

WATER PERMIT NO. 8294-3

Name of Applicant: Knippling Land & Cattle Inc.

Address: 33982 BIA 4, Chamberlain SD 57325

Phone: 605 730-1262

Amount of Water Claimed: 1.89 add'l cfs

Total Acres: 99 add'l acres

Source of Water Supply: Missouri River

Water to be used for: irrigation County: Buffalo

Type of Waste Disposal System:

Location: 2 miles southwest of Ft. Thompson

PRIORITY Date Received: 6-26-17

Application/License Fee: \$950

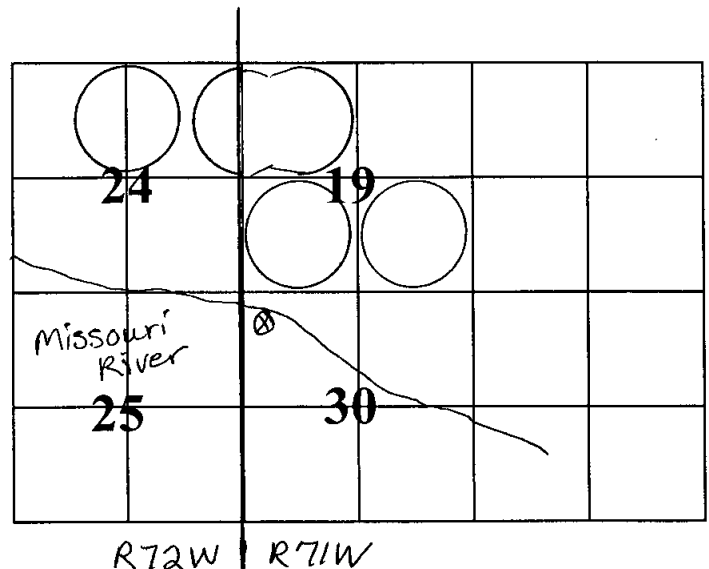
Corrected Application Received:

Period of Annual Use: April 1 – October 31

Remarks: Reconfigured existing systems and added acreage

Diversion Point: NW 1/4 NW 1/4 Sec 30-T107N-
R71W

Land to be Irrigated: E 1/2 NW 1/4, NE 1/4 Sec
24-T107N-R72W and NW 1/4 Sec 19-T107N-
R71W



Depth of Well: NA

Well Driller:

Remarks:

Type of Map: aerial

Prepared by: Eric Gronlund

Reviewed and the Number Assigned on: 6-27-17

By: Karen Schlaak

Notice of Hearing - date to intervene: _____

FORM 2: Application for irrigation in South Dakota

(type or print)

Mail to: DENR - Water Rights 523 E Capitol Ave Pierre, SD 57501-3182 ph. (605) 773-3352	No. <u>8294-3</u> (office use only) Hydrologic Unit <u>10140105</u>
	Basin <u>Missouri River</u>
	Newspaper <u>Central Dakota Times, Chamberlain</u> <u>Capitol Journal, Pierre</u>

RECEIVED

JUN 26 2017

WATER RIGHTS
PROGRAM

Application For Permit To Appropriate Water For Irrigation

Type of Application: ☐ New ☐ Vested Right ☒ Amendment/Correction to Permit No. 2327-3
(Use predates Mar 2, 1955)

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

1. addition of 524 T102N, R72W, NW 1/4, E 1/2 80 acres
2. additional water from 3400 GPM to 4250 GPM

1. Name to Appear on Irrigation Permit Knippig Land & Cattle Inc.

Note: The "Name to Appear on Irrigation Permit" must be the name in which the property to be irrigated is held in.

Mailing Address 33982 BIA 4 Chamberlain SD 57325
(Address) (City) (State) (Zip Code)

Phone 605-730-1262 Mobile 605-730-1262 Email rcknippig@midsouthstate.sd.net

2. Amount of water claimed 1.89 *CFS or 4250 **GPM 850 gpm additional ***AF Total Acreage 625 99 additional
(*Cubic Feet per Second) (**Gallons per Minute) (***)Acre Feet - storage capacity of dam/dugout or annual use if applicable) acres

3. Source of water supply Missouri River

4. Location of point of diversion 905 feet S and 2640 feet W of the NW 1/4
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
corner of S 30, T102N, R71W, (NW 1/4 NW 1/4) County Buffalo

5. County or counties where water will be used Buffalo6. Annual period during which water is to be used April 1 - September October 31

7. List below each forty acre division, or lot, or fraction thereof and show number of acres to be irrigated in each.
(Attach sheet if more space is needed)

Land Description	Acres	Land Description	Acres
<u>See attached sheet</u>			

8. Give a description of the project. (Attach sheet if more space is needed)

I, Ray Knippig CO - Owner, the applicant, certify under
Name of Person Title (if applicable)

penalty of perjury that I have read this application, examined the attached map, and that the matters stated are true. I further certify, if acting on behalf of an entity or individual other than myself, that I am authorized to submit this application.

