hear this application is scheduled for August 28, 1991, at 9:00 am in Room 413, Joe Foss Building, 523 E Capitol, Pierre SD. If this application is opposed or the recommendation is contested, the August 28, 1991, hearing date will be rescheduled for a regularly scheduled Board meeting. Notice of the time and place of the rescheduled hearing before the Board will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The August 28, 1991, hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by August 19, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.



PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA )  
County Hamlin ) ss.



I, Donna Holman

certify that the attached printed Notice was taken from the Hamlin Co. Republican

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 Hamlin Castlewood  
County of Hamlin and State of South Dakota;

that the said notice was published in said newspaper on the following two dates:

Aug 1, 1991  
Aug 8, 1991

Donna Holman  
(Signature)  
Publisher  
(Title)  
Aug 8, 1991  
(Date Signed)

Cost of Printing: \$50.00

NOTICE OF HEARING

NOTICE OF HEARING on Application No. 5557-3 to Appropriate Water

Notice is given that James E. Knadle, PO Box 15, Hazel SD 57242 has filed an application for a water permit to appropriate 0.14 cubic feet of water per second from a dugout to irrigate 10 acres all to be located in the SW 1/4 NW 1/4 Section 24, T115N-R53W.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 5557-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the application or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider this application and the chief engineer will issue the permit as recommended. Petitions filed in support of the application will NOT require the Board to hear the application.

Any person interested in opposing or supporting this application must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605-773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by August 19, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

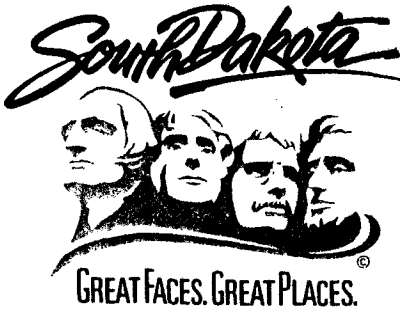
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If a hearing is held, the Chief

Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny this application based on the facts presented at the public hearing. Any hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to this application or to assure access to the hearing by the handicapped.

This application is made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17, 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11; 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

(published aug. 1 and 8, 1991)



FEB 27 1992

James E Knadle  
PO Box 15  
Hazel, SD 57242

Dear Mr. Knadle:

Enclosed is Water Permit No. 5557-3 authorizing construction of your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

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

Very truly yours,

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

enclosures

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

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



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 4, 1997

**NOTICE**

TO: JAMES KNADLE, PO BOX 15, HAZEL, SD 57242 0015

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

SUBJECT: Violation of Water Permit No(s). 5557-3

Our records indicate that the 1996 Irrigation Questionnaire has not been submitted for Permit No(s)5557-3. The request for the Questionnaire 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 determine the action to be taken for violation of Water Permit No(s) 5557-3 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 the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. 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) 5557-3 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 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 at (605) 773-3352.

**NOTE:** Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

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

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

1.  Addressee's Address
2.  Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

JAMES KNADLE  
 P O BOX 15  
 HAZEL SD 57242 0015

4a. Article Number  
**P378 081 453**

4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery

5. Received By: (Print Name)  
**JAMES KNADLE**

6. Signature: (Addressee or Agent)  
**X James Knadle**

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

Thank you for using Return Receipt Service.





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

February 10, 1997

5557-3

Jim Knadle  
PO Box 15  
Hazel, SD 57242-0015

Dear Mr. Knadle:

I am writing to acknowledge receipt of your 1996 irrigation questionnaire. You may disregard the February 4, 1997, **Notice of Violation of Water Permit No. 5557-3.**

I completed a questionnaire for you based on our February 10th telephone conversation. The information was received in our office prior to the Water Management Board meeting and your name has been deleted from the agenda.

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

Sincerely,

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

**Permit No. 5557-3**  
**Big Sioux River - Water District**

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

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

On, September 22, 1997, I made a thorough examination of the water use system constructed by James Knadle of Box 15, Hazel SD holder of Permit No. 5557-3, bearing the priority of May 21, 1991 authorizing the diversion of 0.14 cu. ft. per second of the waters of surface water for irrigation purposes, in Hamlin County.