Breakdown of Acres for Knippling Land & Cattle Inc for Water Right No. 2327-2

Legal Description	acres	Legal Description	Acres
NW ¼ SE ¼ Section 19, T107N, R71W	33	NW ¼ NWE ¼ Section 19, T107N, R71W	40
NE ¼ SE ¼ Section 19, T107N, R71W	33	NE ¼ NW ¼ Section 19, T107N, R71W	37
SW ¼ SE ¼ Section 19, T107N, R71W	33	SW ¼ NW ¼ Section 19, T107N, R71W	40
SE ¼ SE ¼ Section 19, T107N, R71W	33	SE ¼ NW ¼ Section 19, T107N, R71W	37
NW ¼ SW ¼ Section 19, T107N, R71W	33	NW ¼ NE ¼ Section 24, T107N, R72W	34
NE ¼ SW ¼ Section 19, T107N, R71W	33	NE ¼ NE ¼ Section 24, T107N, R72W	37
SW ¼ SW ¼ Section 19, T107N, R71W	33	SW ¼ NE ¼ Section 24, T107N, R72W	33
SE ¼ SW ¼ Section 19, T107N, R71W	33	SE ¼ NE ¼ Section 24, T107N, R72W	37
NE ¼ NW¼ Section 24, T107N, R72W	33	SE ¼ NW ¼ Section 24, T107N, R72W	33

TOTAL – 625 acres (includes WR No. 2327-2 and additional developed acres being applied for).

This is an approximation. I arrived as slightly less than 625 acres but are including total to 625 acres.
This can be addressed at the time of licensing.

**SOUTH DAKOTA
WATER PERMIT NO. 8294-3**

Date of first receipt of application June 26, 2017.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 8294-3 to Knippling Land & Cattle Inc., c/o Roy Knippling, 33982 BIA 4, Chamberlain SD 57325 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. 8294-3 appropriates an additional 1.89 cubic feet of water per second (cfs) and irrigate 99 additional acres to what is currently authorized by Water Right No. 2327-3. Water Right No. 2327-3 appropriates 7.51 cfs from the Missouri River located in the NW/14 NW 1/4 Section 30-T107N-R71W to irrigate 526 acres located in the NW 1/4, S 1/2 Section 19-T107N-R71W and the NE 1/4 Section 24-T107N-R72W. Due to reconfiguration of the systems, this permit is authorized to appropriate an additional 1.89 cfs from the existing Missouri River diversion point to irrigate an additional 99 acres located in the E 1/2 NW 1/4, NE 1/4 Section 24-T107N-R72W and the NW 1/4 Section 19-T107N-R71W.
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: April 1 – October 31.
3. The date from which applicant may claim right is June 26, 2017.
4. The date of approval of Permit No. 8294-3 is September 11, 2017.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8294-3 authorizes a maximum diversion rate of 1.89 cfs for the irrigation of 99 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*

Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

OCT 02 2017

date





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 25, 2017

Roy Knippling
Knippling Land & Cattle
33982 BIA Rd 4
Chamberlain SD 57325

Dear Mr. Knippling:

I am writing regarding the 2016 Irrigation Questionnaire submitted November of last year. On the questionnaire you indicated irrigating approximately 100 more acres than you are licensed for.

Enclosed is a copy of Water Right No. 2327-3 and the aerial photo map prepared when the license was issued. Attached is a current aerial map which indicates the pivot has been shifted to include irrigation in the E 1/2 NW 1/4 Section 24 which is not covered under the existing permit.

Based on the irrigation questionnaire comment that 100 more acres are being irrigated, I am assuming the acreage located in the E 1/2 NE 1/4 Section 24 is still being irrigated. Is this correct? Enclosed is an application form for you to complete for any additional acres being irrigated.