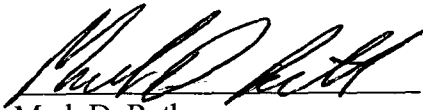
I have to report on the conditions of the same as follows:

- A. Works used to divert the water:  
**A Gorman-Rupp pump**
  
- B. Works used to transport water to place of use:  
**1000 feet of aluminum pipe**
  
- C. Works used to apply water to beneficial use:  
**A solid set sprinkler irrigation system**

The system is in the following condition fair. The point of diversion is located : **From the NW corner of Section 24 T115N-R53W: 2400 feet south and 100 feet east.** The works are capable of diverting and conveying to the place of use .17 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:

**10 acres in the SW1/4 of the NW1/4 of Sec 24 T115N-R53W**  
comprising a total of 10 acres of land and the license should be issued for 0.14 .  
Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none



Mark D. Rath  
Natural Resources Engineer  
DENR, Water Rights Program

10/30/97  
Date

**REPORT ON INSPECTION OF PERMIT NO. 5557-3**

**DATE OF INSPECTION: 10/22/1997**

Contact Person & Address: **James Knadle, PO Box 15, Hazel, SD**

**DIVERSION POINT LEGAL LOCATION: From the NW corner of Section 24 T115N-R53W: 2400 feet south and 100 feet east.**

**WATER SUPPLY**            Source: **surface water, dugout**

**Pump:**

- 1) Make **Gorman-Rupp**
- 2) Model **34F-140**
- 3) Size **2"**
- 4) Capacity **75** GPM

**Motor:**

- 1) Make **Continental**
- 2) Model No. **4 cyl gasoline**
- 3) Horsepower rating **50** hp

**DISTRIBUTION LINES OR CANALS:**

- 1) Type **Aluminum**
- 2) Size **4** inches
- 3) Length **1000** feet

**SYSTEM TYPE:**

**Solid Set:**

- 1) Length **1000** feet
- 2) Diameter of pipe **6** inches
- 3) Sprinkler spacing **30** feet