Water Right No. 2327-3 was licensed for 7.51 cubic feet of water (cfs) (3,380 gallons per minute) which was based on the statutory limit of 1 cfs per 70 acres. When the license was issued, the systems were capable of diverting a total of 3,400 gallons per minute (850 gpm each pivot) which equates to 7.55 cfs. What is the peak pump rate from the Missouri River needed to operate all the systems? Please keep this in mind when completing the application and request additional water if necessary.

If you have any questions or need help completing the application form, please contact Eric Gronlund or me.

Sincerely,

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

enclosures

Knippling Land & Cattle Inc. Water Permit Application
to reflect irrigation under Water Right No. 2327-3 and pending application for additional acres



1,900 950 0 1,900 Feet

Eric Gronlund

Eric Gronlund
Water Rights Program, DENR

Schlaak, Karen

From: Schlaak, Karen
Sent: Tuesday, June 27, 2017 4:04 PM
To: 'rcknipp@midstatesd.net'
Subject: Water Permit Application
Attachments: knippling.pdf

Roy,

Attached is a map which I hope represents your irrigation systems as they now are configured and a listing of the acreages. The new application will be for an additional 99 acres for a total of 625 acres. The application will also request an additional 850 gallons per minute.

Let me know if you agree?

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352



RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date June 27, 2017

RECEIVED OF Knippling Land & Cattle, 33982 RIA 4, Chamberlain SD 57325

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

Fee for Application for Permit No. <u>8294-3</u> to Appropriate Water, to construct and to put water to beneficial use	750	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. <u>8294-3</u>	200	00
Fee for Filing Transfer Form _____		
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	950.00

No. **08282**

By Jeanne Goodman
Chief Engineer

(KS)



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 8294-3, Knippling Land & Cattle Inc.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 8294-3, Knippling Land & Cattle Inc., c/o Roy Knippling, 33980 BIA 4, Chamberlain SD 57325.

The Chief Engineer is recommending APPROVAL of Application No. 8294-3 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) it is in the public interest with the following qualification:

1. Pursuant to SDCL 46-5-6 which allows a greater diversion rate if the method of irrigation, time constraints, or type of soils so requires, Permit No. 8294-3 authorizes a maximum diversion rate of 1.89 cfs for the irrigation of 99 acres with an annual volume not to exceed 2 acre feet of water per acre per year.
2. This Permit is approved subject to the irrigation water use questionnaire being submitted each year.

See report on application for additional information.

Jeanne Goodman, Chief Engineer
August 23, 2017

REPORT ON WATER PERMIT APPLICATION No. 8294-3

Knippling Land and Cattle Inc.

c/o Roy Knippling

33980 BIA 4

Chamberlain, SD 57325

August 15, 2017

Water Permit Application No. 8294-3, proposes to appropriate an additional 1.89 cubic feet of water per second (cfs) from the Missouri River located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30-T107N-R71W, to irrigate 99 additional acres located in the E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ Section 24-T107N-R72W and the NW $\frac{1}{4}$ Section 19-T107N-R71W.

The applicant is requesting a diversion rate greater than the statutory limit of 1.0 cfs per 70 acres with an annual period of use from April 1 through October 31.

The diversion point is located approximately 2 miles southeast of Ft. Thompson, SD in Buffalo County.

Review of Water Source

The water source for this project is from the natural flow of the Missouri River flowing through Lake Francis Case in the reach impounded behind Ft Randall. The U.S. Army Corps of Engineers (USACE) constructed Ft. Randall Dam impounding Lake Francis Case in the 1950's as part of a six reservoir Pick-Sloan project for the Missouri River. The six project dams, Ft. Peck, Garrison, Oahe, Big Bend, Ft. Randall and Gavins Point, are operated as a system providing storage and water releases for Congressionally authorized purposes, including irrigation. Specifically Lake Francis Case impounds approximately 5.4 million acre-feet of water (MAF) with normal operations.