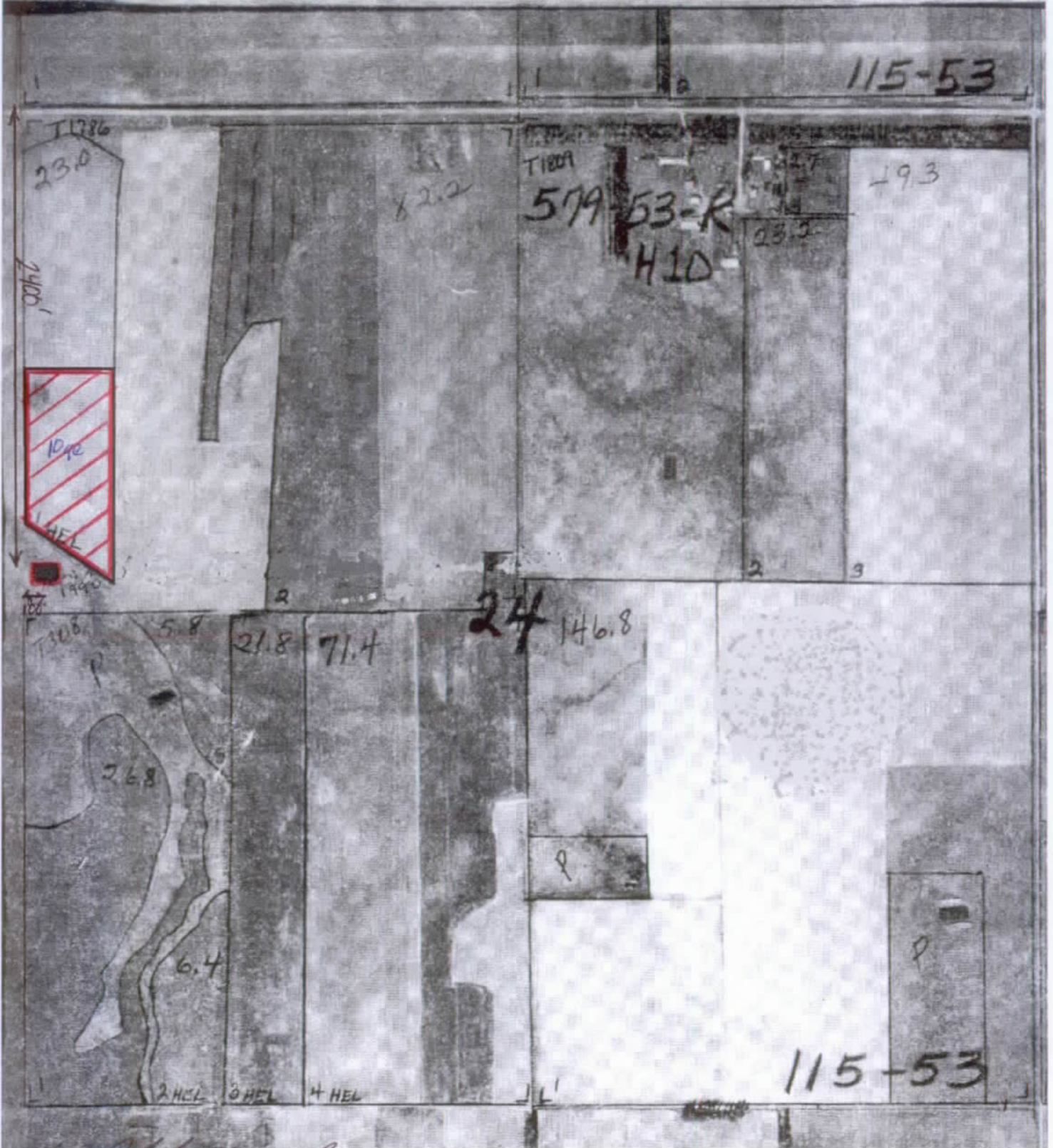
**CHEMIGATION EQUIPMENT:**

- 1) Does chemigate **no**

**PERMIT QUALIFICATIONS AND REGULATIONS:**

- 1) Special qualifications to permit being abided by **yes**
- 2) All structures, wells and lands on map **yes**
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period **yes**

NOT TO SCALE



North West. Natural Resources Ferrovick  
10/31/97

STATE OF SOUTH DAKOTA

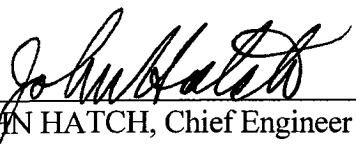
WATER LICENSE NO. 5557-3

(1) James E Knadle, PO Box 15, Hazel, SD 57242-0015 made Application No. 5557-3, May 21, 1991 for a water permit to divert 0.14 cubic feet of water per second from a dugout, Hamlin County, South Dakota for irrigation purposes. Permit No. 5557-3, with a priority date of May 21, 1991 was approved August 28, 1991 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before August 28, 1996 and for the application to beneficial use of said water on or before August 28, 2000.

(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 0.14 cubic feet of water per second for beneficial use. The location of the diversion point is 2400'S and 100'E of the NW corner of Section 24, T115N, R53W (SW¼ NW¼).

(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: 10 acres in the SW¼ NW¼ Section 24, T115N, R53W.

(4) Pursuant to South Dakota Water Law 46-5-30.1 James E Knadle, PO Box 15, Hazel, SD 57242-0015 the holder and/or owner of Water Permit No. 5557-3 is issued a license to appropriate water, the right to use 0.14 cubic feet of water per second from a dugout with a priority date of May 21, 1991 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Water Permit No. 5557-3 and subject to South Dakota State Law.

  
\_\_\_\_\_  
JOHN HATCH, Chief Engineer  
Water Rights Program  
Department of Environment and Natural Resources

NOV 19 1997

date







**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

November 3, 1997

5557-3

James Knadle  
P.O. Box 15  
Hazel, SD 57242-0015

Dear Mr. Knadle:

The investigation of your water use system was conducted on September 22, 1997, by Mark D. Rath, staff engineer. The investigation included the extent of application of water to beneficial use, as developed under Water Permit No. 5557-3. Your final water right document, the Water License, can now be issued.

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

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

Sincerely,

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

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

# RECEIPT

415524

Division of Water Rights

South Dakota Department of Environment and Natural Resources

Pierre, \_\_\_\_\_ November 7, 19 97

RECEIVED OF James E. Knadle, Box 15, Hazel, SD 57242

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

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use _____		
Fee for Application for Permit No. _____ to Appropriate Water, for Future Use _____		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>5557-3</u>	50	00
Fee for Filing Transfer Form _____		
Fee for Filing Extension Request _____		
Fee for _____		
_____		
_____		
(Any Other Work Provided by Law)	<b>Total</b>	50 00

By J. H. Water  
Chief Engineer



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

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

NOV 19 1997

5557-3

James E. Knadle  
P.O. Box 15  
Hazel, SD 57242-0015

Dear Mr. Knadle:

Enclosed is Water License No. 5557-3 and Receipt No. 415524 for \$50.00 which was assessed for an investigation and issuance of the license. Water License No. 5557-3 is the final document which completes the process of obtaining a water right.