A research study to estimate the natural flows of the Missouri River was conducted by the USGS and completed in 2001 (Jacobson et. al. 2001). Jacobson, as an element of the 2001 study, developed natural flow hydrographs at locations along the Missouri River, (Jacobson, 2012). Two of these locations were the Missouri River at Oahe Dam located approximately 80 miles upstream from this diversion point (Figure 1) and the Missouri River at Gavins Point Dam located approximately 130 miles downstream of this diversion point. (Figure 2)

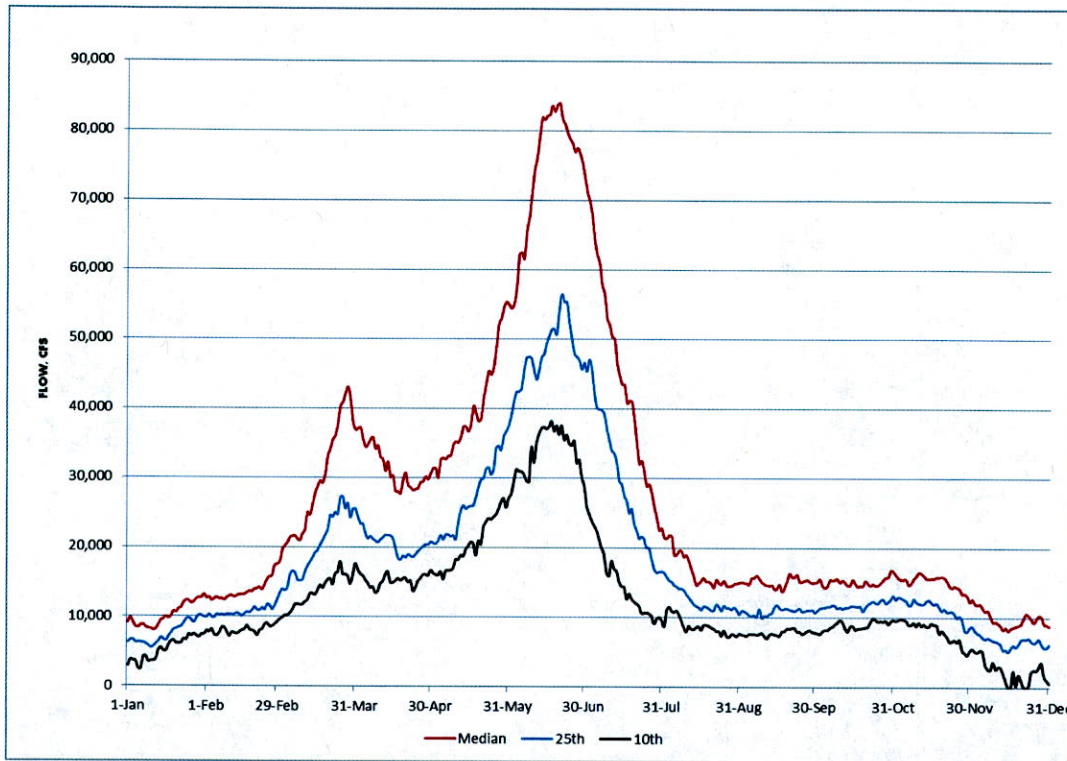


Figure 1 - Natural Flow Hydrograph for the Missouri River at Oahe Dam. (Jacobson, 2012)

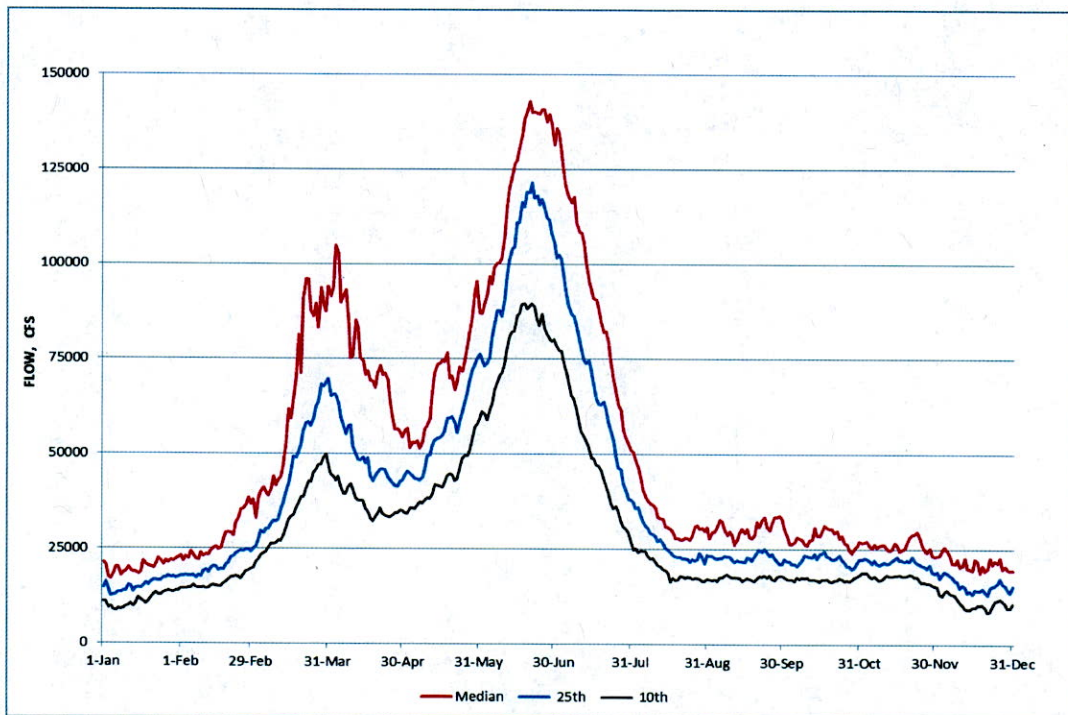


Figure 2 - Natural Flow Hydrograph for the Missouri River at Gavins Point Dam. (Jacobson, 2012)

Even at the 10th percentile flow level, both hydrographs demonstrate there is ample natural flow available, if this project is approved. Water availability is not a concern when using the natural flows of the Missouri River as a water source.

Review of the Proposed Project and Existing Water Rights

The applicant currently holds Water Right No. 2327-3 authorizing the diversion of 7.51 cfs of water from the Missouri River located in the NW ¼ NW ¼ Section 30-T107N-R71W to irrigate 526 acres located in the NW ¼, S ½ Section 19-T107N-R71W and the NE ¼ Section 24-T107N-R72W. If approved, the combined diversion rate from the Missouri River will be 9.4 cfs for irrigation of 625 acres.

The applicant is requesting a diversion rate greater than the statutory limit. South Dakota Codified Law (SDCL) 46-5-6 states the Water Management Board may allow a greater diversion of water equivalent of 1 cfs per 70 acres if the method of irrigation, any time constraints on diversion of water, or the type of soil requires. Due to reconfiguration of the irrigation systems, the applicant requests the additional 1.89 cfs from the existing diversion point authorized under Water Right No. 2327-3 for irrigation of the 99 additional acres.

There are numerous existing water rights/permits appropriating water from the Missouri River downstream from the diversion point for Water Permit Application 8294-3. Since water availability is not an issue, approval of Application No. 8294-3 would not adversely affect downstream water rights.

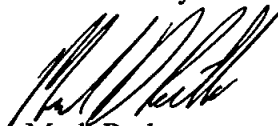
Conclusions

- 1) Water Permit Application No. 8294-3 proposes an additional 1.89 cfs utilizing the existing diversion point authorized under Water Right No. 2327-3 from the natural flows of the Missouri River for irrigation of 99 additional acres.
- 2) This application, if approved, combined with water Right No. 2327-3 will authorize a total diversion rate of 9.4 cfs for irrigation of 625 acres.
- 3) The applicant has requested a diversion rate greater than the statutory limit of 1 cfs per 70 acres due to reconfiguration of the irrigation systems.
- 4) The Missouri River is known to have ample supplies of non-appropriated water available.
- 5) If approved, Application No. 8294-3 would not adversely affect downstream water rights/permits.



Mike DeFea
Natural Resources Engineer II
DENR Water Rights Program

Reviewed by:



Mark Rath
Natural Resources Engineer III
DENR Water Rights Program

References:

Jacobson R.B. and Heuser J. 2001. Visualization of Flow Alternatives, Lower Missouri River U.S. Geological Survey Open-file Report OF02-122. U.S. Geological Survey.

Jacobson R.B. 2012. Personal communication with SD DENR Water Right staff concerning the Missouri River natural flow analysis for the 2001 Lower Missouri flow alternative study; USGS OF02-122. SD DENR-Water Rights Program. Joe Foss Bldg. Pierre, SD.