As long as you use the water beneficially, as stated in the Water License, State Water Laws provide that you have a continuing right to use the water.

Very truly yours,

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

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

gm  
enclosures

# 2004 Water Management Board Irrigation Questionnaire

Please fill out and return before December 3, 2004

**REMEMBER!** Return of this questionnaire is required whether or not you irrigated this year. Return the completed form(s) to the Water Rights Program at 523 E Capitol, Pierre, SD 57501-3181 (605) 773-3352 or send your form(s) electronically over the internet at <https://www.state.sd.us/eforms/secure/eforms/E0455V3-IQ.pdf>

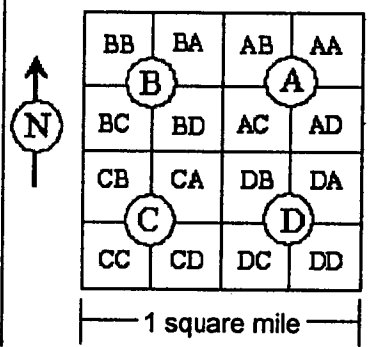
No. 5557-3  
  
JAMES KNADLE  
41257 SD HWY 22  
HAYTI SD 57241

Any address/ownership corrections?  
  
Telephone No. 605-783-3212

1. Is the system constructed? \*yes  no   
 \*Type of system used (check all that apply):  
 center pivots  towlines  big gun   
 flood  sprinklers  other
2. Did you irrigate in 2004? \*yes  \*\*no   
 \*If yes, number of acres irrigated \_\_\_\_\_  
 \*\*If no, list reason(s) in comment box and answer No. 3:

3. Is the land enrolled in CRP? \*yes  no   
 \*If yes, through what year? \_\_\_\_\_
4. Did you apply chemicals or fertilizer through the system in 2004? yes  no
5. If permitted for more than one water source, circle each source used. A. DUGOUT  
 B.  
 C.

**Comment Box**



Office use only  
  
**RECEIVED**  
**OCT 26 2004**  
WATER RIGHTS PROGRAM

**Acreage permitted for irrigation under No. 5557-3 (see above section map for help reading legal descriptions)**

sec 24-T115N-R53W, BC – 10.00 acres

The system is no longer in use.  
 The permit could be cancelled.  
 Thanks  
 James E Knadle



Year	Permit_no	Basin	Land	County	Fname	Ename	Cont	Comp	Addr	Address2	City	State	Zip	Water_used	Not_ring	Not_const	Pmt_rate
1992	5557-3	SR		HM	JAMES	KNAADLE			PO BOX 11	HAZEL	SD	5724200		X			14
1993	5557-3	SR		HM	JAMES	KNAADLE			PO BOX 11	HAZEL	SD	5724200		X			14
1994	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
1995	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
1996	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
1997	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
1998	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
1999	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
2000	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
2001	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
2002	5557-3				JAMES	KNAADLE			PO BOX 11	HAZEL	SD	57242		X			
2003	5557-3				JAMES	KNAADLE			41257 SD	HAYTI	SD	57241		X			

Query

Record: 1/12

Exclusive



**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

October 29, 2004

**NOTICE OF CANCELLATION**

TO: James Knadle, 41257 SD Hwy 22, Hayti SD 57241

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

SUBJECT: Cancellation of Water Right No. 5557-3

Water Right No. 5557-3 authorizes diversion of water from a dugout for irrigation of 10 acres. Records on file with our program indicate the land was last irrigated in 1992. On your 2004 irrigation questionnaire you confirmed that the system is no longer in use and requested the water right be cancelled. Based on this information, the Chief Engineer of the Water Rights Program is recommending cancellation of Water Right No. 5557-3 due to abandonment.

The Water Management Board will consider cancellation of Water Right No. 5557-3 at 10:00 a.m., December 2, 2004, in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol, Pierre, SD.