Water Rights. 2017. Water Right/Permit Files. SD DENR-Water Rights Program, Joe Foss Bldg. Pierre, SD.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
) SS

County of Hughes

I, Marylinn Baker

certify that the attached printed Notice was taken

from the Capital Journal

printed and published in Pierre

County of Hughes and

state of South Dakota. The notice was published

in the newspaper on the following date:

8-30-17

Cost of Printing \$34.72

Marylinn Baker
(Signature)

Bookkeeper
(Title)

9-5-17
(Date Signed)

SNAXLP T588Z
1dly 8/30
NOTICE OF
APPLICATION NO. 8294-3
to Appropriate Water
Notice is given that Krip-
pling Land & Cattle Inc., c/o
Roy Kripping, 33980 BIA
4, Chamberlain SD 57325
has filed an application for
a water permit to appropri-
ate an additional 1.89 cubic
feet of water per second
(cfs) and irrigate 99 addi-
tional acres to what is cur-
rently authorized by Water
Right No. 2327-3. Water
Right No. 2327-3 appropri-
ates 7.51 cfs from the Mis-
souri River located in the
NW 1/4 NW 1/4 Section
30-T107N-R71W to irrigate
526 acres located in the
NW 1/4, S 1/2 Section
19-T107N-R71W and the
NE 1/4 Section
24-T107N-R72W. Due to
reconfiguration of the sys-
tems, this application re-
quests to appropriate an
additional 1.89 cfs from the
existing Missouri River di-

Wednesday, August 30, 2017

Public Notice

version point to irrigate an
additional 99 acres located
in the E 1/2 NW 1/4, NE 1/4
Section 24-T107N-R72W
and the NW 1/4 Section
19-T107N-R71W. The ap-
plicant is requesting a di-
version rate greater than
the statutory limit of 1 cfs
per 70 acres.

Pursuant to SDCL
48-2A-2, the Chief Engineer
recommends APPROVAL
of Application No. 8294-3
with qualifications because
1) unappropriated water is
available, 2) existing rights
will not be unlawfully im-
paired, 3) it is a beneficial
use of water and 4) it is in
the public interest. The
Chief Engineer's recom-
mendation with qualifica-
tions, the application, and
staff report are available at
<http://denr.sd.gov/public> or
contact Eric Gronlund for
this information, or other in-
formation, at the Water
Rights Program address
provided below.

Any person interested in
opposing or supporting this
application or recommenda-
tion must file a written po-
sition with BOTH the ap-
plicant and Chief Engineer.
The applicant must file a
petition if contesting the
Chief Engineer's recom-
mendation. The Chief En-
gineer's address is "Water
Rights Program, Foss
Building, 523 E Capitol Pi-
erre, SD 57501 (605
773-3352)" and the ap-
plicant's mailing address is
given above. A petition filed
by either an interested per-
son or the applicant must
be filed by September 11,
2017.

The petition may be infor-
mal, 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 mail-
ing address of the petitioner
or the petitioner's legal
counsel, if legal counsel is
obtained.

If the applicant does not
contest the recommenda-
tion of the Chief Engineer
and no petition to oppose
the application is received,
the Chief Engineer shall act
on the application pursuant
to the recommendation with
no hearing held before the
Water Management Board.
If a petition opposing the
application or contesting
the recommendation is
filed, then a hearing will be
scheduled and the Water
Management Board will
consider this application.
Notice of the hearing will be
given to the applicant and
any person filing a petition.

Steven M. Primer,
Secretary,
Department of Environment
and Natural Resources

Published once at the total
approximate cost of \$34.72.

Form 8

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County of Bzule) SS

I, Debi Ruiz

certify that the attached printed Notice was taken

from the Central Dakota Times
newspaper

printed and published in Chamberlain

County of Bzule and

state of South Dakota. The notice was published

in the newspaper on the following date:

August 30, 2017

Cost of Printing \$ 27.36

Janet L. Petrak
(Signature)

Notary Public
(Title)

8-31-17
(Date Signed)



NOTICE OF APPLICATION NO. 8294-3 TO APPROPRIATE WATER

Notice is given that Knippling Land and Cattle Inc., c/o Roy Knippling, 33980 BIA 4, Chamberlain, SD 57325 has filed an application for a water permit to appropriate an additional 1.89 cubic feet of water per second (cfs) and irrigate 99 additional acres to what is currently authorized by Water Right No. 2327-3. Water Right No. 2327-3 appropriates 7.51 cfs from the Missouri River located in the NW 1/4 NW 1/4 Section 30-T107N-R71W to irrigate 526 acres located in the NW 1/4, S 1/2 Section 19-T107N-R71W and the NE 1/4 Section 24-T107N-R72W. Due to reconfiguration of the systems, this application requests to appropriate an additional 1.89 cfs from the existing Missouri River diversion point to irrigate an additional 99 acres located in the E 1/2 NW 1/4, NE 1/4 Section 24-T107N-R72W and the NW 1/4 Section 19-T107N-R71W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8294-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 East 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 Sept. 11, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary
Department of Environment and Natural Resources

(Published one week, August 30, 2017, at a total approximate cost of \$27.36.)
(August 30)

RECEIVED
SEP 05 2017
WATER RIGHTS
PROGRAM

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 23, 2017 11:53 AM
To: legals@capjournal.com
Subject: 8294-3, Knippling Land & Cattle Inc.
Attachments: 8294-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 30, 2017.

Knippling Land & Cattle Inc., c/o Roy Knippling, 33980 BIA 4, Chamberlain SD 57325 (605 730-1262) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak
SD DENR, Water Rights Program
(605) 773-3352



Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, August 23, 2017 11:53 AM
To: cdt@midstatesd.net
Subject: 8294-3, Knippling Land & Cattle Inc.
Attachments: 8294-3public.short.docx; FORM8.FRM.doc

Attached is a notice to be published on August 30, 2017.

Knippling Land & Cattle Inc., c/o Roy Knippling, 33980 BIA 4, Chamberlain SD 57325 (605 730-1262) has been notified to contact you to authorize publication and arrange for payment.

Please send the affidavit or return the attached Proof of Publication form ASAP to the Water Rights Program, 523 E Capitol, Pierre SD 57501.

Let me know if you have questions. Please acknowledge receipt of this email.

Karen Schlaak

SD DENR, Water Rights Program
(605) 773-3352





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

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

August 23, 2017

Knippling Land & Cattle Inc.
c/o Roy Knippling
33980 BIA 4
Chamberlain SD 57325

Dear Mr. Knippling:

Water Permit Application No. 8294-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Central Dakota Times printed at Chamberlain SD (Ph # 605-234-0266) and the Capitol Journal printed at Pierre SD (Ph # 605-224-7301). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and 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(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,


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.

NOTICE OF APPLICATION NO. 8294-3 to Appropriate Water

Notice is given that Knippling Land & Cattle Inc., c/o Roy Knippling, 33980 BIA 4, Chamberlain SD 57325 has filed an application for a water permit to appropriate an additional 1.89 cubic feet of water per second (cfs) and irrigate 99 additional acres to what is currently authorized by Water Right No. 2327-3. Water Right No. 2327-3 appropriates 7.51 cfs from the Missouri River located in the NW/14 NW 1/4 Section 30-T107N-R71W to irrigate 526 acres located in the NW 1/4, S 1/2 Section 19-T107N-R71W and the NE 1/4 Section 24-T107N-R72W. Due to reconfiguration of the systems, this application requests to appropriate an additional 1.89 cfs from the existing Missouri River diversion point to irrigate an additional 99 acres located in the E 1/2 NW 1/4, NE 1/4 Section 24-T107N-R72W and the NW 1/4 Section 19-T107N-R71W. The applicant is requesting a diversion rate greater than the statutory limit of 1 cfs per 70 acres.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 8294-3 with qualifications 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. The Chief Engineer's recommendation with qualifications, the application, and staff report are available at <http://denr.sd.gov/public> or contact Eric Gronlund for this information, or other information, at the Water Rights Program address provided below.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, 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 September 11, 2017.

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.

If the applicant does not contest the recommendation of the Chief Engineer and no petition to oppose the application is received, the Chief Engineer shall act on the application pursuant to the recommendation with no hearing held before the Water Management Board. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Steven M. Pirner, Secretary, Department of Environment and Natural Resources. Published once at the total approximate cost of _____.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

OCT 02 2017

Knippling Land & Cattle Inc
c/o Roy Knippling
33982 BIA 4
Chamberlain SD 57325

Dear Mr. Knippling:

Enclosed is Water Permit No. 8294-3 authorizing your water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

We will schedule an inspection so that the Water License may be issued to you, thus completing your acquisition of a Water Right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures



8294-3
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 26, 2018

NOTICE

TO: KNIPPLING LAND & CATTLE, ROY KNIPPLING, 33982 BIA ROUTE 4, CHAMBERLAIN, SD 57325

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2017 Irrigation Questionnaires

Our records indicate your 2017 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 20, 2017. The Water Management Board has directed that owners of water permits who have not submitted the 2017 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) 2327-3 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) 6881-3 & 8294-3 qualification:

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

The hearing will be held at **Wednesday, March 7, 2018 at 10:00 am (Central Time)** 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) 6881-3 & 8294-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2327-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 7, 2018** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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>

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



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 6, 2018

2327-3
6881-3
8294-3

Roy Knippling
Knippling Land & Cattle
33982 BIA Rt 4
Chamberlain SD 57325

Dear Mr. Knippling:

I am writing to acknowledge receipt of your 2017 irrigation questionnaire.