The recommendation of the Chief Engineer is not final or binding upon the Board. The Board is authorized to 1) cancel, 2) cancel portions of, 3) delay action on, or 4) take no action on Water Right No. 5557-3 based upon facts presented at the public hearing. Our records show you to be the owner of property covered by this water right. If you wish to oppose the cancellation and if you intend to participate in the hearing before the Board and present evidence or cross-examine witnesses according to SDCL 1-26, you must file a written petition with the Chief Engineer by November 22, 2004. The petition may be informal, but it must include a statement describing the reasons for your opposition to the cancellation, and your signature and mailing address or your legal counsel if legal counsel is obtained.

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

October 29, 2004

James Knadle

Page 2

This hearing may be an adversarial proceeding. 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. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law.

The time of the hearing will be automatically extended for at least twenty days upon your written request to the Chief Engineer after a petition has been filed to oppose the cancellation. If an extension is requested, the hearing on the cancellation will be continued until the next regular Board Meeting. Any request for extension must be filed with the Chief Engineer by November 22, 2004.

Prior to November 22, 2004, contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) if assistance is needed with the following: 1) further information on the proposed cancellation; 2) to assure access to the meeting room for the handicapped; or 3) to obtain an interpreter for the hearing impaired.

**Please note:**

According to SDCL 1-26-18.3, parties to a contested case may use the Office of Hearing Examiners to conduct a hearing if either a property right is being terminated or the dollar amount in controversy exceeds \$2,500.00. If you choose to use the Office of Hearing Examiners rather than the hearing procedure described above, then you need to notify the Chief Engineer (Water Rights Program, 523 E. Capitol Avenue, Pierre SD) by November 22, 2004.





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
523 EAST CAPITOL  
PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

**RECOMMENDATION OF CHIEF ENGINEER**

**FOR WATER RIGHT NO. 5557-3, JAMES KNADLE**

Pursuant to SDCL 46-2A-2 and 46-5-37.1, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Right No. 5557-3.

The Chief Engineer is recommending cancellation of the above Water Right due to abandonment. The water right holder indicated the system is no longer in use and has requested that the water right be cancelled.

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

RON DUVALL, Natural Resources Engineer  
for Garland Erbele, Chief Engineer  
October 29, 2004

**Note:**


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

CERTIFICATION

I hereby certify that on October 29, 2004 , I have personally deposited with the United States mail at Pierre, South Dakota, first class postage, prepaid envelopes containing a Notice dated October 29, 2004 regarding Notice of Cancellation Water Right No. 5557-3 & 2660-3 addressed as stated below:

5557-3  
James Knadle  
41257 SD Hwy 22  
Hayti SD 57241


2660-3  
Dean Erickson  
28659 461<sup>st</sup> Ave  
Davis SD 57021-6510

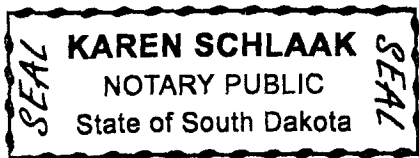


\_\_\_\_\_  
Genny McMath  
Environmental Scientist  
Water Rights

STATE OF SOUTH DAKOTA     )  
  ) SS  
COUNTY OF HUGHES         )

Sworn to, before me, this 29<sup>th</sup> day of October, 2004.

  
\_\_\_\_\_  
Karen Schlaak  
Notary Public  
My Commission expires April 1, 2007





**DEPARTMENT of ENVIRONMENT  
and NATURAL RESOURCES**

PMB 2020  
JOE FOSS BUILDING  
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PIERRE, SOUTH DAKOTA 57501-3182  
[www.state.sd.us/denr](http://www.state.sd.us/denr)

December 6, 2004

5557-3

**NOTICE**

James Knadle  
41257 SD Hwy 22  
Hayti SD 57241

Dear Mr. Knadle:

This will notify you that the Water Management Board cancelled your Water Right No. 5557-3 on December 2, 2004. The water right had authorized diversion of water from a dugout to irrigate 10 acres.

This action was taken under the conditions outlined in our notice to you dated October 29, 2004. If you have any questions concerning the Board action, please contact Genny McMath, with our program, at (605) 773-3352.

Sincerely,

Garland Erbele, Chief Engineer  
Water Rights Program