You may disregard the January 26, 2018, "Notice" concerning reporting requirements for Water Permit Nos. 2327-3, 6881-3 and 8294-3. 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 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



8294-3
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, 2020

NOTICE

TO: KNIPPLING LAND & CATTLE, ROY KNIPPLING, 33982 BIA ROUTE 4, CHAMBERLAIN, SD 57325

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2019 Irrigation Questionnaires

Our records indicate your 2019 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 18, 2019. The Water Management Board has directed that owners of water permits who have not submitted the 2019 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) 2327-3 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) 6881-3 & 8294-3 qualification:

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

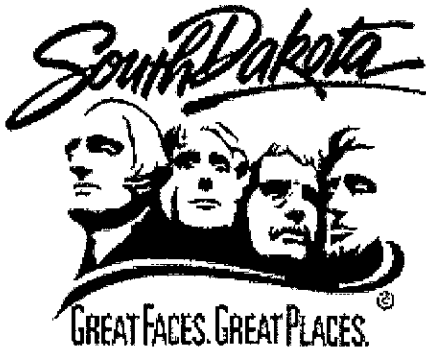
The hearing will be held at **Wednesday, February 26, 2020 at 8:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD, and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant 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) 6881-3 & 8294-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2327-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **February 26, 2020** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://denr.sd.gov/iq> using this password: PUJNJF**

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.



8294-3

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

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

February 10, 2020

2327-3
6881-3
8294-3

Roy Knippling
Knippling Land & Cattle
33982 BIA Route 4
Chamberlain SD 57325

Dear Mr. Knippling:

I am writing to acknowledge receipt of your 2019 irrigation questionnaires.

You may disregard the January 23, 2020, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2327-3, 6881-3 and 8294-3. 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 black ink, appearing to read "Genny McMath". The signature is fluid and cursive, with the first name "Genny" being more prominent.

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



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

January 20, 2023

NOTICE

TO: KNIPLING LAND & CATTLE, ROY KNIPLING, 33982 BIA ROUTE 4, CHAMBERLAIN, SD 57325

FROM: Ron Duvall, Water Rights Permitting Administrator
for Eric Gronlund, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2022 Irrigation Questionnaires

Our records indicate your 2022 Irrigation Questionnaires have not been submitted. The request for the Questionnaires was dated October 21, 2022. The Water Management Board has directed owners of water permits who have not submitted the 2022 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) 2327-3 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) 6881-3 & 8294-3 qualification:

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

The hearing will be held at **Wednesday, March 8, 2023 at 9:30 am (Central Time)** 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) 6881-3 & 8294-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Amend Permit No(s) 2327-3 to require the Irrigation Water Use Questionnaire to be submitted each year;
3. Postpone any action or take no action.

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

If the questionnaires are received in this office before the **March 8, 2023** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaires 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: <https://danr.sd.gov/iq> using this password: IJUMQV**

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 AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

February 14, 2023

2327-3
6881-3
8294-3

Roy Knippling
Knippling Land & Cattle
33982 BIA Rt 4
Chamberlain SD 57325

Dear Mr. Knippling:

I am writing to acknowledge receipt of your 2022 irrigation questionnaires.

You may disregard the January 20, 2023, "Notice" concerning reporting requirements for Water Right or Permit Nos. 2327-3, 6881-3 & 8294-3. 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
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 6, 2024

8294-3

Knipping Land & Cattle Inc
c/o Roy Knipping
33982 BIA Route 4
Chamberlain SD 57325

Dear Mr. Knipping:

I am writing in regard to Water Permit No. 8294-3. The water permit authorizes diversion of water from the Missouri River, for the irrigation of 99 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$ & NE $\frac{1}{4}$ of Section 24, T107N, R71W.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Permit No. 8294-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 80 acres irrigated
- Reported water use – 253.5 ac-ft of water (approximately 38 inches)
- Authorized water use – 160 acre-feet (80 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. Often, irrigators do not keep track of their days or hours actually pumped and estimate numbers for the questionnaires in an effort to get them completed and back in on time. While we appreciate returning the forms in a timely manner each year, we need the forms to reflect accurate information to ensure everyone is limiting their use to the amount of water appropriated to them.

The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water permit and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

enclosure